

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: Change of use of outbuilding (Residential Use Class 1) to dog grooming salon (Residential Use Class 5).

LOCATION: St Mary Anthony, Carriere Lane, Vale.

APPLICANT: Mr & Mrs I & J Brown

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: 02/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan- 1:500
Fence Plan No 4 - 1:20

Application Ref: FULL/2023/0252

Property Ref: C011450000

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 dog grooming business hereby approved shall only be carried out between 09:30 hours and 17:30 hours on Mondays to Fridays, and 09:30 hours and 12:00 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5.At any one time there shall be only one dog on the premises in relation to the dog grooming business hereby approved.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6.The business use hereby approved shall be carried out only in accordance with the applicants letter dated 30th January 2023 and falling within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Reason - To ensure the activity remains low intensity thus protecting the amenities of the nearby residents.

7.The use hereby permitted shall continue only for as long as the associated dwelling is occupied by a person employed in that business.

Reason - The operation of the business from the application site would be unsatisfactory in its effect on the dwelling in question if it were isolated from the business activities.

8.This permission relates to the use of this dwelling for the home based business specified in the application, in accordance with the provisions of Residential use class

5 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. On the cessation of any professional or business purposes or retail trade or business in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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.

Reason - To allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

Expiry Date: This permission will cease to have effect on 01/06/2026 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/2023/0252
Property Ref: C011450000
Valid date: 09/02/2023
Location: St Mary Anthony Carriere Lane Vale Guernsey GY3 5TF
Proposal: Change of use of outbuilding (Residential Use Class 1) to dog grooming salon (Residential Use Class 5).

Applicant: Mr & Mrs I & J Brown

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 dog grooming business hereby approved shall only be carried out between 09:30 hours and 17:30 hours on Mondays to Fridays, and 09:30 hours and 12:00 hours

on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

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6. The business use hereby approved shall be carried out only in accordance with the applicants letter dated 30th January 2023 and falling within Residential use class 5 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Reason - To ensure the activity remains low intensity thus protecting the amenities of the nearby residents.

7. The use hereby permitted shall continue only for as long as the associated dwelling is occupied by a person employed in that business.

Reason - The operation of the business from the application site would be unsatisfactory in its effect on the dwelling in question if it were isolated from the business activities.

8. This permission relates to the use of this dwelling for the home based business specified in the application, in accordance with the provisions of Residential use class 5 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. On the cessation of any professional or business purposes or retail trade or business in accordance with this use class, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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.

Reason - To allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

OFFICER'S REPORT

Site Description:

The property known as St Mary Anthony comprises a two storey semi-detached traditional cottage situated to the south of Carriere Lane. Neighbouring properties of mixed building type and design surround the properties in all directions.

The property has a shared driveway with the neighbouring property to the west (The Barn & Jug) providing access onto Carrier Lane to the north. To the south of the property is a detached outbuilding which forms the building the subject of this change of use application.

The site is situated within a Main Centre Outer Area as designated in the Island Development Plan. The whole of the property was previously protected, however on 30th May 2023, the property was removed from the protected building register, and it is therefore no longer protected.

Relevant History:

FULL/2023/0248	Install replacement door. (Protected Building).	Granted 13/03/2023
FULL/2020/2256	Erect four semi-detached dwellings with associated car parking and alterations to access. (Protected Building).	Granted 09/04/2021
FULL/2018/1071	Internal alterations including; removal of partition wall and existing first floor bathroom, installation of replacement bathroom (existing bedroom 2), erection of partition walls to form en-suite bathroom to serve bedroom 3, installation of roof vent and replacement of fireside cupboards (ground floor living room). (Protected Building).	Granted 01/06/2018
HAPP/2006/3836	Subdivision of dwelling to create two units of separate accommodation (retrospective).	Granted 30/01/2007
PAPP/2003/2194	Create hardstanding/parking area (retrospective).	Granted 29/07/2003
PAPP/1998/3311	Convert outbuilding to a self-contained unit of accommodation	Granted 29/09/1998

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to change the use of an existing outbuilding (Residential Use Class 1) to a dog grooming salon (Residential Use Class 5).

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

Island Development Plan Policies:

GP8: Design;
GP13: Householder Development;
GP14: Home Based Employment;
IP6: Transport, Infrastructure and Supporting Facilities;
IP7: Private and Communal Parking;

Representations:

One letter of representation has been received objecting to the application. The grounds for objection are summarised as follows:

- Noise from the property caused by vehicles arriving and departing is currently obtrusive;
- Starting a business on this property will cause a great deal more noise and discomfort from both the vehicles arriving and departing and from the business itself;
- Having extra noise could have a large detriment to quality of life and health.

Although not objecting to the scheme a letter was submitted by the applicant from the occupier of the neighbouring property 'The Barn and Jug' confirming that they have a right of access over part of the driveway belonging to the occupiers of 'St Mary Anthony'. The letter states that no objections are raised on the following grounds:

- The customers do not prevent access to The Barn and Jug;
- Customers do not park in the two spaces owned by the Barn and Jug;
- That customers and their dogs do not spoil the peaceful enjoyment of the property;
- That dogs are not allowed to run loose onto any neighbouring properties.

Consultations:

The States Office of Environmental Health and Pollution Regulation (OEHPR) were consulted on the application and by letter dated 16th May 2023 stated the following:

"I have reviewed the proposed plans for the change of use of the outbuilding to a dog grooming salon at St Mary Anthony which were received by post on 14th February 2023. Due to the nature of the business, I am concerned a noise nuisance may arise. Therefore, I recommend the following conditions.

I would recommend the site shall not be open to customers except between the hours of 09:30 and 17:00 on Mondays to Fridays and 09:30 and 12:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

I would also recommend that there is a condition for 1 dog on the site at any time."

Summary of Issues:

- Whether the principle of the proposed change of use is acceptable;
- The impact of the proposal on residential amenity; and
- The impact of the proposal on highway safety.

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 set out in 2 below.

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

The dog grooming business is proposed to be located in an existing outbuilding to the rear of the premises. The internal floor area of the building is limited comprising a total of 6.4m² allowing for only one dog to be taken at a time. The building is of block work construction and has a glazed door and window facing in towards the garden area of the property other than a replacement door (planning permission has been granted separately under application ref: FULL/2023/0248) no external alterations to the building are required. A gated access point provides access from the parking area situated to the west of the building. The proposal intends to install a 6ft standard wooden fence and gate (within the site) to separate the remainder of the garden area for the property and to provide a separate and independent access point to the dog grooming business. The fence and the gate will be unseen from outside of the site and would be seen in context of the existing fences and structures that exist within the garden area and would therefore not harm the character of the area.

Policy GP14 supports the operation of small-scale home businesses outside the Main and Local Centres as long as it will not have an adverse impact on neighbouring properties or the surrounding area as a result in increased activity and disturbance. Home-based working typically employs a low number of people, have a low intensity use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings.

As part of the application a supporting letter has been submitted, to describe the operational characteristics of the proposed home-based business. The relevant points of the letter are summarised as follows:

- Given the size of the outbuilding, only one dog will be taken at a time;
- A maximum of 4 dogs will be groomed per weekday, with opening hours between 09:30hrs and 17:00hrs Monday to Friday, and 09:30hrs to 12:00hrs on a Saturday to allow for two appointments;
- Sufficient time will be left between appointments to clean up from the previous dog groom, so there will be no overlapping of owners and only one dog will be on the site at a time;
- A designated parking space will be allocated (as shown on the plans) for customers;
- A separate access will be provided for customers so they will not need to come to the front of the property and enter through the property;
- A camera and intercom system will be installed so that if the customer comes to collect their dog and it is not ready they will be asked to wait in their car;
- Traffic will be limited with only 4 customers Monday to Friday and two on Saturday;
- Noise will be kept to a minimum as only one dog on site at a time with no overlapping customers;

Considering the above and given the limited amount of floorspace involved, the principal use of the site will clearly remain for residential use by the occupier. The opening hours and the amount of customers that will visit per day are limited and in the absence of any objections from the States Office Of Environmental Health and Pollution Regulation, any harm on residential amenity is unlikely to be significant and not so substantial to warrant the refusal of planning permission. OEHPR has requested that conditions are imposed controlling the hours of use and that only one dog belonging to a customer is on the site at any time, both of which are reasonable in planning terms. It is also recommended that a condition is included for the business to operate in accordance with the details contained within the supporting letter.

The site has sufficient space for client and residents parking, and the low intensity nature of the proposed business leads to the conclusion that there would not be any materially significant increase in the volume of vehicle movements, therefore there is no concerns with highway safety or capacity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to 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 scheme would not harm any protected building, trees, monuments, buildings or Sites of Special Significance.

Date: 31/05/2023

