

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: Demolish four existing outbuildings and erect a combined wildlife hospital. Erect 2.4m high fencing (north-east boundary), landscape area and erect retaining walls (revised scheme).

LOCATION: GSPCA Shelter, Rue Des Truchots, St. Andrew.

APPLICANT: GSPCA

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: 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects 1095_ 14A, 15A, 16B, 17A, 18B, 19B, 20B, 21C, 25B, 26B

Application Ref: FULL/2022/1200

Property Ref: K000950000

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 existing trees, except for those indicated for removal on drawing 1095_21B attached to this decision notice, shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.No development, including site works, shall begin on site until the existing trees, except for those indicated for removal on drawing 1095_21B attached to this decision notice, have been protected, in accordance with BS 5837:2012. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6.The hedge located on the roadside boundary of the application site shall be retained and maintained at a height no lower than existing. Any part of the hedge removed,

dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the Authority, within one year of the date of any such loss.

Reason - The hedges are important features in the area and retention is necessary to help assimilate the development into its surroundings.

7.No development, including site works, shall begin on site until the hedge located on the roadside boundary of the application site has been protected, in accordance with BS 5837:2012. The hedge shall be protected in the agreed manner for the duration of the building operations hereby permitted.

Reason - The hedges are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8.Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

9.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

10.No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples or precise details of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity.

11.No development, including site clearance and demolition, shall take place until an

updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

12.No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 11 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

13.The development hereby permitted shall only be used for purposes ancillary or ordinarily incidental to the authorised use of this site as an animal shelter, and shall not be used separately or for any other purpose at any time.

Reason - To define the permission for the avoidance of any doubt.

14.No development shall commence until a noise and vibration management plan has been submitted to and approved in writing by the Authority. The plan must include details about any crushing activity proposed to take place on site and any control measures that will be implemented. The development shall only be undertaken in accordance with the detailed approved.

Reason - In the interests of residential amenity.

15.There shall be no occupation of the building hereby approved until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 10/10/2025 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 trees to be removed may be used for roosting and nesting for bats and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

It is recommended that the applicant follows the 'Construction Site Noise Guidance' issued by the Office of Environmental Health and Pollution Regulation which is available at www.gov.gg/pollution.

Although the Sustainability Checklist document makes reference to HVAC systems the application drawings do not include any information regarding the location, size and appearance of such equipment. Should HVAC systems be proposed in connection with this development then a separate planning application should be submitted for consideration by the Planning Service in consultation with the Office of Environmental Health and Pollution Regulation.

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/2022/1200
Property Ref: K000950000
Valid date: 22/06/2022
Location: GSPCA Shelter Rue Des Truchots St. Andrew Guernsey GY6 8UD
Proposal: Demolish four existing outbuildings and erect a combined wildlife hospital. Erect 2.4m high fencing (north-east boundary), landscape area and erect retaining walls (revised scheme).
Applicant: GSPCA

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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writing by the Authority:

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Reason - In the interests of visual amenity.

11. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

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Reason - To define the permission for the avoidance of any doubt.

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Reason - In the interests of residential amenity.

15. There shall be no occupation of the building hereby approved until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The trees to be removed may be used for roosting and nesting for bats and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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Although the Sustainability Checklist document makes reference to HVAC systems the application drawings do not include any information regarding the location, size and appearance of such equipment. Should HVAC systems be proposed in connection with this development then a separate planning application should be submitted for consideration by the Planning Service in consultation with the Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application relates to the northern part of the GSPCA animal shelter in St Andrews.

Relevant History:

2018 – demolish outbuildings and erect a combined wildlife hospital, erect 2.4m high fence, landscape area and retaining walls – approved

2016 – New vehicular access, approved

2014 – Erect replacement cattery, approved

2002 – Erect replacement kennels, approved

Existing Use(s):

Animal Shelter – Sui Generis

Brief Description of Development:

This application is to erect a wildlife unit, which will include indoor and outdoor aviaries, wildlife units, oiled birds units, seal units and an outdoor seal pool, as well as reception, office, kitchen and garage.

The buildings are to be finished in timber cladding with a pitched, slate roof and with PV panels installed, built around a central paved area, with parking to the south and include landscaping, which will link to the existing pond and garden area.

A Design Statement, Sustainability Statement and a Site Waste Management Plan were included with the application.

The application relates to a revised scheme following the grant of permission for a wildlife unit in 2019 and the revisions relate primarily to the reduced footprint of the building, the roof form, introduction of timber cladding and PV panels.

The application was amended following the receipt of advice from the States Vet in relation to the layout and provision of accommodation for sick and injured wildlife and to show the precise location of the proposed boundary fence.

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

OC2 – Social and Community Facilities Outside of the Centres

OC5 – Agriculture Outside of the Centres – within Agriculture Priority Areas

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

Representations:

None.

Consultations:

States Veterinary Officer

Commented on the application as originally submitted setting out that the States Veterinary Officers will be responsible for the licencing of animal welfare establishments (animal health and welfare and public safety) and those criteria have been applied to the current proposals:

1. Avian Influenza - is likely to be an ongoing threat which currently appears in autumn and disappears in late spring but there is evidence to suggest that it may become a threat all year round. Excrement from infected birds contains the virus and is a source of infection to other birds. It is recommended that the aviary roofs are solid with a significant overhang, gutter and downpipe to direct contaminated excrement away from the aviaries. The close proximity of the pond will also represent an attractive environment for wild birds to visit. These are likely to bring disease into the vicinity of the aviaries and protecting birds inside the aviaries is important. It is unclear if the divisions between aviaries would be solid or mesh. Mesh would not reduce the risk of contagious disease; solid screens would offer better protection.
2. The pond – provides a breeding environment for mosquitoes and midges which are a nuisance and potential vector of disease. Similarly, the pond will attract ducks which could also introduce disease (Salmonella). The pond could however, also provide a source of water in the event of a fire. The pond could hold a large volume of water but perhaps measures to discourage breeding of nuisance flies and visiting ducks should be considered e.g. scarecrow kites, swan decoys, motion activated sprinklers and fountains. The creation of roosts (natural or artificial) for insectivorous species would help reduce the nuisance caused by flies.
3. Removal of mature trees – these trees may house bats and therefore a bat survey should be conducted prior to their removal. If bats are found, it is an

offence under the Animal Welfare Ordinance to disturb them, therefore this will need to be mitigated against.

4. External Aviary Passive Air Movement – trees with dense canopies provide habitat for biting midges. Any trees planted should be indigenous species which have open canopies (e.g. Ash, Birch and Beech) as wind movement through open canopies is disruptive to midges. This is particularly important for trees close to the aviaries which are to the north side of the building and are likely to be heavily shaded and damp. If the roof line of the aviaries were higher to the south, open above the external corridor and lower to the north, this would provide some light but also establish air movement along a north south axis discouraging midges and a damp environment.
5. Seal access to the pool – none of the seal pens have direct access to the pool. Is it proposed that seals access the pool via the corridor? If there is only one pool for seals to swim in then seals of different health status would not be able to share this pool unless it is cleaned and disinfected after a seal of a lower health status has utilised it. There is no obvious 'plant room' for pumps/filters etc.
6. Corridor – the 'U' shaped corridor that runs around the three sides of the building has no doors to isolate the different sections (small mammals, birds, seals) and there are also no doors within a section to separate animals of the same species that have different health status. The absence of physical barriers in the corridor makes it more difficult to establish barrier nursing in the event of a disease outbreak.
7. Examination room – there is no dedicated examination room for veterinary examination. It is not expressly mentioned, but one of the 'Oiled Seabird' room could be used as an examination room in 'peace time'.

Following the receipt of revised plans the States Veterinary Officer has confirmed that they are satisfied with the answers that were provided to the questions previously raised. These points were well made in the letters from DML Architects and the GSPCA sent to Planning on the 10th and 8th of August respectively.

Environmental Health – raise several issues:

OEHPR have read the submitted Sustainability Checklist document and note that under heading 6 – Good Health and Wellbeing, at 6.2 there is mention of HVAC systems. These can cause noise disturbance to neighbouring properties if not properly considered before being installed. It is noted that no further details of specific plant or machinery is submitted and would therefore recommend a condition be attached should permission be granted for the development. It is also recommended that the applicant consider contacting an acoustic consultant to in relation to the preparation of appropriate information regarding this equipment.

The Waste Management form has also been reviewed by OEHPR and it is noted that the demolished structure is to be crushed on site which is an activity which produces noise and vibration and can affect neighbouring properties. A condition regarding this activity is also recommended.

It is also recommended that the applicant is advised to following the 'Construction Site Noise Guidance' issued by the Office of Environmental Health and Pollution Regulation.

Summary of Issues:

Proposed use of the premises
Design and appearance
Sustainable development
Effect on adjoining properties
Effect on landscape character/trees

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.

The development is intended to provide upgraded facilities for the GSPCA work with wild animals. Presently much of this work is carried out within former kennels and cattery buildings. It is to provide a wildlife unit, which will include indoor and outdoor aviaries, wildlife units, oiled birds units, seal units and an outdoor seal pool, as well as reception, laundry, office, kitchen and garage.

The proposed use is therefore consistent with the present activities of the animal shelter and with Island Development Plan policy OC2 which supports redevelopment of existing social and community uses outside of the centres, provided there are no unacceptable impacts on the visual appearance and the amenity of the area.

Policy OC5 supports proposals that are not related to a farmstead or agricultural holding provided they accord with other policies of the Island Development Plan.

The proposed design and appearance of the wildlife unit will relate well to its surroundings, and represents a significant improvement on the existing facilities. As amended and with the associated further information provided, the scheme is supported by the States Veterinary Officer. The proposal achieves a good standard of design respecting the character of the area and the amenity of neighbouring properties, in accordance with Policy GP8.

Information has been submitted which demonstrates that sustainable development principles have been considered in accordance with the requirements of Policy GP9.

A condition is recommended in relation to the installation of solar panels to ensure compliance with Policy GP9.

The proposal should not have any more effect on neighbouring premises than the existing, and indeed, being purpose built, and to modern standards, should reduce potential impact on residential amenity. The comments received by the OEHPR regarding crushing works on site have been noted and a condition to manage this activity can be attached to the permission in order to manage the impact of this activity on residential amenity.

Although concerns have been raised by the OEHPR regarding heating, ventilation and air conditioning systems the submission does not include the installation of any external plant or machinery associated with the development. Such equipment would require planning permission and should be the subject of a separate planning application if considered necessary in connection with this development.

The proposed buildings would not extend so close to the north boundary as the approved scheme although it is noted that the outdoor aviary would be situated adjacent to the north boundary. The scheme does not relate to the removal of any trees over and above those previously shown to be removed. There have been no material changes in the policies against which the application would be considered and therefore the conclusion remains that the loss of mature trees at the northern end of the site would be acceptable, with appropriate replanting which would reduce the impact on the landscape character of the area in the long term thereby preserving the character and appearance of the locality.

It is recommended therefore that planning permission is granted for the proposed development, subject to appropriate conditions.

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: 05 October 2022

