

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 section of building from general retail to dog grooming, dog daycare and retail and erect fencing.

LOCATION: Earlswood Garden Centre, La Ville Baudu, Vale.

APPLICANT: Mr T Phillips

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: 11/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Photograph of fencing, Earlswood Garden Centre letter and applicant's email dated 16/08/2024.

Application Ref: FULL/2024/1278

Property Ref: C010740000

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.A maximum total of 12 dogs shall be on the hereby approved business premises at any one time.

Reason - To protect the reasonable amenities of neighbouring residents.

5.The use hereby permitted shall not be operated for dog grooming, daycare or retail except between the hours of 08:00 and 18:00 on Mondays to Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

6.The use hereby permitted shall be operated in accordance with the letter submitted with the application by Earlswood Garden Centre and the applicant's email dated 16/09/2024.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 11/09/2027 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/2024/1278
Property Ref: C010740000
Valid date: 19/07/2024
Location: Earlswood Garden Centre La Ville Baudu Vale Guernsey
GY3 5AA
Proposal: Change of use of section of building from general retail to dog grooming, dog daycare and retail and erect fencing.
Applicant: Mr T Phillips

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. A maximum total of 12 dogs shall be on the hereby approved business premises at any one time.

Reason - To protect the reasonable amenities of neighbouring residents.

5. The use hereby permitted shall not be operated for dog grooming, daycare or retail except between the hours of 08:00 and 18:00 on Mondays to Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

6. The use hereby permitted shall be operated in accordance with the letter submitted with the application by Earlswood Garden Centre and the applicant's email dated 16/09/2024.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The site comprises of 3 interlinked conservatory buildings within the curtilage of the Earlswood Garden Centre site. The conservatory buildings were formerly used for retail purposes by a conservatory company.

The site is situated within a Conservation Area and is Outside of the Centres.

Relevant History:

April to June 2024 – PREA/2024/0736 – Pre-application enquiry regarding use of conservatory buildings to operate a business for dog grooming/dog boarding and retail.

Existing Use(s):

Garden Centre

Brief Description of Development:

Planning permission is requested for a change of use of a building from retail to dog grooming, retail and daycare for dogs and after hours cat grooming. Permission is also sought to erect a 1.2m high chain link fence to enclose a small outdoor area around the building.

In support of the application the applicant advises that:

- The existing Garden Centre opens 7 days a week from 08:30 to 17:30 Monday to Saturday and 10:00 to 17:00 on Sundays. The proposed dog business will usually operate within these hours, opening no earlier than 08:00 and closing no later than 18:00 Monday to Saturday.
- Cat grooming will be done after hours in pre-booked sessions which happens once or twice a month.
- The daycare element averages 5 dogs per day with the busiest days having 8 dogs and Tuesdays kept daycare free.
- 1 dog is groomed at a time although grooming does involve lots of dogs from multi dog households.
- There is 1 full time member of staff, with some part-time assistance on Saturdays and during school holidays and an ad-hoc dog walker is employed as and when required.
- There would be a maximum of 12 dogs on the premises at any one time for the proposed business.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP20: Exceptions

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 21/08/2024

"I have reviewed the proposed plans for the change of use from general retail to dog grooming salon at the above site and there are a number of issues of concern that I must raise.

I note that the application also includes a proposal to provide daycare facilities for dogs alongside the grooming aspect of the business. I have concerns regarding the potential for noise nuisance from dog barking to adversely affect the amenity of nearby residents. As such, I would recommend that the following conditions are attached to any consent granted for this application:

- A maximum of 12 dogs are to be allowed on the business premises at any one time.
- The use hereby permitted shall not be open to dog grooming, daycare or retail except between the hours of 08:00 and 18:00 on Mondays to Saturdays and not at any time on Sundays, Bank or Public Holidays.

I would also like to advise the applicant that although we have recommended a condition for the maximum number of dogs to be allowed, should complaints allege that the nature of the business is impacting nearby residents, this office will investigate whether a statutory nuisance is occurring, using powers conferred under the Public Health Ordinance, 1936.

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

Summary of Issues:

The main issues in deciding this application are:

- The principle of the development in this location
- The impact on the amenities of neighbouring residents
- The impact on the character and appearance of the Conservation Area
- Road safety and traffic management

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposed use of the building for dog grooming and for dog daycare and retail is a mixed use which includes elements of retail and shares some similarities with certain social and community uses but it does not fall squarely within either a retail or a social community use. As a result there is not a policy which is specifically relevant to the proposed development and the application falls to be considered as an exception under Policy GP20.

Dog grooming and dog daycare businesses are typically small-scale, low key uses which operate out of the dwelling of the owner of the business and are considered as home based businesses under Policy GP14. However, as the proposed business would operate out of an existing commercial building within the curtilage of the Earlswood Garden Centre, Policy GP14 would not be relevant in this instance.

The scale and nature of the proposed business constitutes a small-scale, low intensity use. The proposed use would not necessarily suit a Main Centre or Local Centre location due to the potential noise and disturbance from dogs which would have a greater impact within a densely populated area. In addition, the daycare element is likely to benefit from being located close to a wider area of open public space to exercise the dogs, and there is a degree of synergy between the proposed dog grooming, retail and daycare services and the animal retail element of the existing Garden Centre. As a result, the proposal amounts to a small-scale, low

intensity use which has a justifiable need to be located outside of the Main and Local Centres and it could accord with Spatial Policy S1.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential for noise nuisance from dog barking to adversely affect the amenity of nearby residents. To address these concerns The Office of Environmental Health and Pollution Regulation recommend setting a maximum of 12 dogs to be allowed on the business premises at any one time and to limit the operating hours of the dog grooming, daycare and retail business to between 08:00 and 18:00 on Mondays to Saturdays.

The existing use of the site as a Garden Centre will already generate a degree of noise and disturbance for neighbouring properties, particularly due to the number of vehicle movements into and out of the site. The location of the proposed dog business is set back a minimum of 15 metres from the closest neighbouring residential property to the south-west, with the external areas for the dogs situated mainly to the north and east of the building, away from the closest neighbouring residential property to the south-west. Provided that conditions are applied to limit the maximum number of dogs and the hours of operation, it is unlikely that the proposed use would have a material adverse effect on the amenities of neighbouring residents. However, it is also noted that should the proposed use result in a statutory nuisance, The Office of Environmental Health and Pollution Regulation would still have powers to investigate such breaches under the Public Health Ordinance, 1936.

Situated within the curtilage of the existing Garden Centre, the erection of low fencing to enclose a small outdoor area around the building and the proposed use as a whole would have no adverse effects on the character and appearance of the Conservation Area.

There is ample parking provision on site for the Garden Centre and proposed dog business. Considering the number of vehicles movements related to the existing Garden Centre use, the likely modest number of additional of vehicles movements related to the proposed business is unlikely to have any significant adverse effects on road safety and traffic management.

The proposal accords with Policies GP4, GP8, GP9, IP7 and IP9 and it can be considered as an exception under Policy GP20.

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

It is recommended that the application is approved.

Date: 06/09/2024

