

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish petrol station canopy, remove petrol pumps (sui-generis) and infill vehicular access, change of use from light industry (Use Class 24) to retail and erect extensions to retail unit (Use Class 9) front/northwest elevation and side/northeast elevations. Extend car park (eastern part of site) and associated works.

LOCATION: M & S Food Store, Grande Rue, St. Martin.

APPLICANT: West Quay Holdings Ltd

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: 03/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: K73-10106 S1-00, 01, 04, 05A, 06A, 07, 08, 09, 10 and Guernsey Gardens planting scheme: 001-013-2023

Application Ref: FULL/2024/0256

Property Ref: J003920000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Prior to the commencement of any work in connection therewith details of all new external lighting shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed lighting. This condition is imposed to make sure that external lighting does not generate hazards or nuisance to the local environment, in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

5.Prior to the development hereby approved being first brought into use the existing access, shown on the approved plans as being infilled, shall be closed permanently and the land within the highway reinstated.

Reason - To minimise the number of points of access, in the interests of highway safety and the character and appearance of the Conservation Area.

6.There shall be no obstruction to vision exceeding 0.9m in height placed or planted/maintained within the visibility splay areas.

Reason - In the interests of highway safety.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed in accordance with the approved planting scheme 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.

8.The development hereby permitted shall be constructed in accordance with the details shown on the approved plans regarding solar panels. The solar panels hereby approved shall be installed and made operational prior to the approved development being first brought into use.

Reason - In the interests of sustainable development.

9.Prior to the commencement of any work in connection therewith details of the proposed hardstanding for access roads, paths and parking bays, incorporating permeable paving, shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed permeable paving. This condition is imposed to make sure that the development addresses the matter of sustainable design and does not have any adverse impact on the character of the area.

10.No occupation or use of the development hereby permitted shall begin until the agreed car parking and servicing arrangements have been fully completed in accordance with the details approved as part of this permission. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

11.Prior to the commencement of any work in connection therewith a scheme showing the provision to be made for the secure parking of cycles, shall be submitted to and agreed in writing by the Authority, and no part of the extension hereby permitted shall not be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

12.This permission relates to an extension to the existing convenience retail store falling within Use Class 9 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. The retail floorspace/shop floor shall be limited to the area labelled Retail on drawing K73-10106-S1-05 rev A and shall not be

extended into any other part of the building currently shown as storage, back office and staff areas.

Reason - Permission has been granted on the basis that the retail floor area will be limited to that outlined above. Any change or enlargement of this retail floorspace is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 03/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

For the purposes of condition 4, any lighting scheme should include:

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

This permission does not relate to the installation of any external plant, mechanical equipment or machinery required in connection with the heating/cooling of the development hereby approved (at ground or roof level). A separate permission will be needed for any such equipment.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

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

Other Remarks:

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

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

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0256
Property Ref: J003920000
Valid date: 16/02/2024
Location: M & S Food Store Grande Rue St. Martin Guernsey GY4 6NS
Proposal: Demolish petrol station canopy, remove petrol pumps (sui-generis) and infill vehicular access, change of use from light industry (Use Class 24) to retail and erect extensions to retail unit (Use Class 9) front/northwest elevation and side/northeast elevations. Extend car park (eastern part of site) and associated works.

Applicant: West Quay Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

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4. details of the number, location, height and colour of any lighting columns or other

fixtures;

5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

This permission does not relate to the installation of any external plant, mechanical equipment or machinery required in connection with the heating/cooling of the development hereby approved (at ground or roof level). A separate permission will be needed for any such equipment.

OFFICER'S REPORT

Site Description:

The application site is situated to the east of Les Merriennes and north of La Grande Rue. The site frontage is occupied by a petrol filling station forecourt behind a low boundary wall. Vehicular access to this site is from Les Merriennes, adjacent to the north site boundary, with the exit to the south onto La Grande Rue. There is an existing forecourt canopy to the east elevation of the building with a flat roof building with granite exterior and high level windows behind which forms the existing Marks and Spencers food hall and attached to the east elevation is a pitched roof building the exterior of which is functional in appearance in line with its use (window and door supplier) and with various roller shutter doors installed.

To the north of the wider commercial site is Vets4Pets with areas of parking available to the east and west of this adjoining use and to the east of the Marks and Spencers building. The easternmost part of the site has a loose gravel finish and appears to be used as overflow parking for the site. To the southeast of the existing exit point for the site is a two and a half-storey pitched roof building with retail showroom at ground floor level and the appearance of residential accommodation above. Beyond this to the southeast is a two and a half storey building with double piled roof and gables facing the road. The ground floor has a shopfront installed, with fascia over and again, the upper floor appears to be in domestic use.

Other commercial properties are situated to the southeast of the site and across the road to the west in La Grande Rue

Residential properties exist to the north of the site in Les Merriennes and Rue De L'Eglise and to the west and south in Les Merriennes and La Grande Rue.

There are a number of Protected Buildings within the vicinity of the application site.

The site is located in a Local Centre and Conservation Area as designated in the Island Development Plan.

Relevant History:

The site has a lengthy planning history with proposals in 1994/1995 relating to a car show room (Ruelle Brayes Motors) with works also approved for the repositioning of the fuel sales area with canopy along with vehicular accesses. In 1995 permission was sought on various occasions for signage associated with the car sales site. A care display area was approved in 1998 with later applications for a canopy and alterations to cladding and fenestration. In 2004 permission was granted for the change of use of a workshop to light industrial and storage and distribution and for the change of use from a car show room to a food retail unit with associated alterations and signage.

Permission was granted in 2015 for the change of use of a building on the site to a veterinary surgery with subsequent applications for an entrance canopy along with the erection of a replacement workshop adjacent to the Vets4Pets building. In 2023 permission was granted for the change of use of the workshop/storage building and for the veterinary practice to extend into the space.

FULL/2016/2661 - Erect a retail unit (comparison and/or convenience retail) reconfigure parking area and provide perimeter landscaping – refused 22-09-2017

1. The IDP makes limited provision for new retail in Local Centres in order to ensure that they do not detract from the Main Centres as the Island's primary retail providers with no provision for new comparison retail outlets. The development, even if restricted to convenience retail only, would result in an overprovision that goes beyond maintaining the character and vitality of the Local Centre contrary to the intentions of the IDP aim for Local Centres and Policy LC5. Furthermore, the application did not demonstrate a need for the proposals to maintain St Martin's vitality and viability or to address a shortfall in provision for the community when the Centre is well provided for in terms of shops and services.
2. The scheme does not represent a good standard of design, does not represent efficient and effective use of land, does not provide adequate daylight/sunlight and landscaping would not reinforce the local character and distinctiveness all contrary to Policy GP8.
3. The scheme does not conserve or make a positive contribution to the Conservation Area nor taken account of opportunities for enhancement to the Conservation Area qualities contrary to Policy GP4 and The Law.
4. Limited information only relating to sustainable development principles contrary to the aims and objectives of Policy GP9.

PREA/2021/2517 and PREA/2022/1811 - Pre-application advice was sought in relation to the erection of an extension to the existing retail premises

Existing Use(s):

Mixed use

- petrol filling station with associated shop (sui-generis)
- retail food outlet (convenience retail - shops selling everyday goods such as food, drink, cleaning products etc.)
- light industry (window manufacture)
- associated car parking

Brief Description of Development:

The application proposes to demolish the petrol filling station canopy/forecourt and the construction of an extension to the front of the building/site adjacent to Les Merriennes along with the infilling of an existing access onto Les Merriennes. The extensions have been designed with pitched, slate roofs and timber clad gable features and a rendered flat roof extension between along with render/timber clad flat roof extensions to either side (north and south elevations).

The existing entrance/exit to the building (east elevation) is to be extended and enlarged to create a new lobby area with rendered exterior and a timber canopy is proposed along the length of the north elevation of the building to create a covered walkway. A new external staircase/access is proposed at first floor level (south elevation) in order to provide access to the flat roof area (future M&E area) along with a proposed covered loading bay to the south elevation of the existing warehouse style building on site (materials/details not clearly shown).

Frame mounted solar panels are shown to be provided across the central flat roof and also on the southern slopes of the two pitched roof extensions proposed.

Internally the building will contain a retail shop to the front/west, customer entrance to the northeast and with cold storage, freezer storage, retail storage (ground floor and mezzanine level), staff facilities and a loading/unloading area in the existing pitched roof warehouse style building to the east of the existing retail facility.

Parking provision is to be redesigned and extended to incorporate the gravel area to the far east of the site. Areas designated for motorcycle parking and cycle parking (12 spaces) are shown to be provided along with accessible parking bays and parent and child spaces. The application form sets out that there are currently 99 marked bays with 130 proposed following the proposed development.

The scheme also indicates that new landscaping will be introduced to the site frontage in Les Merriennes and dispersed across the site in connection with the revised/extended parking area.

The flat roof section of the existing building is indicated to be used for site plant/machinery but this equipment will form part of a separate planning application.

The application has been accompanied by a Retail Assessment and a Waste Management Plan.

Although the application description given to the proposals by the Planning Service was initially outlined as “Change of use from light industry and petrol station to extend convenience retail (Use class 9), demolish canopy, extend and alter building, extend carpark and associated works” this has, through the course of the assessment of the application been amended to “demolish petrol station canopy, remove petrol pumps and infill vehicular access, change of use from light industry (Use Class 24) to retail and erect extensions to retail unit (Use Class 9) front/northwest elevation and side/northeast elevations. Extend car park (eastern part of site) and associated works”.

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

Island Development Plan policies:

LC4(B): Offices, Industry and Storage and Distribution in Local Centres - Change of Use

LC5: Retail in Local Centres

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Parking Standards and Traffic Impact Assessment SPG

A Retail Strategy for Guernsey (December 2013) - whilst this strategy is over 10 years old, this information helps to give context to the IDP policies in relation to retail

Local Centre Report (2020)

Representations:

None.

Consultations:

Traffic and Highway Services - THS has no significant concerns from either a road safety or traffic management perspective in relation to the application as submitted, and would therefore not object to the application on either of these grounds. A condition is recommended relating to the height of vegetation is planted/retained so that the current visibility splay and sightline of oncoming vehicles from Les Merriennes is maintained.

The site is located on the corner of the Grande Rue and Les Merrienes, St Martin, and previous to operating as a retail unit was a retail garage with forecourt, showroom and vehicle service facilities. The points of access at the site have not changed with the exception of 'Access 2' which was introduced when the M&S operation commenced, and the previous forecourt operations reduced to the current layout.

Accesses:

Access 1 is 12.4m wide 'main entrance' to the site and is situated at the top of Les Merriennes at the NW corner of the retail site and has a painted walkway on the northern side of the access that enables pedestrians to walk from the footpath outside the access into the site. Given the nature of the site's operations, this access is used as the main entrance into the site for the majority of customer vehicles (see Access 2 comments) and is also the route by which commercial deliveries using rigid and articulated vehicles access the site to make deliveries. Given the layout of the site, and internal vehicle routing, the access is not routinely used by drivers to egress the site.

Access 2 is the 9m wide access point on the western side of the site which enables vehicles to access or egress directly to or from the petrol forecourt operation. It is bounded on either side by way of a 850mm high granite wall which surrounds the site boundary. The wall enables drivers a good visibility splay when egressing and an oncoming sightline which exceeds the recommended standard. Under this application, this access would be infilled and no longer required due to the development preventing its use.

Access 3 is 10.3m wide and the main point of egress, onto Grand Rue, for customers and commercial vehicles leaving the site. Although the access can currently be used for vehicles to enter the site, entry onto the site via this access would predominantly relate to drivers using the petrol forecourt facilities who are approaching the site from the Grande Rue / Parish Hall direction turning right into the site at this access. From observations undertaken the frequency of these movements is very low and has caused no concerns from a traffic management or road safety perspective.

Due to the adjacent building at the site entrance (east of the access) being set back from the road the approaching sightline substantially exceeds the 33m recommend standard. In relation to the oncoming sightline, the geometry of the sites boundary and road means that a driver egressing this access to view oncoming traffic by looking over the boundary wall towards Les Merriennes. Given that drivers from Les Merriennes are slowing for the corner and that there are currently no obstructions to this visibility splay, there are no significant road safety concerns or RTC history associated with the access being used for vehicle egress.

The other consideration made is as to whether vehicles egressing from the one-way section of the Grande Rue (from the Old Forge traffic signal direction) would cause

any concerns. Given that drivers from this direction would be stopped waiting to enter the Grande Rue and have a clear view of vehicles egressing the site access, there are no concerns in this respect.

Parking

THS raises no concerns with the design as shown, and notes the increase in provision of accessible bays.

Although the application states an increase in parking from the 90 spaces currently available, to 140 (by the development of the overflow gravelled area at the eastern end of the site); In practice, and from observations made by the author over the last few years, the increase in parking can be considered somewhat a 'theoretical' increase by the development, given that at peak times, when the existing regulated parking areas are fully occupied, patrons of the business will park in the overflow area. On this basis, the regularisation of parking arrangements throughout the whole site is not considered to present concerns from a THS perspective.

Traffic management/road safety:

Consideration must be given as to whether this development would lead to either increased road safety or traffic management risks around the access and egress points or immediate vicinity of the site should the application be approved?

Although the development will result in an expansion of the retail space and therefore customer footfall, the parking area is set back far enough away from the access as to not likely lead to increased congestion on the road network in the vicinity of the site for most of the times that the retail operation is open. Inevitably, at peak time of demand, there may be some localised congestion associated with the operation, but this would likely be no more significant than many other retail operations across the island that experience vehicles queuing to enter or leave premises at peak periods.

From observations carried out, the sites location in the St Martin's Local Centre provides ideal opportunities for those in the local area to travel by active travel means, with the area well served by pedestrian footpaths. Similarly, the sites location is on the main bus route which serves the area with other services accessible within a three- or four-minute walk.

Consideration has been given as to whether a Transport Statement would be required in order to determine the application, but the author's view is that although the development is relatively substantial in terms of the increase in retail floor space and operation, the changes under this application are not so significant as to warrant further analysis of the site or likely traffic outcomes resulting, should the application be approved.

Summary of Issues:

The key issues in this case relate to the loss of the existing light industrial use and sui-generis (petrol station) uses and the enlargement of the convenience retail offering in this Local Centre location in addition to the design and appearance of the proposed extensions and other alterations and their impact on the Conservation Area, on residential amenity and on highway safety.

Assessment against:

1 - Purposes of the law.

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

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

Previous proposals to develop other areas of the same site were refused planning permission (see history above) and the application was considered against the same Development Plan, adopted in 2016 so there has been no material change in planning policy against which a planning application would be considered.

Light Industry

For the change of use away from industry to be supported by policy it must be demonstrated that either the existing building is not required for its authorised use/could not be upgraded to meet modern standards by another employment use or it is demonstrated that the site has been actively and appropriately marketed, without success for 12 consecutive months.

The Design Statement that accompanies the submission sets out that the light industrial unit is part of the M&S building (167 sqm) and that a change of use to part of the retail provision will reduce the number of delivery vehicles needed to service the shop arguing that using the space as the storage area for the retail provision is a good use of space. The application sets out that the site has not been used for light industrial purposes since 2019. The submission does not include specific marketing information however to substantiate the claim that there has been no interest from other light industrial users but the application argues that proximity to the retail premises and passing members of the public combined with its small size do not make it suitable for light industrial purposes.

Although not demonstrated as being appropriately and actively marketed for a period of 12 months the submission does highlight that the premises has been vacant for a period of c. 4 years. The building could not be enlarged by extension without impacting on the access and parking arrangements for the wider site in

terms of upgrading to modern standards and on balance therefore, Policy LC4(B) has been met.

Extension to convenience retail

The Strategic Land Use Plan (SLUP) seeks to concentrate 'development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development within and around the edges of the other main parish or local centres to enable community growth and the reinforcement of sustainable centres' (Para 10.1.1 of the IDP). The IDP also sets out that it is important for Local Centres to sustain their existing range of facilities so that they are sustainable (to live, work and spend leisure time). The SLUP permits small-scale economic development where it is appropriate to do so and allows for limited opportunities for retail development to meet identified needs that will create sustainable communities and community growth. The SLUP makes provision for extensions and alterations to upgrade convenience retail premises to modern standards where this is of a scale appropriate to that Local Centre and must not undermine the vitality of the Main Centres as these are the Island's primary retail providers (Para 13.2.4).

This is also set out in Policy LC5. The policy judgement about 'limited' and 'scale' should not be about the extension of the retail unit in isolation, simply its floor area or product range, but considered in the context of its impacts on the particular Local Centre overall (including cumulative impact of the development together with existing and whether this would overprovide a particular use), and whether the proposals would mean that the particular Local Centre would detract from the Main Centres as the primary retail centres.

The Retail Strategy (2013) sets out that the Main Centres must be supported and that Local Centres should be able to flourish without threatening St Peter Port or St Sampson's. There is support for small scale convenience goods retail where it is required for community growth and/or the reinforcement of sustainable centres.

The Local Centre Report (2020), states that the St Martin's Local Centre is the largest in terms of land area, population and the number of dwellings and serves the largest catchment area. It has a strong convenience and service offering, indicating its role as a convenience and service centre. It is likely to sustain a larger scale of convenience retail to serve local need but in 2020 it (and L'Islet) had the greatest number of vacancies recorded in commercial premises, and compared to some other Local Centres it has a lower proportion of non-residential premises compared to residential units. This does not mean, however, that there is overprovision of a particular use in St Martins.

The application submission sets out that the St Martin customer display area is currently 372m² and the extension will add 261m² to meet the client's requirements, with a 13% increase in retail activity. It should be noted that the Planning Service does not accept that the forecourt (sui generis use) should be treated as existing retail floor area nor convenience retail for the purpose of

assessing this application. The potential extension totals 261m² which is a c.70% increase on the existing 372m² of convenience retail floorspace, providing a total convenience retail floorspace of 633m².

The planning design statement that accompanies the submission explains that the proposals do not intend to significantly increase the number of customers but are intended to enable customers to have the opportunity to purchase a wider range with more choice. The proposed development would be within an existing well-established retail outlet. An additional need for further space, in a tough retail market, is acknowledged (online grocery shopping) and an extension would allow for a range of foods enabling customers to do a single shop thus reducing travel movements.

The proposal would form part of an existing established development with parking provision and public transport accessibility and the increase in scale of the retail use is modest in relation to the overall floorspace of non-residential uses in the Local Centre. Although there is already a strong convenience offering within the Local Centre the proposed convenience retail expansion proposed would not result in an over-provision of convenience retail (including cumulative impact of the development together with existing). In this case the expansion of convenience retail space will support and complement the existing role of the Local Centre as a convenience and service centre and is of an appropriate scale to serve local need. The extension of convenience retail is 'limited' when considered in the wider context. This extension will support the Local Centres role as a convenience and service centre and will help to support an already well-established existing retail unit which meets an identified local need.

The Retail Assessment that accompanies the submission seeks to address how the development will not have an adverse impact on the Main Centres. Having regard to this information, the location of the site within a well-established retail space and that this proposal has been concluded as being 'limited' and of an appropriate 'scale' in the context of the St Martin's Local Centre it is concluded that the proposals would not result in the particular Local Centre undermining the vitality of the Main Centres and the scheme therefore complies with Policy LC5.

Design, Conservation Area and Amenities

The design and appearance of the extensions proposed represent a high standard of design that will respect the character and appearance of the Conservation Area. Conditions can be imposed relating to external materials/details where necessary although not considered necessary in this case given the level of information provided on the application drawings. The design and layout of the development is considered to respect the character of the local built environment which comprises a mix of commercial/retail and residential properties.

The site already incorporates a significant level of hardstanding, situated largely behind the buildings and screened from wider views. Although the layout would be revised, and the easternmost area formalised, the hardstanding, with new soft

landscaping would not have an unacceptable impact on the character and appearance of the Conservation Area, can be controlled by planning condition and could provide some mitigation for the impacts of the development.

Having regard to criterion b) and efficient and effective use of land the starting point should be multi-storey development (paragraph 19.9.9). The existing development and proposed building is predominantly single-storey albeit taller than domestic scale single-storey structures. To create two-storey retail accommodation would increase the height of the development and its prominence on this corner plot within a Conservation Area therefore, the single-storey design approach adopted is considered appropriate in this instance.

External lighting at the site, unless sensitively and proportionately designed, has the potential to have a significant adverse effect on the character of the locality. A condition requiring a detailed lighting scheme is therefore recommended.

The development is set away from the site boundaries and residential neighbours and will not result in overshadowing or overlooking to the occupiers of surrounding dwellings. The development will be laid out to provide access to and within the building for people of all ages and abilities.

Traffic generation, highway safety and parking provision

The Local Centre Report (2020) seeks to tackle the dominance of traffic could improve the St Martin Local Centre public realm with additional cycle stands and pedestrian infrastructure relating to the retail and community uses acting as aids to accessibility. The submission sets out that this has been used in the design process and highlights the benefit of entirely removing the petrol filling station resulting in a reduction in vehicle movements and encouraging alternative modes of transport around and to the site. A balance of appropriately scaled convenience retail in the Local Centre plus good public transport links will reduce the need for travel and support St Martins as a sustainable Local Centre, which is the policy intention (LC5).

The submission sets out that there will be an increase from 99 to 130 car spaces (including 5 accessible bays (an increase from 3)). The number of motorcycle spaces is indicated as remaining unchanged but cycle parking will increase from 10 to 12 spaces.

The site does however, serve several different businesses, M&S, Vets4Pets and Luxioso therefore the level of parking must take into account the combined usage. The SPG addresses parking standards for Main Centres/Main Centre Outer Areas and "Rest of the Island", for new developments and extensions to existing uses. Although the standards will be expected to be met they are intended as guidance and are not inflexible. Parking provision should be carefully considered so as not to encourage increased car use.

General parking standards should be considered on its own merits given that the site does not fall within a Main Centre. There would be a c. 30 additional spaces proposed on the site which, when considering the change in floorspace (see application form), would roughly accord with the maximum parking standards if the site were in a Main Centre Outer Area (1 space per 20sqm). The level of motorcycle parking is not indicated to change as a result of the development although additional car parking is proposed and the SPG seeks to also increase motorcycle parking on the basis of 1 motorcycle space for every five car parking spaces.

Accessible parking must be considered on its merits (the number of spaces falls below the requirements for Main Centre Locations). Cycle parking should be on the basis of one cycle hoop per every 10 spaces therefore the site is technically one space short overall however, there is an improvement over the existing situation and having regard to the various occupiers of the site as a whole.

Minor adjustments could be made to the scheme to accommodate further motorcycle parking and cycle parking however, the scheme as submitted is not considered to fail the requirements of Policy IP7 of the Island Development Plan and the reallocation of spaces to switch between car/motorcycle parking or the use of a car space by a motorbike would see this matter of parking self-regulated. Additional cycle parking may require planning permission but can be re-evaluated by the site operators over time and overall the scheme addresses the aims of Policy IP6.

It is also noted that despite the enlarged car parking area there is no provision for remote trolley parking. This is likely to result in trolleys being left in parking bays which could cause nuisance. At other retail sites, parking bays have been given over to trolley parking in order to address this, however, any means of enclosure/shelter would require planning permission.

No objections have been raised on the matter of highway safety and capacity and therefore the scheme accords with Policy IP9.

Sustainable Development

The submission incorporates information to address Policy GP9. The scheme would improve the buildings overall energy efficiency with much better insulation and the proposed car park extension is confirmed to use permeable paving system. The inclusion of solar panels would also contribute towards sustainable design as would, subject to separate permission, the introduction of multiple air source heat pumps.

Solar panels are proposed in various locations across the roofs of the existing and proposed development and the 2023 Exemptions make provision for solar panels to be installed on non-domestic buildings therefore, those proposed to the roof of the existing light industrial unit would represent exempt works provided they project no more than 30 above the plane of the roof and they are all the same product. There is also provision within the exemption for solar products on a flat roof where the panels are no more than 10 degrees from the roof and project no more than 40cm

from the roof. These would not have a detrimental impact on the character and appearance of the locality and given that they form part of the design proposals which contribute towards meeting the aims of Policy GP9 can be required by planning condition.

Conclusions

In view of the above it is recommended permission is granted for the proposed development.

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

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

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

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

Date: 23/04/2024

