

STATES OF JERSEY



ISLAND PLAN 2002: CHANGES TO BUILT-UP AREA BOUNDARY (P.77/2005) – SECOND AMENDMENT (P.77/2005 AMD.(2))– COMMENTS

**Presented to the States on 21st June 2005
by the Environment and Public Services Committee**

STATES GREFFE

COMMENTS

Introduction

In the light of concerns raised by certain Members relating to the definition of the built-up area boundary in the Island Plan 2002, the Environment and Public Services Committee has undertaken a review, the outcome and recommendations of which are contained within its proposition P.77/2005. This pro-active response to the concerns of States Members and, through them, the public, is aimed at ensuring that the built-up area boundary and the planning status of land, particularly open land, within that boundary remains rational and defensible. The Committee considers that there are no rational and defensible grounds for amending the Plan in accordance with Senator Norman's proposition and believes that to do so would only serve to unnecessarily undermine the rationale underpinning the built-up area policies, in the interests of localised political expediency.

Background

The Island Plan 2002 is the principal instrument for the planning and use of land in Jersey and sits at the heart of our 'plan-led system'. It is of critical importance to our quality of life and has a crucial role to play in the success of the local economy, the quality of the local environment and the welfare of the local community. The Committee is strongly of the opinion that the principles and policies contained in the Plan are fundamentally sound and serve to ensure an appropriate and sensible balance between the development of land and the protection of the environment, in the public interest. However, it also believes that by carrying out the review of the built-up area boundary and implementing its recommendations, the Plan can be up-dated and made more robust. In turn, it is considered that this will help to retain necessary public confidence in the Plan and in its application across the whole Island.

Among its recommendations the Committee is proposing that 29 areas of open land within the built-up area be designated as 'Important Open Spaces', so they can be afforded additional protection from development under Island Plan Policy BE8, which is attached at Appendix 1. All the sites in question, including public amenity areas, school grounds and cemeteries, are regarded as having an intrinsic value as important open space which warrants a greater level of protection.

Island Plan Zoning and the Pattern of Settlement

Field 91 is presently included in the 'Built-Up Area' as defined on the Jersey Island Plan: Island Proposals Map, which was approved by the States on 11th July 2002. More specifically, it is included in what the Island Plan describes as the linear urban settlement of 'St. Clement Coast'. This includes the developed and mainly urban area which extends outwards from St. Helier along the coastal plain of St. Clement to Green Island and, with a few breaks, beyond to La Rocque.

The Committee is naturally sympathetic to the concerns of older local residents who lament the passing of a time when the Parish of St. Clement was considerably more rural in its character. However, it is also important to ensure that such concerns are kept in perspective. It could be argued that the most significant change in terms of the present day character of this area along the shoreline of La Greve d'Azette occurred with the advent first of the railway and then the private motor car. This led to the development of many homes and hotels, which already extended all along this part of the coast before the occupation. The main additional development in the area, including the large States' housing scheme at Le Squez, occurred from the mid 1960s to the beginning of the 1980s when the current settlement pattern was effectively established. In more recent times new development in the form of infill and redevelopment has been permitted, but in a controlled manner. This has effectively served to consolidate the already established pattern of development. As a consequence, the St. Clement's Coast urban area is now, and has been for some time, a densely populated area. Furthermore, it can be of little surprise to anyone, given the existing settlement pattern and the relatively small size that the Parish, that St. Clement has a population density second only to St. Helier.

The boundaries of the built-up area in the vicinity of Field 91 are shown on the enclosed location plan (at Appendix 2). The main relevant Island Plan policies governing development in this area are attached for ease of reference (at Appendices 3 to 5) and include Policies H8 ('Housing Development within the Built-Up Area'), G2

(‘General Development Considerations’) and C13 (‘Safeguarding Farmland’).

Field 91, St. Clement

Senator Norman’s proposition is to include Field 91 among those proposed for designation as important open space. The Committee would contend, however, that there are no material planning grounds to justify such a designation in this instance.

The site comprises a relatively small, flat, low-lying field measuring approximately 2.3 vergées (1.02 acres), which is located to the north La Grande Route de la Cote, in the Vingtaine of Samares, St. Clement. Until recently, the field was in agricultural use, but it is presently fallow.

The Senator’s contention that Field 91 is an important “green lung” and a meaningful open space is largely emotive and does not bear close scrutiny. The site is privately owned and presently offers no public access. It is enclosed on three sides by existing established development, including Glendale Avenue to the east, Avalon Park to the west and to detached properties to the south fronting the coast road. The remaining side to the north is enclosed by a Category A housing site where the homes are currently reaching an advanced stage of construction (the “Hodge 2 site”).

Given its inconspicuous ‘backland’ location, the site affords no open vistas or important views from the main public area (i.e. the Coast Road). There are only incidental views from the Coast Road between and down each side of the frontage properties. Nor does the land contribute to the character and quality of the local environment. It does not, for example, providing interesting visual relationships between the space and adjacent buildings (as in the case of the land adjacent Tesson Mill, St. Lawrence), nor does it provide an important window to / visual link with the surrounding countryside (as in the case of Fields 97 and 100, Samares Lane); nor does it form a relieving barrier between 2 built-up areas (as in the case of Fields 101 and 102B St. Clement further east along the Coast Road).

In the circumstances, it is held that the land in question does not have sufficient amenity, visual or environmental value to warrant designation as ‘Important Open Space’.

On the contrary, it can be argued that the site’s location has a number of advantages, which would support its use for a small-scale residential development. It is enclosed by existing residential development on all sides; with careful design and layout there need be no harmful impact on the wider landscape or the character of the surrounding area; relatively few established residential properties would be directly affected by any development; there is potential for vehicular access to a main distributor road; there is potential access to two main public transport routes (i.e. No.1 to Gorey and No.18 Le Marais Estate); the site is within reasonable cycling distance of town; and there are a number of community facilities within reasonably close proximity of the site (including Samares Primary School, Le Rocquier Secondary School, the beach, Le Squez Youth Club, the Eastern Good Companions Club, two churches, a supermarket and the recreational facilities at FB Fields and the Jersey Recreation Grounds).

The above considerations serve to explain why the site was not included as ‘Important Open Space’ in the Island Plan 2002 and why that decision was maintained following the Committee’s ‘Built-Up Area Review’.

It is held that the criteria-based policies in the Island Plan, referred to above, provide a sound framework for guiding and controlling the development and future use of the site and for considering any development proposals. More specifically, under the current policies, the Committee will need to be satisfied *inter alia* that recently publicised concerns of local residents in relation to loss of privacy, traffic access and crime prevention are properly and adequately addressed, before it would even consider looking favourably on any future proposals for development.

In any event, in the context of the existing built-up area and contrary to the views expressed by the Senator, the Committee considers that the development of such a relatively small area of land, if carefully planned, need not be particularly “significant”, and need not have any significant impact on the “quality of life for existing residents”.

Preliminary Advice and the Current Application

In April 2004 the planning department offered pre-application advice to the landowner on the basis of the land's current planning status. It was suggested to him that the development of the land for residential purposes would be acceptable in principle. However, it was also made clear that the precise form and yield of the development will need to satisfy the criteria in the relevant Island Plan policies.

In January 2005, the Planning Sub-Committee considered a request from the President of the Housing Committee for the imposition of a planning obligation in association with any future planning permission, to guarantee the provision of a footpath through Field 91. The purpose of the request was to provide a link between the "Hodge 2 site" and the Coast Road, so as to better integrate this new development with its surroundings and improve accessibility to existing facilities. The Sub-Committee agreed that such an obligation should be pursued, as far as possible, upon submission of a planning application.

Further informal departmental advice has subsequently been given to the prospective developer and his agent in relation to various sketch layouts for a proposed new housing development.

More recently, on 17th May 2005, an application was submitted under the Island Planning Law for the construction of 20 two-bedroom dwellings, to be accessed from La Grande Route de la Cote, via a widened entrance alongside the frontage property known as 'Maystan'.

Clearly, the Committee has a duty to consider this application on its merits, having regard to the current Island Plan policies, any other material planning and technical matters arising and the views expressed in representations from members of the public and interested parties.

Conclusions

A good development plan must ensure that land is used wisely and efficiently and that a sensible balance is struck between the demand for development and the need to protect and enhance the environment in the public interest.

The built-up area defined in the Island Plan 2002 (as amended by P.77/2005) and the designation of land within the built-up area boundary, is an important means of helping to achieve that balance.

In addition to protecting the most sensitive and important sites from harmful development, the Plan's built-up area policies seek to provide opportunities for accommodating necessary change, including opportunities for new housing development. Whilst there are many open areas within the built-up area boundary which warrant protection from development, there are others which provide genuine opportunities for appropriate and sympathetic developments, which can meet the needs of the community with minimal impact on the surrounding area.

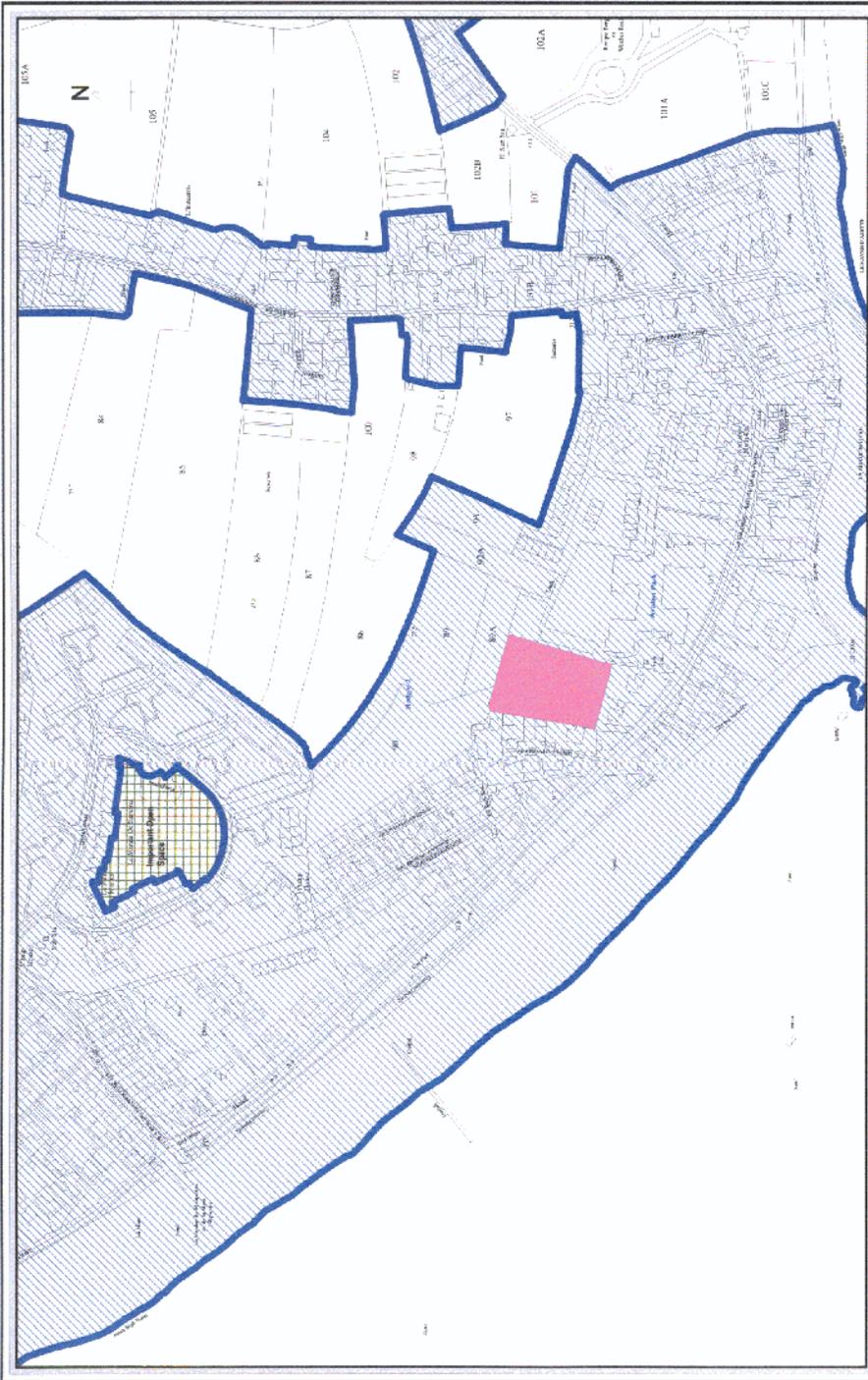
Field 91 is regarded as one such opportunity. It can, for example, given its appropriate location, help contribute towards the States' strategic objective of providing homes for all Island residents. The relevant Island Plan policies will give the Committee sufficient controls to appropriately determine the current and any future development proposals for the land and will provide the tools to ensure *inter alia* that such proposals do not unreasonably affect the character and amenity of the surrounding area.

It is maintained that there are insufficient inherent material planning factors to warrant affording Field 91, St. Clement additional protection from development through designation as 'Important Open Space'. For the reasons outlined in this report, the Committee does not consider it necessary for any amendment to its current planning status.

Policy BE8– Important Open Space

There will be a presumption against the loss of important open space as designated on the Island and Town Proposals Maps.

In order to better understand the function and role of open space, the links between spaces and to identify areas of need or shortfalls in space provision, the Planning and Environment Department will initiate the preparation of an open space strategy.



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Appendix 2: Field 91 and Built-Up Area Boundary

Policy H8– Housing Development Within the Built-up Area

Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will normally be permitted within the boundary of the built-up area as defined on the Island Proposals Map, provided that the proposal:

1. is in accordance with the required standards for housing as set by the Planning and Environment Department;
2. will not unreasonably affect the character and amenity of the area;
3. will not have an unreasonable impact on neighbouring uses and the local environment by reason of noise, visual intrusion or other amenity considerations;
4. will not have an unacceptable impact on a Site of Special Interest, Building of Local Importance or a Conservation Area;
5. will not lead to unacceptable problems of traffic generation, safety or parking;
6. makes use of existing buildings where possible;
7. is appropriate in scale, form, massing, density and design to the site and its context;
8. incorporates where appropriate satisfactory provision of amenity and public open space, to include landscaping and children's play space;
9. makes provision for satisfactory mains drainage and other service infrastructure;
10. takes into account the need to design out crime and facilitate personal safety and security; and
11. is in accordance with other principles and policies of the Plan.

Proposals which do not satisfy these criteria will not normally be permitted.

Innovative approaches to the conversion of existing buildings to residential use will be encouraged where they conform with the other principles and policies of the Plan.

Policy G2– General Development Considerations

Applicants need to demonstrate that the proposed development:

1. will not unreasonably affect the character and amenity of the area;
2. will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations;
3. will not have an unreasonable impact on agricultural land;
4. will not have an unreasonable impact on the landscape, ecology, archaeological remains or architectural features and includes where appropriate measures for the enhancement of such features and the landscaping of the site;
5. incorporates satisfactory provision of amenity and public open space where appropriate;
6. will not have an unreasonable impact on important open space or natural or built features, including trees, hedgerows, banks, walls and fosses;
7. provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking;
8. will not lead to unacceptable problems of traffic generation, safety or parking;
9. is accessible by pedestrians, cyclists and public transport users, including those with mobility impairments;
10. will not have an unreasonable impact on public health, safety and the environment by virtue of noise, vibration, dust, light, odour, fumes, electro-magnetic fields or effluent;
11. is not at risk from flooding or does not increase the risk of flooding elsewhere;
12. does not have an unreasonable impact on the safe operations of the Airport;
13. where possible makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources;
14. takes into account the need to design out crime and to facilitate personal safety and security;
15. encourages energy efficiency through building design, materials, layout and orientation; and
16. includes the provision of satisfactory mains drainage and other service infrastructure.

Applications which do not comply with these principles will not normally be permitted.

Policy C13– Safeguarding Farmland

There will be a presumption against the permanent loss of agricultural land for development or other purposes. Where exceptions are proposed, the nature of the proposed use and the impact on the viability of the agricultural holding will be taken into account.