

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 existing and erect single storey building/dog kennels to west of site and erect single storey building/ferret house adjacent to west boundary.

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: 23/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1224_9, _10, _11, _12, _13, _14, _15, _16, _17, _18, _19 & _20.

Application Ref: FULL/2023/1229

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.

Expiry Date: This permission will cease to have effect on 22/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application does not include any proposals or details for the installation of external plant or machinery, such as air conditioning units, associated with the development. Such installations may require planning permission and no such equipment should be installed without having first established whether it would constitute exempt development or following the grant of planning permission.

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/2023/1229
Property Ref: K000950000
Valid date: 24/07/2023
Location: GSPCA Shelter Rue Des Truchots St. Andrew Guernsey GY6 8UD
Proposal: Demolish existing and erect single storey building/dog kennels to west of site and erect single storey building/ferret house adjacent to west boundary.
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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INFORMATIVES

The application does not include any proposals or details for the installation of external plant or machinery, such as air conditioning units, associated with the development. Such installations may require planning permission and no such equipment should be installed without having first established whether it would constitute exempt development or following the grant of planning permission.

OFFICER'S REPORT

Site Description:

The application relates to the GSPCA animal shelter in St Andrews. The site has clearly developed over time with extensions and additional buildings constructed and buildings repurposed in order to suit the needs of the site at that time.

The cattery building is single-storey in height with a sloping sheet roof and rendered exterior. Two storey buildings are situated to its south and west along with a two and single-storey building which houses the office/reception also to the west. A raised aviary is situated in between the reception building and two-storey building adjacent to the south site boundary.

Rue Des Truchots is situated to the west of the application site and rises above the site level as it extends south towards Bailiffs Cross Road.

The site is located Outside of the Centres and within an Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2018/2633 – Demolish four existing outbuildings and erect a combined wildlife hospital. Erect 2.4m high fencing (north-east boundary), landscape area and erect retaining walls – granted

FULL/2015/2632 – Create new vehicular access (retrospective) and close existing access – granted

FULL/2014/1170 – Redevelopment of quarantine blocks - demolish existing block and cattery and erect two storey building – granted

FULL/2014/1168 - Erect extension to side of existing reception – granted

FULL/2012/3037 - Construct new plant housing – granted

FULL/2012/2986 - Demolish existing quarantine/cattery building and erect two storey replacement building. Erect single storey extension at side/rear of reception building, alter doors on west elevation and install external staircase on south elevation – granted

PAPP/2009/0759 - Demolish existing and erect replacement kennels and cattery and alter existing reception building – granted
2002 – Erect replacement kennels, approved (with subsequent variation applications)

Existing Use(s):

Animal Shelter – Sui Generis

Brief Description of Development:

This application is to demolish an existing building identified as a cattery in order to erect a replacement single-storey flat roof building for boarding kennels and the erection of a separate detached, bespoke, building to serve as ferret housing.

A brief Waste Management Plan has been provided.

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:

One letter of representation has been submitted raising the following points:

- Do not object to the principle of this part of the site being redeveloped as an addition to the current level of boarding
- Express concerns regarding the design and construction methods if they do not provide sufficient levels of sound proofing to mitigate noise from barking dogs (day and night)
- Neighbours endure noise disturbance from barking dogs which has a substantial effect on the reasonable enjoyment of properties – noise is currently greatest when dogs are outside and are aware of visitor to the site
- There has been historic involvement with Environmental Health and improvements to through boarding dogs in inside structures with suitable soundproofing
- Rue des Truchots is a narrow, winding lane and concerns exist regarding increased traffic levels which would not be appropriate

Consultations:

States Veterinary Officer – raise a concern regarding the divisions between the ferret runs. They are illustrated in the cross section as being wire/weld mesh. Unfamiliar ferrets will behave aggressively towards each other and are accomplished jumpers and climbers so could easily jump up to and climb on the wire component of the divisions which could result in fighting injuries and the exchange and spread of infection in the unit.

This was discussed with the GSPCA Manager who assured the States Vet that the divisions would be entirely glass (or similar) or if it was wire it would be double layered to prevent direct physical contact. This explanation is satisfactory providing it is actioned.

It is noted that diagonal structures in the corridor behind the ferret houses could represent a trip hazard and could prevent the door at the end of the corridor from opening.

Office of Environmental Health and Pollution Regulation - reviewed the proposed plans for the demolition of the existing cattery building to the west of the site and the erection on the same footprint of a single storey building to house dog kennels. I also note the proposal to erect a single storey building to be used as a ferret house, adjacent to the west boundary.

I note that the new dog kennels replace ones that were existing already in the north of the site which are being demolished for a new wildlife hospital. Having regard to the fact that we have not previously received any complaints about dog barking coming from the site, and that we have provision within our Public Health legislation to deal with dog barking complaints, I do not wish to raise any objections to the proposals.

Further comments were also provided by Environmental Health confirming that the current recording system for the Office provides access to records over the last 12 years and in that time, there has been no record of complaints about dog barking arising from the GSPCA site.

There would be no basis for OEHPR to require a planning condition to be attached to the permission however, the Planning Service may wish to impose a condition relating to sound proofing to the building in order to help alleviate the concerns raised through the public consultation process.

Summary of Issues:

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

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 which is a charity relying on donations and income from the kennels and cattery. The existing cattery to be demolished is of poor quality construction and unfit for purpose. The proposed kennel building will contain twelve kennels (run and sleeping area), a laundry, store and grooming area with associated porches and corridors in order for the building to function. The ferret house has a lean-to roof (assumed to be metal sheet clad) with PVCu panels, doors and windows. An access/safety corridor is accommodated internally along with a store.

The proposed use is 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 kennel building will be seen in the context of other built development on the site and will have an overall reduced height and bulk to the building it replaces. The ferret house is functional in its design and appearance but will be viewed in the context of other development in the site and will be substantially screened by existing roadside vegetation/bank. 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.

The comments received by the States Vet have been noted and the agent has confirmed that the internal divides in the ferret house will be constructed in accordance with the advice/discussions with the States Vet. This is not however, a matter that can specifically be controlled through the planning process.

Information has been submitted which demonstrates that sustainable development principles have been considered in accordance with the requirements of 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. No objection has been raised by the Office of Environmental Health and Pollution Regulation. The public consultation process has highlighted the potential for noise nuisance generated by dogs at the site, albeit often when they are outside. Given that there has been no recent involvement with OEHPR regarding noise nuisance and the arrangement of kennels, entirely enclosed within the building, it would be unreasonable to specifically require the kennel building to be insulated to a higher level when it is a small part of the overall site where noise could occur (when dogs are exercised). Should, in future or following the redevelopment proposals, noise associated with dogs barking become particularly problematic this is a matter that can be investigated by OEHPR.

The submission does not include the installation of any external plant or machinery associated with the development. Such equipment may require planning permission and should be the subject of a separate planning application if considered necessary in connection with this development. An informative note can be placed on the permission highlighting this.

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: 22/08/2023

