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My Ref: OV31082020

Mr A J Rowles
Director of Planning Services
Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

24 August 2020

Dear Mr Rowles

Re: Planning Application
Property: The former 'Jungle House', Oatlands Village, Oatlands Lane, St. Sampson
Request: Change of use of the former Jungle House to a nursery/pre-school
Applicant: F. B. Limited
Cadastre: B010080000

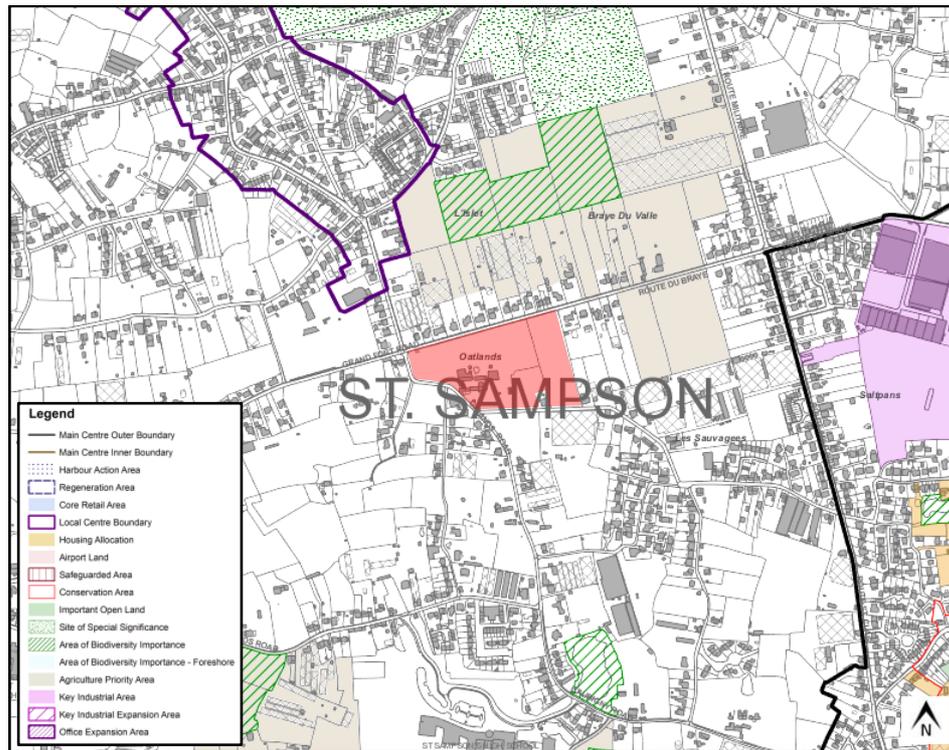
1. Introduction

- 1.1. Please accept these materials as a planning application as set out under s.7 of the Land Planning and Development (General Provisions) Ordinance, 2007 and under the Island Development Plan (2016) (IDP).
- 1.2. The planning application request is, *"Change of use of the former Jungle House building to nursery/pre-school"*.
- 1.3. That description formed the basis of the pre-application enquiry under PREA/2019/0591 received by the Authority on 18 March 2019 and to which the Authority replied on 17 April 2019 (**Pre-Application**).
- 1.4. A further pre-application meeting was held on 25 February 2020 (**Planning Meeting**) where the applicant explained the following:

"...the proposed nursery would be a high quality offer, using an alternative approach to child care and... the Jungle House building was no longer required and therefore redundant, having been replaced by the new play barns..."

“...noted that the nursery would support the leisure use, as parents and children would use the facilities and the nursery had indicated that they may be able to provide a crèche facility, looking after children while parents utilised other parts of the site.”

- 1.5. The use of parts of the Property fall under the scope of the Covenant entered into between the Applicant and the Authority in 2017 (**Covenant**).
- 1.6. The former Jungle House is part of the Covenant under ‘Unit 8’ but has never been used for retail purposes under the Covenant. For continuity I shall refer to the building as “Jungle House”.
- 1.7. The whole Property is located within a non-designated area of the IDP and no other designation, and is located just south of L’Islet Local Centre and just west of St Sampson Main Centre (as shown in Image 1).



**Image 1: Map extract from the IDP
(not to scale) (site in red – location purposes only)**

- 1.8. None of the buildings within the Property or adjacent to the Property are listed buildings, but the two kilns within the Property are protected monuments under PM82. They are not affected.
- 1.9. No new accesses or parking are required as the proposed use would utilise the same accesses and parking as currently enjoyed by the Jungle House and Oatlands Village.

2. The Pre-Application

- 2.1. The Request was the subject matter of the Pre-Application.
- 2.2. The Pre-Application advice is summarised as follows:

- 2.2.1. "Oatlands is a visitor attraction";
- 2.2.2. The primary use is as a formal leisure facility with ancillary and incidental uses;
- 2.2.3. The change of use of the Jungle House to a nursery and pre-school is beyond ancillary and incidental and "would result in a standalone use"; and
- 2.2.4. The policy framework includes:
 - 2.2.4.1. Policy OC9: Leisure and Recreation Outside of the Centres;
 - 2.2.4.2. Policy OC2: Social and Community Facilities Outside of the Centres
 - 2.2.4.3. Policy GP16(A): Conversion of Redundant Buildings
- 2.3. The Pre-Application was attached to your email dated 3 July 2020 which stated that:

"Regarding the children's pre-school nursery, I attach a copy of the pre-application advice previously provided. As confirmed in our recent discussion, the Planning Service will seek to support in principle the use of Unit 8 (the former Jungle House) as a children's nursery / pre-school facility, however in order to enable us to do this your application will need to address in some detail the relevant issues raised in the pre-application advice."
- 2.4. The Pre-Application conclusion provided (in full):

"To be successful, an application would need to demonstrate that the change of use would not be of a scale that would diminish the primary use of the site, that the proposed use would not detract from the existing use and that the building would not be required for future development associated with the existing use of the site.

Should you choose to pursue this option, it is advised that an application would also need to clearly demonstrate how the proposed use would operate, how this would function alongside the existing activities at the site, where any external activities would be undertaken and how parking would be managed.

It is also noted that Policy GP16(A) requires that a building be capable of conversion without extensive alteration, rebuilding or extension. It is understood that the approved works to the building have not yet been undertaken, and cannot therefore form the basis of an application to convert. An application would therefore need to demonstrate that the building can be converted as existing, or with limited additional works. For information, the extent of the approved works would be likely to exceed what could be permissible under this policy."
- 2.5. The key issues raised within the Pre-Application are:
 - 2.5.1. Scale of the use in comparison to the primary use of the Property;
 - 2.5.2. Proof that the Jungle House is no longer required for any future development;
 - 2.5.3. How the use operates and functions alongside the existing uses;
 - 2.5.4. Address the infrastructure required e.g. outside space and parking; and
 - 2.5.5. Address the conversion policy and the subjective 'test' of extensive alterations.

- 2.6. The suggested policy gateways of the IDP were Policies OC9, OC2 and GP16(A) (and notwithstanding all other design and amenity issues).
- 2.7. If the Authority disagrees then please let me know.

3. Background

- 3.1. I refer to the more recent planning applications for the Jungle House.
- 3.2. The Planning Officer's Report of FULL/2018/2193 provides a clear summary of the uses and background of the Jungle House at that time.
- 3.3. In summary:
 - 3.3.1. The Jungle House was approved in 1999 as an ancillary indoor activity area to Oatlands as a whole;
 - 3.3.2. In 2017, FULL/2017/2344, was granted planning permission to extend the curtilage to the east and erect the larger play barns that are visible and functional today (known as Oaty & Joeys);
 - 3.3.3. That permission was under planning condition that no change of use to the Jungle House was allowed until all works for the new play barn were completed;
 - 3.3.4. The permission sought, at that time, was to allow the Jungle House as ancillary retail, but, that change of use not being permitted until after the new play barn was constructed;
 - 3.3.5. The new play barn opened in January 2019;
 - 3.3.6. The more recent FULL/2018/2193 requested extension and alteration to the Jungle House as an ancillary use; and
 - 3.3.7. That permission is still valid but the Applicant has been in more recent dialogue with the Authority given the Covenant, Covid 19, the new States of Guernsey 'revive and thrive' initiative and to find a longer-term and more economically sustainable use for the Jungle House.
- 3.4. The outcome was the Pre-Application and this summary assists the policy gateways suggested by the Authority and as set out below.
- 3.5. This is also on the positive premise that the Authority's position is to support this application request.

4. Policy OC9: Leisure and Recreation Outside of the Centres

- 4.1. Policy OC9 allows for change of use of existing leisure and recreational facilities where it is demonstrated that such uses can be relocated and/or are no longer required.
- 4.2. The facts here are that:
 - 4.2.1. The previous Jungle House uses have already been relocated within the site within the new play barn;

- 4.2.2. As the current use class is ancillary leisure and recreation i.e. the old and former Jungle House, that use is no longer required because of the play barn (and was the whole purpose of FULL/2017/2344); and
- 4.2.3. Unit 8 (“Block 3” or “Jungle House”) falls within the scope of the Covenant for retail, but it has never been used for retail and the Planning Meeting established that a nursery would support the leisure use.
- 4.3. The change of use in terms of physical scale would work with the current building (as in previous planning applications) and as a complementary leisure and recreation use (as established in the Planning Meeting) where:
 - 4.3.1. The primary use of the site would not be diminished;
 - 4.3.2. The proposed use would not detract from the existing use; and
 - 4.3.3. The building is no more or less “required” for future development associated with the existing use of the site, given its planning history.
- 4.4. Furthermore, any change of use can be regulated by reasonable and sensible planning conditions under s.17 of the General Provisions Ordinance, 2007 and as applied in previous planning decisions for this site.
- 4.5. This change of use is also very complementary to leisure and recreation and it is not uncommon in western world planning that leisure, recreation and tourism destinations (especially ones which target a family/children market) have nursery/pre-school facilities e.g. Durrell Zoo, Jersey.
- 4.6. Here, that complimentary nature will include the nursery/pre-school having its food provided by on site restaurants, children at the nursery/pre-school could use the boarder uses both before and after school, and/or families can use the site whilst a child is at nursery/pre-school (with the nursery providing a crèche facility like most nurseries).
- 4.7. The potential tenant that would lease this site has also confirmed that the States of Guernsey Education fully support this change of use. Please consult them directly at your discretion.

5. Policy OC2: Social and Community Facilities Outside of the Centres

- 5.1. Policy OC2 includes “...schools, pre-schools and crèches” (16.2.1. of the IDP) within its scope.
- 5.2. The new use would be a “new” use in an existing building, but, would be an ancillary and incidental use to the current use of the site, and its use by young people and families.
- 5.3. That ancillary nature works more positively with the site as a whole than resulting back to a ‘Jungle House’ (which has now been superseded by the play barn) or be used for retail under the Covenant (which is an optional not prescriptive use under the Covenant and where standalone retail is precluded by policy).
- 5.4. In short, a nursery would not cause any greater ‘harm’ in planning terms and would have obvious benefits to the primary use of the site and as set out in the Planning Meeting.
- 5.5. The reference to Policy GP16(A) is referred to below, and as referred to in Policy OC2, the Pre-Application and the Planning Meeting.

6. Policy GP16(A): Conversion of Redundant Buildings

6.1. The Pre-Application concluded,

“It is understood that the approved works to the building have not yet been undertaken, and cannot therefore form the basis of an application to convert. An application would therefore need to demonstrate that the building can be converted as existing, or with limited additional works. For information, the extent of the approved works would be likely to exceed what could be permissible under this policy.”

6.2. The Jungle House is an existing building and (in terms of limb (a)):

6.2.1. Is no longer required as a Jungle House because of the play barn approvals;

6.2.2. Could be used for retail under the Covenant, but a nursery/pre-school would offer a far more ancillary use to the primary use as a tourist/family attraction;

6.2.3. That use can be subject to planning conditions for cessation etc. so any future use as a Jungle House, retail and/or any other tourist based uses is not undermined; and

6.2.4. Is capable of being used for a retail use under the Covenant or a Jungle House (as its current and last known uses) but the nursery/pre-school would offer a more appropriate ancillary use to the primary use and as a significant improvement on the current or last known uses.

6.3. The reference to “extensive” works under limb c. of Policy GP16(A) from recent planning appeals is well understood, but those appeals were fundamentally based on conversion of redundant buildings to houses (and inclusive of broader fears of domesticity to land under Policy GP1).

6.4. The submitted plans show the level of alterations required as a standalone planning application and, given the facts on their own merits, the works are not considered ‘extensive’ for this individual planning application. They are fenestration alterations to current planning approvals.

6.5. The list of alterations include:

6.5.1. Roof

6.5.1.1. Existing pantiles retained.

6.5.1.2. Central glazed section retained and new glazing and frame installed.

6.5.1.3. Velux roof lights omitted.

6.5.2. West Elevation

6.5.2.1. 3 existing windows blocked up and clad over.

6.5.2.2. New North West corner window omitted.

6.5.3. East Elevation

6.5.3.1. No change.

6.5.4. South Elevation

6.5.4.1. 2 existing windows in South West corner blocked up and clad over.

6.5.4.2. 2 sets of new double doors in existing opening.

6.5.4.3. Existing gable windows and door blocked up and clad over.

6.5.4.4. New circular high level window added.

6.5.5. North Elevation

- 6.5.5.1. 1 new window omitted.
- 6.5.5.2. External stairs omitted.
- 6.5.5.3. Disability ramp added.

6.5.6. General

- 6.5.6.1. Timber windows omitted. Powder coated aluminium windows added.
- 6.5.6.2. Outdoor play area indicated on site plan.
- 6.5.6.3. Internal WC'S, disabled WC and kitchen layout added.

- 6.6. These alterations do not alter the form or location of the building and that is the fundamental character of this locality. The site is also located to the rear of the main Oatlands site and is only visible from within the site.
- 6.7. These list of alterations are not deemed “extensive” for their purpose as an ancillary and incidental nurseury use that can be regulated by planning condition.
- 6.8. If this is the only issue the please accept this paragraph as a written request by the applicant as a departure from law under s.12(2) of the General Provisions Ordinance, 2007 to depart from the application of ‘extensive’ where such a test (at appeal level) has been more so applied to domestic cases rather than ones of this nature and scope.
- 6.9. In all other aspects of Policy GP16(A):
 - 6.9.1. This is an education, social and community use (limb b);
 - 6.9.2. The building is sound and substantial construction. The preamble to Policy GP16(A) states that a structural engineers report is usually required. Given the history of this building, the fact it exists in such an obvious manner and that this building has been assessed by Building Control, we have not enclosed a structural engineers report. However, please request one if essential (limb c);
 - 6.9.3. The ‘extensive’ alterations element of limb c. is addressed above;
 - 6.9.4. The setting of the ‘kilns’ is not affected (limb d);
 - 6.9.5. The building form and character already exist and do not physically change (limb e);
 - 6.9.6. The site is self-contained within the confines of Oatlands and does not affect character or openness (limb f);
 - 6.9.7. No extensions are required (limb g) – unless the outside play area is considered an extension and if so this is very minor and is over an existing outdoor area and enclosed by a 2m high solid fence; and
 - 6.9.8. There is no harm on neighbour amenity (limb h, Policy GP8, Annex I and s.13(i) of the General Provisions Ordinance, 2007).
- 6.10. On balance, Policy GP8 is proportionately addressed and in reading the IDP as a whole document.

7. Other Policy Matters

- 7.1. Policy S1 allows for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan (2011). This is an identified circumstances under Policies OC9 and OC2 via conversion of an existing resource.
- 7.2. Policy S4 has a positive presumption that supports development Outside of the Centres that meets the requirements of the relevant specific policies of the IDP. I refer to Policies OC9, OC2 and the scope of GP16(A).
- 7.3. Policy GP1 relates to landscape character and that is not affected as the building already exists within a group of other established buildings. The only other reasons for referring to Policy GP1 is how it is also being applied to Policy GP16(A) in the appeal cases referred to in the Pre-Application. The scope being domesticity of land around conversions to houses. That 'harm' in planning terms would not apply here.
- 7.4. Policy GP8 is a broad design policy, but a key starting point is that the States of Guernsey Education supports this change of use under all of their current mandates. That is effective and efficient use of land for the purposes of the IDP.
- 7.5. Notwithstanding that, in terms of each limb:
 - 7.5.1. The design is 'good' and facilitates all necessary infrastructure and facilities (especially for disabled use) and using the existing form of the building (limb a);
 - 7.5.2. This is effective and efficient use of land and meeting a key demand (limb b);
 - 7.5.3. The site is an existing building within a group of existing buildings and that built form does not change and there is no open landscapes (limb c);
 - 7.5.4. The health and wellbeing of the users is a fundamental part of this use for young children and families and where the minor alterations (which are not extensive) allow for sufficient daylight, sunlight, outdoor space and privacy (limb d);
 - 7.5.5. This is a conversion of an existing building which is sustainable and reduces build costs and excavation (Policies GP9 and GP10). The external materials are retained and the new outdoor space is over an existing area used for external amenity (limb e);
 - 7.5.6. The new ramp and internal WCs ensure that the building is accessible for all users of all ages and abilities, and especially young children requiring a safe, user friendly and accessible education (limb f); and
 - 7.5.7. This is not a residential conversion, but this limb highlights the further requirements of "extensive" alterations for domestic conversions as referred to above (limb g).
- 7.6. Policy GP9 is addressed by separate Annex I below.
- 7.7. Policy GP10 is about comprehensive development. Here, we have an established building no longer required as a Jungle House and where its potential retail use is only permitted by the Covenant but resisted by policy.
- 7.8. This change of use offers a viable, sustainable and ancillary use to an established site and as supported by the States of Guernsey Education.

- 7.9. Policies IP8 and IP9 are not aggravated as the existing car park and accesses will be used in a similar manner if this building was a Jungle House or used for retail.
- 7.10. No new parking is required and the frequency of comings and goings from the main site fall within the existing scope of its resources and capacity is not increased beyond the scope of the current uses and infrastructure.

8. Other Strategic Matters

- 8.1. Covid 19 has had catastrophic impacts on the global economy, yet Guernsey has managed to protect itself and its community. The States of Guernsey (as a whole) recognise that through their 'revive and thrive' initiative that Guernsey's land uses are fundamental to that recovery and within facts and degree of planning legislation. That is by no means carte blanche, but it is a positive and pragmatic way for Guernsey to recover. That includes access to education.
- 8.2. Here we are asking for a change of use of an existing building that is an ancillary use to the primary use of the site and can be easily and fairly controlled by planning conditions e.g. revocation of uses upon cessation as a nursery/pre-school.
- 8.3. That is considered good land use planning at every conceivable professional level.

9. Conclusions

- 9.1. The applicant has tenants awaiting to lease this building upon planning and building control permission i.e. there is an immediate use/user.
- 9.2. I appreciate the 21 day site notice period and due process, but if this application can (in any way) be expediated due to its educational uses and that September/October 2020 is the new term time then that would be greatly appreciated.
- 9.3. In the applicants own words, *"James, clearly the scale of the nursery will not diminish the primary use of the site. There is much synergy with the play barn - that facility will be providing dedicated healthy meals and fun yet educational exercise for the use of the site as a whole"*.

If you require any further information then please do not hesitate to contact me.

Your sincerely,



James Le Gallez
Director
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Appendix I: Policy GP9

Introduction

Please accept this correspondence as a sustainability statement for this change of use of an existing building to a nursery/pre-school.

Standards (generally)

The proposed development has been designed to meet or exceed the technical requirements of the Guernsey (Building) Regulations, 2012 (Regulations) and especially with regards to access for disabled users and providing longer term benefits to education.

Flooding

The application site is not within any flood risk area and on site water is managed by permeable surfaces leading to existing road drainage.

In terms of efficiency then all rooms with water supplies will be monitored and installed with non-drip tap systems and dual-flush system toilets, wherever possible. We will also explore gutter and outbuilding run off rain water catchment for irrigation of external areas. The application site is not a catchment area for water so water pollution is highly unlikely, but every precaution will be adopted.

Energies

The energy demands are low and solar, air and land source technologies will be explored. The east to west roof slopes provide an east and west profile that is constantly in the sun path and allows for future use of solar energies and/or photovoltaic tiling systems.

In terms of transport, then the alterations are minimal and do not require heavy works or machinery.

Access

Access is addressed within the written statement and the proposed plans and meets the Regulations in terms of width of accesses, level thresholds, and a new ramp.

Longevity/Adaptability

This is addressed in the written statement under Policy GP8 and this is a sustainable change of use that can be controlled by planning condition and as an ancillary use to the primary use.

Finishes and Materials

The finishes are as shown on the submitted plans with timber cladding, pantile roof and aluminium windows and doors all constituting recyclable materials should the building ever be demolished.

Machinery, Plant & Equipment

In terms of build transport, then the existing car park/driveway would be the site access and the storage areas would be behind the existing paly barn (temporarily and if needed) and adjacent to the west elevation back door of the building e.g. partitions, doors etc. There is no demolition.

Construction Methods

These are as shown on the proposed plans, but this is a simple change of use using an existing building and where the works comprise of the list stated in 6.5 of the written statement.

Landscape

All existing boundary features are retained and this is a change of use of a building currently located within a group of buildings.

Comprehensiveness

Any materials that form part of a planning application fall under the scope of section 7 of the Land Planning and Development (General Provisions) Ordinance, 2007. The 'planning promise' under that provision is annexed to any commitment stated by any applicant in any written or plan form submitted. Here, this is a comprehensive scheme encapsulating the whole of the site (Policy GP10).