

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: Variation to previously approved plans to demolish petrol station (sui-generis) and infill vehicle access, change of use from light industry (Use Class 24) to retail and erect extension to retail unit (Use Class 9) to front/northwest elevation and side/northeast elevation and associated works - Raise and alter roof eaves height, alter ramp access to south elevation and alter car parking/cycle and trolley store layout.

LOCATION: M & S St Martins, Les Merriennes, St. Martin.

APPLICANT: West Quay Holdings Limited

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 20/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/07/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - K73-10106 S1-01B, 04A, 05B, 06B, 07A, 08A, 09A, 10A

Application Ref: FULL/2025/1095

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 on or before 03/05/2027.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 03/05/2024, issued under planning application reference FULL/2024/0256, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. Prior to the approved extension being first open to the public the cycle parking as shown on drawing S1-01 revB shall be fully implemented and thereafter permanently retained as such unless otherwise agreed in writing by the Authority.

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

6. 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 Area on drawing S1-05 rev B and shall not be extended into any other part of the building currently shown as storage, cold room, loading/unloading, 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:-

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/2025/1095
Property Ref: J003920000
Valid date: 17/07/2025
Location: M & S St Martins Les Merriennes St. Martin Guernsey
GY4 6NS
Proposal: Variation to previously approved plans to demolish petrol station (sui-generis) and infill vehicle access, change of use from light industry (Use Class 24) to retail and erect extension to retail unit (Use Class 9) to front/northwest elevation and side/northeast elevation and associated works - Raise and alter roof eaves height, alter ramp access to south elevation and alter car parking/cycle and trolley store layout.

Applicant: West Quay Holdings Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

2. The development hereby permitted shall be begun on or before 03/05/2027.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 03/05/2024, issued under planning application reference FULL/2024/0256, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. Prior to the approved extension being first open to the public the cycle parking as shown on drawing S1-01 revB shall be fully implemented and thereafter permanently retained as such unless otherwise agreed in writing by the Authority.

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

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OFFICER'S REPORT

Brief Description of the site:

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.

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

Relevant History:

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

FULL/2025/0516 - 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) – granted

FULL/2025/1168 - Install electrical cupboard to south boundary of building and install temporary plant equipment to west (front) and east (rear) elevations – granted

FULL/2025/1401 - Variation to previously approved plans to erect temporary retail unit 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) - Alter floor area of staff portacabin and omit fence to north boundary – under consideration

FULL/2025/1531 - Erect signage to west (front) elevation of temporary retail unit – under consideration

Existing Use(s):

Retail

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

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)

Consultation:

Office of Environmental Health and Pollution Regulation - do not have any objections to the variations outlined in points 1 and 3 of the cover letter (Andrew Male, Lovell Ozanne, dated 23rd June 2025, ref. AJM/akdw/10106). However, I note that point 2 relates to a loading bay which is proposed at the southern elevation and I have concerns relating to potential noise nuisance from HGV deliveries being made to and from the new permanent store, once in operation, to the nearest noise sensitive properties and a condition is therefore recommended.

Conclusion/Brief comment:

The application relates to variations to the previously approved scheme to extend the retail unit currently occupied by Marks and Spencer. The variations proposed comprise raising and altering the ridge height of the approved extension, alterations to the ramped access south of the building with changes proposed to the car parking and cycle parking and trolley store. Revised plans were submitted during the course of the application to clarify matters relating to the number/location of cycle spaces, overall number of parking spaces and location of motorcycle parking which are acceptable when considering the aims of the IDP. The revisions to the car parking area would not substantially alter approved landscaping to require further details to be provided and this remains to be secured by condition 7 of the original permission.

The alterations to the ground floor internal layout will not make any significant change to the overall retail floorspace although having regard to condition 12 of FULL/2024/0256 will require amendment to relate to the most up to date plans. This is to ensure that the retail floorspace remains appropriate for this Local Centre location. In relation to the enlargement of the first floor, mezzanine level, this is indicated to be for retail storage and subject to the revised condition regarding public retail floorspace this additional storage area is not unacceptable.

The proposed alterations represent a good standard of design that will not result in harm to the character and appearance of the Conservation Area nor the amenities of any surrounding dwellings. Only a revised block layout plan was received during the course of the application and sought to address queries regarding parking provision/cycle parking. The changes are acceptable however, for clarity a condition is required in relation to the superseded areas of cycle parking that were not omitted from other application drawings and to ensure that the latest cycle and other parking arrangements are provided in full, and then retained.

The comments and concerns raised by Environmental Health are noted. Permission has previously been approved to extend the retail premises with access for deliveries unchanged from that permission and where no conditions relating to deliveries in that area having been imposed. Also, there are existing loading doors in the original light industrial building to that side of the building where deliveries will have been undertaken without, seemingly without undue impact on residential amenity.

The temporary retail unit application was accompanied by an Acoustic Report which generated various conditions in that case – opening hours, delivery times/location, manual control/white noise reversing alarms for HGVs, turning off vehicle engines once stationary etc. That report highlighted the location of nearby residential receptors, across the road in Les Merriennes and Le Grande Rue. The current path of HGVs is also highlighted, around the access driveway which follows the one-way system around the buildings. The Acoustic Report in that cases states:

In this case, the site is currently used as a car park and deliveries already take place at the same times as proposed to the existing M&S unit. Therefore, the current sound environment and operations are similar character to that proposed. It can therefore be argued that, in the context of the existing site, the magnitude of the overall noise impact of the proposed HGV operations could be less than the predicted results indicate.

To require a full Noise Assessment Report in connection with the existing store/previously approved extension is not considered reasonable, with matters relating to noise nuisance ultimately being addressed through Environmental Health legislation. The recommended condition is not to be included in this particular case.

It is noted that new plant and equipment associated with this development is to be the subject of a separate planning application.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

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

Recommendation:

Grant with Conditions



Date: 16/10/2025

