

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 Offices (Use Class 15) to Childrens' Day Nursery (Use Class 18).

LOCATION: L'Atelier, Rohais De Bas, St. Andrew.

APPLICANT: Ms J Le Prevost

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: 07/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Design - 404-100 P2

Application Ref: FULL/2024/2042

Property Ref: K00034D000

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 visitors of the Day Nursery must not use the front courtyard in front of the building for drop off or pick up at any time. The Methodist carpark to the east or the small car park up the hill off Ruelle Cressard should be used instead.

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.

Expiry Date: This permission will cease to have effect on 06/03/2028 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/2024/2042
Property Ref: K00034D000
Valid date: 09/12/2024
Location: L'Atelier Rohais De Bas St. Andrew Guernsey GY6 4YY
Proposal: Change of use from Offices (Use Class 15) to Childrens' Day Nursery (Use Class 18).

Applicant: Ms J Le Prevost

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).

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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 visitors of the Day Nursery must not use the front courtyard in front of the building for drop off or pick up at any time. The Methodist carpark to the east or the

small car park up the hill off Ruelle Cressard should be used instead.

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.

OFFICER'S REPORT

Brief Description of the site:

The site known as 'L'Atelier' is a one and a half storey semi-detached building which sits gable end onto Rohais de Bas to the north. The building faces west onto a courtyard with Ruelle Cressard running along the west boundary, the attached building to the south is a residential property. To the east is a house which faces north onto Rohais de Bas and beyond is a Methodist church. Across the road to the north are other detached residential neighbours. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

A pre-application earlier in the year.

Existing Use(s):

Administrative, financial and professional services use class 15: financial and professional services.

Brief Description of Development:

This application is for a change of use from use class 15 (office use) to use class 18 (non-residential/welfare service use) to be used as a Childrens Day Nursery.

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

OC2: Social and Community Facilities Outside of the Centres

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP8: Design

GP16(A): Conversion of a Redundant Building

Representations:

There has been two letter of representation (from one neighbour) and the issues are:

- There may be a few problems that may occur due to lack of access to L' Atelier. Residents for over 40 years have witnessed the ever increasing traffic

problems on Rohais de Bas. L' Atelier is positioned in a courtyard just off the Rohais De Bas and is accessed by entering a small lane off the Rohais De Bas. This courtyard also accommodates two flats, three houses and the entrance door into our wing. The accommodation units take up all the parking spaces and they all have rights of access. It is understood that permission has been sought and granted by the Church next door to drop off and pick up children during the hours of 7.45 am to 5.45pm. However the Church parking area only has one entrance/departure area. This will mean traffic will have to wait on the Rohais De Bas while cars try to get into the parking area who will also have to wait for any cars departing from the carpark. It could become a bit of a bottle neck.

- The pavement the children and parents will need to walk along to get to the small two way lane is very busy with Les Landelles pupils using it in groups of two to three or more. The busiest times are from 8.00 am to 8.45am and lunchtime when many visit the Fish & Chip shop or Waitrose and from 3.00pm when they leave the school. They will then have to turn into the narrow two way lane (Ruelle Cressard) and into the Courtyard with cars leaving or returning from the flats etc.
- It is obvious that cars will have to be left for 10 minutes or more in the church car park while children are dropped off or collected. The church runs a playschool on Wednesdays and the carpark is full at that time with their clients. They also have funerals, weddings and christenings occasionally so how will that fit in?
- Obviously this will not affect their church service on a Sunday. The other concern is that if it is raining it will be tempting for the cars to risk parking temporarily in the courtyard while children are dropped off to prevent getting wet etc. or if they are in a hurry as it will be quicker.
- The Rohais De Bas is one of the busier roads on the island and we are concerned that the impact of say 16 extra cars arriving and departing during the day from the Church carpark and the pedestrian increase along the pavement which could also include prams or walking toddlers could be too much to cope with.
- The people living in the flats in the courtyard are also concerned about being blocked in with their cars if too many take this shortcut. The flats are rented out to them so they feel that they have no voice in this matter. The Bike Rack has also been removed to make the area look larger.

Consultations:

States Early Years Team.

'Thank you for requesting comments from the States Early Years Team with reference to the application for change of use of the building known as L 'Atelier to a day nursery.

I can see from the information shared that the building was adapted into offices in the mid 1980's, so has had a change of use as society's needs have changed.

If a change of use is granted the request is to register as a nursery not a creche or preschool, meaning business hours are likely to be 7.30am to 6pm during the working week across the calendar year, apart from bank holidays. The applicant is aware they would need to meet the Early Years Quality Standards Framework to be successful in registering a nursery.

The main concern is traffic turning out of the car park or Ruelle Cressard, particularly during peak periods. This was highlighted to the applicant during an initial site visit, hence the discussion with Church personnel.'

Summary of Issues:

- 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.

Policy OC3 states that the change of use of office uses to an alternative use will be supported where the proposals accord with all other relevant policies of the Island Development Plan.

Policy OC2 states that proposals for new social and community facilities, such as a Children's Day Nursery, will only be permitted where this can be achieved through the conversion of a redundant building, in accordance with Policy GP16(A): Conversion of Redundant Buildings.

Policy GP16(A) has a number of criteria which must be adhered to in order for proposals to be supported, the criteria are as follows, with comments relating to this application below each criteria;

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose.

The building was converted into offices back in the 1980's for an architecture firm, in around 2010 an Engineering firm replaced the architects and they moved out in August 2024. Since then the offices have been advertised, without much interest. There has been viewings of the premises but they were not deemed suitable due to the number of rooms (i.e not open plan).

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with [Policy OC4](#), visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses.

The conversion in this case will result in a social and community use of a Children's Day Nursery.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The building is of sound and substantial construction and is capable of conversion without any alterations or building work.

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced.

There are no Protected Building in sight of the property.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area.

There will be no external changes apart from a low timber fence at the front of the property which is not considered to have any impact on the character or appearance of the area.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape.

There is to be no ancillary development and therefore the character and openness of the landscape will remain intact.

g. the conversion would not require more than modest extension to the existing building for it to be achieved.

There is to be no extension.

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The only possible impact would be if the parents started to use the busy and small courtyard in front of the property for drop off and pick up.

An agreement has been put in place with the Methodist church next door but one to the east. Parent can park there whilst dropping off or picking up rather than drive into the courtyard. There is also a car park to the south of the courtyard which could also be utilised for car parking. A condition will be added to ensure no nursey clientele use the small courtyard at any time, to safeguard the courtyard for the residents of the area.

There will be a total of 16 children from the ages of three months up to pre-school age, the opening hours will be 7.45am to 5.30pm weekdays only. The separate rooms are good to separate the babies from the toddlers and the slightly older children to ensure they all have space and age appropriate activities.

As long as the nursery follows the Early Years Quality Standards Framework and parents avoid using the courtyard for drop off and pick up then the proposed change of use is considered appropriate and acceptable.

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: 28/02/202

