

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: Erect retail unit with associated storage (temporary structure) and portacabins (temporary staff facilities) to east of site. Erect 2m high fencing (north, east and south boundaries) and temporary 2.4m high fencing (south boundary).

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: 20/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: K73-10106-S1-32, -33 Rev A, S1-17F, S1-18G & S10-02 (fencing only) and Environoise Acoustics Report received 21/03/2025

Application Ref: FULL/2025/0516

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.At no time shall the approved temporary retail unit be open for trading to the public when the existing retail unit, currently operated by Marks and Spencer, is also open for trading to the public, either prior to or post renovation and extension in accordance with FULL/2024/0256 and the temporary retail unit hereby approved shall not be open to the public between 20:00 and 08:00 Monday to Friday, 19:00 and 08:00 Saturdays and 19:00 and 09:00 on Sundays and Bank Holidays in accordance with the details contained in the Acoustics Report.

Reason - Permission is granted on the basis of the particular circumstances cited within the application and would not otherwise have met the requirements of planning policy and in the interests of residential amenity.

5.No deliveries shall take place outside of the hours of 06:00 and 19:00. Deliveries to the site by Heavy Goods Vehicles (HGVs) shall only take place between the hours of 06:00 and 19:00 and made to the northern façade only, on any day. No more than one HGV delivery shall take place between the hours of 06:00 and 07:00 on any day and these deliveries shall be made to the western façade of the retail unit only.

Reason - To ensure that HGV deliveries are undertaken in accordance with the details contained in the Acoustic Report as the premises are close to residential property and a limit on HGV movements is needed to prevent a nuisance or annoyance to nearby residents.

6.All HGVs servicing the site shall be fitted with manually controlled or white noise reversing alarms, or alternative visual reversing systems (e.g. reversing lights), with audible alarms disabled at all times. Reversing alarms shall not be used at any time.

Reason - To ensure that HGV deliveries are undertaken in accordance with the details contained in the Acoustic Report as the premises are close to residential property and a limit on HGV movements is needed to prevent a nuisance or annoyance to nearby residents.

7.a) Prior to the first use of the retail unit, an acoustic screen with a minimum height of 2.4 metres and a surface mass of at least 10 kg/m² (such as a close-boarded timber fence) shall be installed along the southern boundary of the site and extending from the southern boundary to the south-western corner of the proposed retail unit, as shown on the approved plans and in the Acoustic Report. The screen shall be continuous, with no gaps between or under panels, including at posts and base level, and shall be retained and maintained for the lifetime of the development.

b) Where access is required through the acoustic fence, any gate or access door shall be constructed with the same minimum surface mass (≥10 kg/m²) as the fence. The door shall sit within a frame that overlaps the edges of the door at the head, jambs, and base to ensure acoustic continuity. The gate shall be kept closed except when in active use and shall be retained for the lifetime of the development.

Reason - In the interests of residential amenity having regard to HGV vehicle movements taking place in that part of the site.

8.During all delivery operations, vehicle engines shall be turned off once stationary, and any chiller units shall be powered by Anderson Plugs or an equivalent external power source. No vehicle shall idle or operate chillers via engine power during loading or unloading.

Reason - To ensure that HGV deliveries are undertaken in accordance with the details contained in the Acoustic Report as the premises are close to residential property and a limit on noise generation associated with delivery vehicles is needed to prevent a nuisance or annoyance to nearby residents.

9.No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details, shall be retained for the duration of the development and removed as part of the removal of the temporary retail unit as required by condition 10 unless otherwise agreed in writing by the Authority.

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.

10.The temporary retail building, associated portacabins, temporary fencing and lights hereby approved shall be removed and the land restored to its former condition within four weeks of the existing retail unit, as extended, has been reopened to the public in accordance with planning permission FULL/2024/0256 unless otherwise agreed in writing by the Authority.

Permission is granted on the basis of the particular circumstances cited within the application and would not otherwise have met the requirements of planning policy.

11.The 2m high close boarded permanent timber fence hereby approved to the site boundaries shall erected prior to the temporary retail unit hereby approved being first brought into use and shall thereafter be permanently retained.

Reason - In the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 19/06/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2025/0516
Property Ref: J003920000
Valid date: 03/04/2025
Location: M & S Food Store Grande Rue St. Martin Guernsey GY4 6NS
Proposal: Erect retail unit with associated storage (temporary structure) and portacabins (temporary staff facilities) to east of site.
Erect 2m high fencing (north, east and south boundaries) and temporary 2.4m high fencing (south boundary).

Applicant: West Quay Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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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.

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Permission is granted on the basis of the particular circumstances cited within the application and would not otherwise have met the requirements of planning policy.

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Reason - In the interests of residential amenity.

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 was occupied by a petrol filling station forecourt behind a low boundary wall although work has now commenced on the removal of this filling station and hoarding has been erected. 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 Spencer's food hall and attached to the east elevation is a pitched roof building the exterior of which is functional in appearance and with various roller shutter doors installed.

Vets4Pets is situated to the north along with areas of parking available to the east and west of this adjoining use and to the east of the Marks and Spencer's building. The easternmost part of the site has a loose gravel finish and is used as overflow parking for the site. It is this area of the site to which this application relates.

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/2024/0256 - 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 – granted

There have been subsequent applications related to the redevelopment of the retail unit (Marks and Spencer) approved under 2024/0256 but none are relevant to the current proposals.

Pre-application advice was sought in this case.

Existing Use(s):

- Car parking

Brief Description of Development:

The application relates to the erection of a retail unit (800sqm) on the rearmost area of parking on this site. The building is designed with a pitched roof (vinyl fire retardant fabric structure) and metal insulated panel exterior and is indicated to be built for a temporary period whilst the refurbishment works on the existing retail unit (see 2024 permission) are undertaken and completed. The scheme also proposes ancillary development comprising two portacabins to serve as staff facilities and a raised, covered loading bay. The outer site boundaries will be marked by existing and new close boarded fencing.

As originally submitted the scheme proposed a section of temporary fencing 2.4 high adjacent to the south boundary, temporary plant enclosure and an electricity cabinet to the south boundary (southeast of the existing main building on the site). These elements have been omitted from the current scheme.

The submission includes a supporting letter that addresses the relevant policies in this case and explains that the structure is temporary and designed to be cost effective and easily demountable at the end of use. The size and design proposed has been determined by the requirements of the applicant in combination with what can be supplied by the manufacturer. The structure has its own lighting, heating and ventilation/refrigeration system and the submission indicates that the site layout is such that there will not be undue noise nuisance from delivery lorries.

The duration of the temporary structure is dependent on when the main building work is complete and so it is requested that a condition be imposed requiring the structure to be removed within three weeks of the practical completion of the approved works to the existing M&S store with a suggestion about the structure not being up for more than 15 months during the life of the three year planning consent.

The submission also includes details regarding the temporary structure propose (Mar-Key Group) and an Acoustic Report.

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

Island Development Plan policies:

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:

2 letters of representation have been submitted and raise the following points:

- The development, despite being temporary, will require extensive land engineering and infrastructure which is unlikely to be temporary, the short-term use will not be temporary
- The planning legislation allow a grant, defer or refusal of applications but not to allow for large scale temporary planning consents
- There is no clear reference in the submission about the completion/opening date for the main M&S building and how timelines run in tandem
 - if approved, very strict conditions will be required to ensure that the main M&S shall not reopen until the temporary works are cleared
 - lack of an explicit timeframe for dismantling/site clearance is inaccurate and misleading
 - level and length of development is not temporary
- The design of the proposed temporary buildings is poor and the planning law sets out that there should be no unreasonable impacts on the enjoyment of neighbour amenity or the quality of the natural and built environment etc.
 - one main impact will be delivery truck and parking adjacent to residential neighbours resulting in noise and nuisance within the wide opening/operating hours of 8am – 8pm Monday to Friday, 8am to 7pm Saturday and 9am to 7pm on Sundays. This would occur over a lengthy timeframe (two summers) whilst work is carried out on the main store
 - deliveries should be moved away from neighbouring properties
- Attention is drawn to the previous planning decisions on the site including the refusal under FULL/2016/2661

- The design of the development would be harmful in the Conservation Area and must be refused, regardless of the temporary nature of the proposed development
- Concerns are expressed that the temporary consent will be extended (repeatedly) and ultimately become permanent having a long-term negative impact on the locality/conservation area for the reasons set out in the 2016 decision
- With harm to residential amenity and the Conservation Area the application must be refused
 - Control by condition will be insufficient because conditions can be appealed and permissions can be re-issued
 - A planning covenant should be used as it is much stronger
- FULL/2025/0204 is at odds and conflict with the assessments and rationale of FULL/2016/2661 (which was refused) which must be followed and this application refused

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the effect of the proposed convenience retail unit on the vitality and viability of the Main Centres and the scale of the retail offering in this Local Centre location along with matters relating to the design and appearance of the development and its impact on the character and appearance of the Conservation Area.

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.

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.

Policy LC5 sets out that there is no support for new comparison retail outlets and that new convenience retail may only be supported where it is of a scale that is appropriate to maintain/enhance the character and vitality of that Local Centre and having regard to the impact of the development on the vitality of the Main 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.

There is scope therefore, to construct the temporary retail unit as described in this submission. There would only be conflict in terms of Policy LC5 (over provision of retail floorspace in the Local Centre) if both buildings were open and operational at the same time effectively creating an additional retail unit and additional convenience retail floorspace. It is reasonable and necessary therefore, to impose planning conditions to ensure that the proposed temporary retail unit is removed from the site within a specified timeframe.

Design, Conservation Area and Amenities

The design and appearance of the building and associated development are functional and will impact on the character and appearance of the Conservation Area. It is noted however, that the works will be undertaken on a part of the site that would not be visible from the street frontage and that the purpose of the development is temporary therefore resulting in temporary harm. On balance therefore, the development is considered to comply with Policies GP4, GP8 and GP9 of the IDP. Conditions can be imposed as necessary to secure the removal of this development in order to restore the site to its former condition and so reverting the impact on the Conservation Area.

With regard to making efficient and effective use of land, as noted with the redevelopment of the existing retail unit, to create two-storey retail accommodation would increase the height of the development and its prominence within a Conservation Area and so a 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 with new fencing proposed. The fencing proposed will not result in undue harm to the character and appearance of the Conservation Area or on residential amenity (privacy/overshadowing). Residential neighbours and will not result in overshadowing or overlooking to the occupiers of surrounding dwellings. A condition can be imposed relating to the erection of the 2m high timber close boarded fence as shown on the application drawings and the 2.4m acoustic fencing shown and addressed by the Office of Environmental Health and Pollution Regulation. The development will be laid out to provide access to and within the building for people of all ages and abilities.

With regard to the services and plant equipment, this has been omitted from this current application and will not form part of its assessment.

Consideration must be given to delivery vehicles and the potential for noise nuisance the submission indicates that no undue harm would result to the amenities of adjoining residential properties. The advice provided by the Office of Environmental Health and Pollution Regulation is however, that various planning conditions should be imposed in order to ensure that amenities of surrounding occupiers are appropriately protected so as to comply with Policies GP8 and GP9 of the IDP.

The scheme did also proposes the installation of an electricity cabinet adjacent to the southern boundary of the site with a 2m high permanent close boarded fence proposed around the area. This is required to serve the temporary building in the first instance and later to serve the refurbished retail unit. Due to concerns raised by OEHPR however, this has also been omitted from the current scheme.

The drawings indicate block paving around the temporary retail unit, details of harstanding in this part of the site have been approved in connection with the main redevelopment/extension permission and no further details are considered necessary in relation to this scheme.

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 retail development would result in a reduction in available parking (overflow area at present), on a temporary basis and would rely on existing car and cycle parking to serve it. There would not be competition for parking between the existing retail unit and that now proposed as the two could not operate together, a matter to be secured by condition. A condition can be imposed to require an element of cycle parking to be provided and accommodated close to the proposed building, in line with the published Bicycle Parking Advice Note.

Given that the two retail units could not operate together over a long period there would not be an increase in retail provision with associated increase in vehicle movements.

On the basis that this would operate as a temporary retail unit in place of the existing, whilst refurbishment and extension works are completed, there would be no substantial change in relation to highway safety and capacity over the existing situation and therefore the scheme accords with Policy IP9.

Sustainable Development

The temporary structure will avoid the need to undertake the redevelopment of the main store in phases and so reducing the amount of abortive, temporary works (waste) with more efficient ordering of materials (waste reduction) and reduced vehicle movements to and from the site.

The temporary building and portacabin facilities are all reusable and will be returned to the UK for this purpose unless they can be reused elsewhere on Guernsey.

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: 18/06/2025

