

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 from general retail (Use Class 10) to pet shop with ancillary grooming and day care.

LOCATION: Unit 2, Lowlands Industrial Estate, La Route Du Braye, Vale.

APPLICANT: Mr L Botes

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: 27/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan (13/03/2023), hand drawn plan and basic outline of proposed business plan (both dated 24/03/2023).

Application Ref: FULL/2023/0514

Property Ref: C00792F000

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.No more than 20 dogs will be permitted within the Day Care at any one time.

Reason - To make sure there are not too many animals within the limited space.

5.No more than 10 dogs will be permitted within the play area at any one time.

Reason - To make sure there are not too many animals within the limited space, in the interest of animal welfare.

6.The Day Care will be open Monday to Friday (except bank holidays} from 08:00-18:00 and Saturday to Sunday (including bank holidays} 10:00-15:00.

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.

7.No more than 4 dogs will be permitted within the Grooming Salon at any one time.

Reason - To ensure there are not too many dogs in a small space,and in the interest of animal welfare.

8.The Grooming Salon may be open Monday to Friday (except bank holidays} between the hours of 08:00-18:00 and Saturday to Sunday (including bank holidays} 09:00-16:00.

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.

9.No dogs will be permitted to stay overnight.

Reason - To ensure the welfare of the animals.

10.No dogs are to be left unattended in the building without a member of staff present.

Reason - To ensure the welfare of the animals.

11.No occupation of the building will take place until a contract to regularly dispose of dog faeces has been submitted and agreed in writing by the Authority.

Reason - To make sure that the use does not become unsightly, smelly and/or a source of annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 26/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

A noise management plan will need to be considered for the premises, once it is up and running to ensure noise levels are at an acceptable level.

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/2023/0514
Property Ref: C00792F000
Valid date: 24/03/2023
Location: Unit 2 Lowlands Industrial Estate La Route Du Braye Vale
Guernsey
Proposal: Change of use from general retail (Use Class 10) to pet shop
with ancillary grooming and day care.

Applicant: Mr L Botes

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. No more than 20 dogs will be permitted within the Day Care at any one time.

Reason - To make sure there are not too many animals within the limited space.

5. No more than 10 dogs will be permitted within the play area at any one time.

Reason - To make sure there are not too many animals within the limited space, in the interest of animal welfare.

6. The Day Care will be open Monday to Friday (except bank holidays} from 08:00-18:00 and Saturday to Sunday (including bank holidays} 10:00-15:00.

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.

7. No more than 4 dogs will be permitted within the Grooming Salon at any one time.

Reason - To ensure there are not too many dogs in a small space, and in the interest of animal welfare.

8. The Grooming Salon may be open Monday to Friday (except bank holidays} between the hours of 08:00-18:00 and Saturday to Sunday (including bank holidays} 09:00-16:00.

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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10. No dogs are to be left unattended in the building without a member of staff present.

Reason - To ensure the welfare of the animals.

11. No occupation of the building will take place until a contract to regularly dispose of dog faeces has been submitted and agreed in writing by the Authority.

Reason - To make sure that the use does not become unsightly, smelly and/or a source of annoyance to nearby residents.

INFORMATIVES

A noise management plan will need to be considered for the premises, once it is up and running to ensure noise levels are at an acceptable level.

OFFICER'S REPORT

Site Description:

The building known as 'Unit 2' in the Lowlands Industrial Estate is a large single storey commercial warehouse built in the 1970's. The building is set back from and faces west onto the Estate access road, the access road also sweeps round the north elevation of the building. There are other warehouses in each direction and the Estate is located in the St Sampson Main Centre as defined in the Island Development Plan.

Relevant History:

FUL/2023/1377 - Change of use from general retail (Use Class 10) to car sales – Approved October 2022.

Existing Use(s):

Retail use class 10: general retail

Brief Description of Development:

This application is for a change of use from general retail (use class 10) to pet shop with ancillary dog grooming and doggy day care facilities (use class 29). There will be no physical changes to the exterior of the building.

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

MC6: Retail in Main Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Parking

IP9: Highway Safety, Accessibility and Capacity.

Representations:

There has been one letter of representation and the issues are:

- There is no outside running area for the dogs to go to the toilet or have some fresh air.
- There is too many dogs in a small area.
- The noise – this building has no acoustic properties so the sound will travel around the building and outside.
- There is no gate system in place if a dog did get out of the day care area, the dog might get out onto the main road.

- The building has no natural air flow nor natural lighting as the window will have pet shop items for sale.
- No staff recognised qualifications in dog training.
- No drains or suitable flooring. Will dogs go to the toilet inside? How is the place going to be cleaned properly? Flooring is currently concrete.
- The wooden picket fence shown on their business Facebook page is not high enough, the dogs could easily jump over it.
- Dogs will be able to see customers in the shop, which will make them bark and unsettle them.
- The dogs being held in glass fronted pens will only make the dogs get frustrated and bark as they can see other dogs in the day care playing.
- How are they going to manage walking with so many dogs in one go? Walk on public areas? Fields with no planning?
- There does not seem to be an area to keep/store cleaning items, wash bedding or bowls. How are they going to wash down the day care area?

Consultations:

The Office of Environmental Health and Pollution Regulation.

02/05/2023

'The officer emailed requesting confirmation on the maximum number of dogs proposed in the day care, plus at the grooming at any one time, and whether or not this would change at weekends.'

States Veterinary Officer

10/05/2023

'I have reviewed the proposed plans for the establishment of private stables which I received by email on the 26th April 2023. The States Veterinary Officers will potentially be responsible for the licencing of commercial doggy day care pet grooming facilities and I have applied those criteria to these proposals for this application. These primarily relate to animal welfare but also include public safety.'

The total area of the building (18972.00: Commercial property) is cited by the applicant as 464sqm. Digimap cites the area as 576sqm.

1. Cleaning disinfection.

Areas to which dogs have access need to have floor surfaces which are smooth, impervious, continuous, and resistant to cleaning and disinfection agents. Walls in areas to which dogs have access need to have similar coatings to a height that the dog can reach.

2. *Accidental escape.*

Any potential access and egress point from areas where dogs will not be physically restrained should have double doors to reduce the risk of escape from the building. Another less secure approach is to have an exit mechanism (disabled push button door opener) that can only be enabled by the action of a human which would reduce the risk of dogs escaping the building.

3. *Pen Construction.*

It is not clear how the pens are constructed or whether they are fixed. Ideally, the walls between the pens would be solid to prevent dogs from having direct contact with each other. The front of the pens should have doors to provide access and egress. The doors and fronts could be constructed from bars /or weldmesh to provide air movement and clear sight of the occupants.

4. *Play area construction.*

It is not clear how the play area is to be constructed or whether it is fixed. The play area must have a surrounding perimeter that is capable of containing the dogs and preventing escape from this area. This could be solid or fixed fencing. It would be sensible to be able to divide the play area into two separate areas, for large and small dogs simultaneously if required.

5. *Day care and Pet shop separation.*

The division between the day care and the pet shop is described as a 'picket fence', without further description. Additional details regarding whether the fence is fixed, what material it is constructed from, and what height it is are important to understand if it would provide a barrier to loose dogs escaping from the play area into the shop and potentially beyond.

6. *Noise Management.*

Noise from barking dogs could be an issue for people working within the environment of the day care and pet shop but this would be an issue for Health and Safety to consider. Noise escape from the building could be an issue for other residents (night shift workers) and commercial properties in the area and this would be an issue for Environmental Health to consider. Consideration should be given to noise suppression and abatement measures in this submission such as acoustic panels and/or hanging baffles.

7. *Temperature Control.*

Temperature control could be an issue within the environment of the building and consideration should be given to how to manage this. High-level extractor fans may be a potential solution but this may also contribute to noise escape.

8. *Humidity Control.*

Humidity levels in grooming areas can become very high and this compromises the ability of dogs to cool themselves. Consideration of the management of the environment of the grooming area should be included in this submission.'

The Office of Environmental Health and Pollution Regulation.

22/06/2023

'I have reviewed the proposed plans for Change of use from general retail (Use Class 10} to

pet shop with ancillary grooming and day care at Suite 2, Lowlands Building, Lowlands

Industrial Estate, Vale, Guernsey, GY3 SXH which were received by email on 3rd April 2023,

with additional information supplied 14th June 2023.

I would recommend that following conditions are attached to the consent:

- *No more than 20 dogs are permitted within the Day Care at any one time*
- *No more than 10 dogs are permitted within the play area at any one time*
- *The Day Care is open Monday to Friday (except bank holidays} from 08:00-18:00 and Saturday to Sunday (including bank holidays} 10:00-15:00.*
- *No more than 4 dogs are permitted within the Grooming Salon at any one time.*
- *The Grooming Salon may be open Monday to Friday (except bank holidays} between the hours of 08:00-18:00 and Saturday to Sunday (including bank holidays} 09:00-16:00.*
- *No dogs will be permitted to stay overnight.*
- *No dogs are to be left unattended in the building without a member of staff present.*
- *A contract will need to be in place to regularly dispose of dog faeces.*
- *A noise management plan will need to be in place for the premises.'*

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.

This application is for a change of use from general retail (use class 10) to pet shop with associated dog grooming and doggy day care facilities (suis generis).

Dog grooming and doggy day care do not fall into any of the recognised use classes, and therefore are known as a sui generis use. Policy MC6 states that within the Main Centres, new convenience and comparison retail provision will be supported and encouraged. The pet shop will be general retail and the other services would be Suis Generis. Therefore the application complies with the gateway Policy MC6.

The applicant has been working with Environmental Health and the States Vets to ensure they have provided everything for the dogs and have been working with the UK statutory guidance 'Dog day care and licencing' to ensure the spaces provided are over the minimum standards.

Enough information has been provided to satisfy the Authority that everything possible has been done in accordance with the UK guidance to appease Environmental Health and the States Vets.

The use as a pet shop, grooming and day care facility will bring some vitality to the area, and due to the location, in the middle of a commercial estate and away from residential properties, the proposals are not thought to impact on the character of the area or have any detrimental effects on neighbouring residential properties, the proposals are considered to comply with Policy GP8(c) & (d).

The external car parking facilities are not going to be altered. The proposal is considered to provide enough parking to comply with policies IP6 and IP7.

There are not thought to be any impacts on the highway to warrant a refusal, therefore in this instance, Policy IP9 is adhered to.

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.

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: 26/06/2023