

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of conservatory of dwelling to Dog Home Boarding and Training Business (Residential Use Class 5).

LOCATION: P'tite Pattes, Mont Arrive, St. Peter Port.

APPLICANT: Ms S Sarre

I refer to the application referred to below received as valid on 28/09/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/03/2022

Application Ref: FULL/2021/2160

Property Ref: A10288A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The application for a change of use of part of a residential property for use as a dog home boarding and training business, is considered to cause unacceptable detrimental impacts upon the amenity of the neighbouring properties due to noise. Proposals must consider the health and well-being of the neighbours, including noise. For these reasons the application does not comply with Policies GP8(d), GP13(a) and GP14(b) of the adopted Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2160
Property Ref: A10288A000
Valid date: 28/09/2021
Location: P'tite Pattes Mont Arrive St. Peter Port Guernsey GY1 2AA
Proposal: Change of use of conservatory of dwelling to Dog Home Boarding and Training Business (Residential Use Class 5).
Applicant: Ms S Sarre

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The application for a change of use of part of a residential property for use as a dog home boarding and training business, is considered to cause unacceptable detrimental impacts upon the amenity of the neighbouring properties due to noise. Proposals must consider the health and well-being of the neighbours, including noise. For these reasons the application does not comply with Policies GP8(d), GP13(a) and GP14(b) of the adopted Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as 'P'tite Pattes' is a two and a half storey mid-20th century detached dwelling which is set back from and faces east onto Mont Arrive. There are neighbouring properties to the south and the entrance to an industrial estate to the north. The industrial estate sits directly to the west. The property is located in the St Peter Port Main Centre Outer Area and is within a Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

Change of Use of conservatory of dwelling to Dog Home Boarding and Training Business (Residential use class 5).

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

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

GP14: Home Based Employment

IP9 Highway Safety, Accessibility and Capacity.

Representations:

There have been two letters of representation received and the issues are;

- This area is residential the proposed type of business does not fit with the families and people that live in the immediate vicinity.
- Mont Arrive is a very busy and dangerous road. The junction onto Mont Arrive from P'tites Pattes is notoriously bad, visibility is poor in both directions, the use of a traffic mirror is needed, there are many 'near misses' and quite a few full on collisions.
- This junction is already in full use with a charity shop, a 24 hour gym and a few industrial units which attract heavy goods vehicles.
- Adding anymore traffic is unacceptable.
- In the past couple of months it has become apparent that dogs are already being kennelled at P'tites Pattes the regular barking, howling and crying of dogs is very annoying and it happens every day 7 days a week. I have had to text and shout to the owners to keep the dogs quiet, but it is obviously impossible for this to be done as dogs like to bark.
- We do not feel the set-up is acceptable, there is little room for the dogs to run around and keeping them 'crated' inside is cruel.
- What will the owners be doing with the dogs excrement, if they are flushing this down the toilet that is unacceptable.
- The dogs make noise 7 days a week, the business owners do ask the dogs to be quiet, but that means raising their voices to do so over the noise of the dogs.
- We feel that it is not suitable accommodation for the dogs to be crated when boarding especially so during the summer months. It is a double glazed conservatory and will get very hot. Even more so if the doors and windows are to remain closed as stated in the cover letter.
- The size of the garden for having the maximum capacity of 16 dogs at any one time means they would not have enough space for the dogs to run around. There have been training sessions held on weekends. Again, trying to relax on a Sunday morning (for example) it is not fair to have to listen to training sessions for dogs when trying to enjoy our garden.
- A further increase in traffic in an already busy area. Peak times for the gym is from 4pm so there is already a high traffic flow during the proposed hours for dog collections.
- The letter states boarding a maximum of 16 dogs. Is consideration given to the fact the owners have their own dogs on top of this. It is unreasonable to think that there is not a high amount of noise that is going to be generated from this number of dogs in one property.

Consultations:

Environmental Health have been consulted.

Initial consult 15/10/21

"I have reviewed the proposed plans for a dog boarding and training business at the above mentioned address which were received by post on 8th October 2021 and there are a number of issues of concern that I must raise.

I have significant concerns regarding this application. Having checked our records, noise complaints regarding barking dogs in relation to this business have previously been received to this department. Whilst these complaints relate to a different property, it is noted that the area of P'tite Pattes is more densely populated than the previous business address. In addition to this, I am concerned about the use of a conservatory for the purpose of housing dogs due to the limited acoustic properties of such structures.

Unless the applicant is willing to significantly reduce the number of animals accommodated at one time and to ensure measures are in place to reduce the impact of barking I have no other alternative than to recommend refusal of this application.

I would be grateful if these issues are considered during the determination of this application."

When asked about the number of dogs 10/11/21

"I am unable to recommend an exact number on how many dogs – one dog alone is able to create a statutory nuisance, therefore as the number of dogs increases so does the likelihood is causing a nuisance. As requested by the applicant, 16 dogs in one house at one time has the potential to create a significant amount of noise."

Second consult after receiving additional information from the applicants 02/02/2022

"Unfortunately the information provided does not suitably alleviate my concerns. I would strongly suggest that the applicant contacts other acoustic consultants for advice on their business and considers a further significant reduction in the number of dogs on the premises. I am also aware the applicant operates as a dog breeder and as such will have their own animals as well as other animals associated with the boarding business so therefore the number of animals present on the premises is likely to be higher than the number on the application.

We have received complaints in relation to dogs barking at the premises the application relates to as well as a previous address.

I would reiterate that I do not feel this proposal is suitable in this location."

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas.

This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Policy GP8 expects proposals to achieve a high standard of design which respects the character of the local environment and considers the health and well-being of the occupier and neighbours. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties.

Policy GP14 for Home Based Employment would support applications that do not lead to any unacceptable detrimental impacts on the amenity of the area or the amenities of nearby residents and where the principle use of the dwelling is residential.

The application is not proposing any physical development and therefore there will be no alteration to the special character or appearance of the surrounding Conservation Area.

However, Policies GP8, GP13 and GP14 all require the consideration of the neighbours when it comes to amenity and detrimental impacts, and noise in planning is considered as a material planning consideration noted within Policy GP8.

Environmental Health were initially consulted in October 2021 when they had several concerns, specifically;

1. The noise of barking dogs
2. The residential location
3. The use of the conservatory as the dogs’ indoor space due to lack of acoustic properties, and
4. The number of dogs on the premises at one time is considered too high.

When asked whether there would be an acceptable number of dogs, it was considered that it would not be possible to determine this as it is possible that one dog alone would be able to create a statutory nuisance, therefore as the number of dogs increases so does the likelihood of them causing a nuisance.

The application was deferred to allow the applicants an opportunity to provide further evidence to show that measures would be put in place to prevent any detrimental impacts to the amenity of neighbouring residential properties.

The acoustic measures which the applicants are looking to put in place are;

1. the installation of noise dampening acoustic foam panels,
2. In the long term replace the conservatory roof with a solid structure,

Other changes are;

1. the installation of an air conditioning unit (which could also be subject to noise pollution and attenuation issues) to allow doors and windows to remain closed,
2. Possible installation of acoustic fencing.

The applicants also noted that they would be willing to reduce the number of dogs to 12 at any one time. The additional information then went into detail about the daily routine of the dogs.

However, even with the measures identified, 12 dogs in one house, at one time, has the potential to create a significant amount of noise, which would still create detrimental impacts to the neighbouring properties, and their enjoyment of their outdoor amenity space. Further consultation with Environmental Health still considers that the additional information does not alleviate their concerns and that the property is not suitable to house the proposed business.

One of the Island Development Plan's main objectives, through the use of relevant policies, is to ensure all development and change of use applications offer an environment that provides a reasonable level of amenities, which supports the health and well-being of occupants and users and maintains appropriate amenities for neighbouring property occupiers and users. The proposals, in this case, cannot provide a reasonable level of amenity due to possible noise levels.

There has also been concern about the increase in traffic along the access road to the busy industrial estate located behind the premises. However, due to the major concerns regarding detrimental impacts to the neighbouring amenity, the potential traffic impacts have not been fully assessed.

From the assessment above the recommendation is that the application be refused.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 14/03/2022

