

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: Install electrical cupboard to south boundary of main building and install temporary plant equipment to west (front) and east (rear) elevations of temporary building.

LOCATION: M & S St Martins, Les Merriennes, 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: 02/10/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/07/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: K73-10106 S1-17G, 18J, 32B, 33B, 36B
Environoise Acoustics Report ref: 22109R01dEBSW

Application Ref: FULL/2025/1168

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.The plant and machinery incorporated within the development shall be installed as detailed in the Acoustics Report produced by Environoise, dated 15th July 2025, ref. 22109R01dEBSW.

Reason - To prevent a nuisance or annoyance to nearby residents.

5.Unless otherwise agreed in writing by the Authority the plant and machinery incorporated within the development shall be operated for a period not exceeding 18 months from the date it is first brought into use.

Reason - To prevent a nuisance or annoyance to nearby residents.

6.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - To prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 01/10/2028 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/2025/1168
Property Ref: J003920000
Valid date: 22/07/2025
Location: M & S St Martins Les Merriennes St. Martin Guernsey GY4 6NS
Proposal: Install electrical cupboard to south boundary of main building and install temporary plant equipment to west (front) and east (rear) elevations of temporary building.

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.

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. The plant and machinery incorporated within the development shall be installed as detailed in the Acoustics Report produced by Environoise, dated 15th July 2025, ref. 22109R01dEBSW.

Reason - To prevent a nuisance or annoyance to nearby residents.

5. Unless otherwise agreed in writing by the Authority the plant and machinery incorporated within the development shall be operated for a period not exceeding 18 months from the date it is first brought into use.

Reason - To prevent a nuisance or annoyance to nearby residents.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - To prevent a nuisance or annoyance to nearby residents.

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 west 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:

The site has a lengthy planning 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/2025/1095 - 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 ridge height, alter ramp access to south elevation and alter car parking/cycle and trolley store layout – under consideration

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

Existing Use(s):

Various uses on the site – retail, veterinary practice, warehouse, carpark

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒

within curtilage
design acceptable

x
x

traffic not affected

x

Policies considered most relevant:

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)

Consultation:

Office of Environmental Health and Pollution Regulation – I have reviewed the proposed plans to install an electrical switch cupboard to the south boundary of the building and install temporary plant equipment to the west (front) and east (rear) elevations.

I confirm that I do not have any comments to make regarding the installation of the electrical switch cupboard.

Regarding the installation of temporary plant equipment, I have the following comments:

Included in the submitted documentation is an Acoustics Report produced by Environoise, dated 15th July 2025, ref. 22109R01dEBSW, which provides an assessment of the proposed temporary plant equipment.

Prior to the submission of the report, this office had communication with Environoise, and it was confirmed that due to the temporary nature of the plant, we would be agreeable to the plant operating no louder than the existing background noise level (as demonstrated in an acoustics report), rather than our normal requirement for the plant to achieve at least 5 dB below the background level.

The report highlights that some of the plant needs to be relocated from the initially proposed locations, so that plant noise limits are not exceeded. The report recommends that four of the proposed units are relocated as follows:

- 1 × Danfoss Optyma Plus - OP-LPKM120LLP02E, R449A is relocated to the western façade of the temporary retail unit, and
- 2 × Daikin RYYQ, Size 16 and 1 × Daikin RYYQ, Size 18 units are relocated to the southern portion of the eastern façade

The new recommended positions are shown in Figure 5.2 of the report.

The report also recommends that 'All plant should be a minimum of 1m north from the southern façade of the temporary building.'

Due to the noise impact that the plant equipment could have on the nearest noise sensitive receptors if controls are not in place, I recommend that a number of planning conditions are imposed.

Conclusion/Brief comment:

The application relates to the installation of an electricity cabinet to the south site boundary and plant/enclosure to the west and east of the approved, temporary, retail unit. These aspects were omitted from the scheme earlier in 2025 due to concerns raised at the time by Environmental Health.

The proposed works are functional and in keeping with other development on this commercial site. The works will not result in undue harm to the character and appearance of the Conservation Area.

It is noted from the report associated with the original permission for the temporary structure that:

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.

Based on this information the condition recommended by Environmental Health regarding the timeframe for plant and machinery to operate being 18 months there would be no conflict with the intended operating period for the temporary retail unit.

The units as proposed on the submitted plan reflect the positioning recommended within the submitted Acoustics Report. Subject to the conditions recommended by

Environmental Health the proposals will not result in unacceptable harm to the amenities of surrounding residential occupiers.

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.

Recommendation:

Grant with Conditions



Date: 29/09/2025