

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: Remove section of hedge to create vehicle access between sites, alter parking area and pedestrian link. Infill existing pedestrian access.

LOCATION: Rohais Health Centre & Waitrose Car Park, Rohais, St. Peter Port.

APPLICANT: Healthcare Properties 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: 16/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: 10704-S1-01D.

Application Ref: FULL/2024/0611

Property Ref: A207490000 + A207430000

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 hedge to be planted to close off the existing pedestrian access as shown on drawing ref: 10704-S1-01 shall be of a species to match the remainder of the hedge along this boundary and shall have been planted in the first planting season following the first use of the approved vehicle access point. Any plants which die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To define the permission and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 16/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. It is recommended that the hedge is removed outside of the main bird breeding season (March-July inclusive). If the removal of the hedge during the main bird breeding season is essential, it is recommended that the hedge is inspected for current or recent use by birds and other wildlife by a suitably qualified person prior to removal to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. For further advice you may wish to contact La Société Guernesiaise. La Société can be contacted by email at info@societe.org.gg.

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/2024/0611
Property Ref: A207490000 + A207430000
Valid date: 02/04/2024
Location: Rohais Health Centre & Waitrose Car Park Rohais St. Peter Port
Guernsey
Proposal: Remove section of hedge to create vehicle access between
sites, alter parking area and pedestrian link. Infill existing
pedestrian access.
Applicant: Healthcare Properties 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 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 hedge to be planted to close off the existing pedestrian access as shown on drawing ref: 10704-S1-01 shall be of a species to match the remainder of the hedge along this boundary and shall have been planted in the first planting season following the first use of the approved vehicle access point. Any plants which die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To define the permission and in the interests of visual amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. It is recommended that the hedge is removed outside of the main bird breeding season (March-July inclusive). If the removal of the hedge during the main bird breeding season is essential, it is recommended that the hedge is inspected for current or recent use by birds and other wildlife by a suitably qualified person prior to removal to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. For further advice you may wish to contact La Société Guernesaise. La Société can be contacted by email at info@societe.org.gg.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises Rohais Health Centre and the Rohais Waitrose retail store car park. Surrounding the site, the area comprises residential properties in all directions.

The site is situated within St Peter Port Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Public amenity use class 18: non-residential health/welfare services (Health Centre);
Retail – Use Class 9: Convenience Retail (Waitrose Retail Store)

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

Island Development Plan Policies:

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas;
MC7: Retail in Main Centre Outer Areas;
GP1: Landscape Character and Open Land;
GP8: Design;

Conclusion/Brief comment:

Planning permission is sought to remove a 5m section of hedge that forms part of the boundary between the Waitrose Car Park and the Rohais Health Centre. An existing pedestrian access point along the same boundary is proposed to be infilled with a hedge to match the remainder of the boundary. Three car parking spaces will be relocated and one removed from the Waitrose carpark and one car parking space will be removed from the Health Centre car park. The proposal is required to provide a vehicle access between the Health Centre and Waitrose Car Park.

Extensions, alterations and the redevelopment of/to existing social and community facilities and convenience retail facilities are supported by Policies MC3 and MC7 respectively, provided that the development proposed accords with all other relevant policies of the Island Development Plan. In this instance policies GP1 and GP8 are relevant.

The section of hedge to be removed does not form a roadside boundary and is situated within the confines of the site. Following removal, a large section of hedge (circa 35m long) will remain and will continue to provide an appropriate boundary and landscape feature for the site. It is recommended however, that should permission be granted a condition is included for the pedestrian access to be closed in accordance with the details shown on the application drawings in a timely manner following the first use of the new vehicle access.

The vehicle access will be laid in tarmac to match the remainder of the site in-keeping with the character of the area.

The car parking spaces to be relocated have been appropriately positioned and given the amount of available car parking spaces that serve the Health Centre and

Waitrose store, the loss of two car parking spaces (in total for both sites) would not cause harm to highway safety.

The proposal would not harm residential amenity.

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.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 13/05/2024