

STATES OF JERSEY



LAND IN ST. CLEMENT: REZONING (P.40/2005) – COMMENTS

**Presented to the States on 19th April 2005
by the Environment and Public Services Committee**

STATES GREFFE

COMMENTS

Introduction

In responding to this particular proposition, the Committee would wish to have regard to those introductory remarks made in relation to the similar proposition, calling for the rezoning of other land, brought by Deputy Hilton (P.33/2005). Accordingly, the Committee is clearly aware of the concerns of Members and the public in respect of these issues and is seeking to respond in a proactive and conciliatory manner in reviewing the basis of the concerns raised: it seeks to ensure that confidence in the Island Plan, which it believes to be a fundamentally sound and highly important tool, is restored.

The Committee is thus proposing that where there are clearly specific anomalies identified by others and supplemented by the findings of the Committee's own review, these matters are addressed. Accordingly, it proposes that a number of areas of land be rezoned to become important open spaces within the built-up area, countryside zone or green zone, and to thus benefit specifically from the relevant policy regimes afforded by Island Plan Policies BE8, C6 and C5 respectively, as detailed within its own proposition (P.77/2005).

Field 108A, St. Clement

With respect to the specifics of Deputy Baudains' proposition, the Environment and Public Services Committee acknowledges that Field 108A is inappropriately included as part of the built-up area and that this land is part of the countryside and should enjoy a greater degree of protection from potential development.

Accordingly, the Environment and Public Services Committee accepts that Field 108A, St. Clement be rezoned a green zone and be subject to the 2002 Island Plan policy regime of C5 where there is a general presumption against all new forms of development.

Land to the south of Jambart House and land to the south of Jambart Farm, Rue de Jambart, St. Clement

The Committee believes that it is right to maintain the status of both of these sites within the built-up area: both sites comprise part of a private garden or the domestic curtilages of these buildings and the Committee is of the view that it is appropriate for any development proposals upon them to be considered in terms of the existing planning policy regime that is applicable within the built-up area boundary – namely Policies G2 and H8 of the 2002 Island Plan (see Appendix 1).

As has been stated in respect of comments on Deputy Hilton's proposition, the Committee believes that whilst there is a qualified presumption in favour of development within the built-up area boundary, it believes that the criteria based qualifications which make up the Island Plan policies, such as G2 and H8, provide the Committee with the appropriate tools to resist development that would be inappropriate or unacceptable in these locations.

The Environment and Public Services Committee is very clear and entirely comfortable that the qualified presumption in favour of development in the built-up area does not mean that every site within the built-up area can automatically be built upon: this is the key difference between the built-up area policies in the 1987 and 2002 Island Plans. All development proposals within the built-up area boundary must satisfy the relevant policy criteria, particularly those in Policies G2 (and H8, where residential development is proposed). And the Committee feels entirely able to resist development proposals in the built-up area which fail to satisfy these tests: the Committee considers and applies these tests to assess the individual merits of all applications within the built-up area that come before it. Indeed, informal officer advice has already been offered in respect of development proposals for the development of land to the south of Jambart House that certain development proposals would be unlikely to satisfy some of the tests set by the Island Plan.

Clarifications

Deputy Baudains report raises several other points upon which the Committee makes the following comment –

Approval of the Island Plan

It is acknowledged that comments about the manner in which the Island Plan was finally approved by the States Assembly on 11th July 2002, as cited in the report dated 12th February 2003 (Appendix 4 of P.40/2005), may be misleading. Notwithstanding, the issue is that the Island Plan was approved by States Members on a standing vote and that, therefore, it may be reasonably assumed that the 2002 Island Plan was overwhelmingly supported.

Consultation process

The Deputy is of the opinion that the Island Plan was not produced in an open and inclusive process: the transcript of Deputy Layzell's speech, appended to Deputy Baudains' proposition at Annex 4, provides details of the extent of the consultation process undertaken in respect of the Island Plan which, it is contended, was extremely extensive.

The Deputy acknowledges that Members may have 'missed' changes to the built-up area boundary in their having been absorbed by the proposed rezoning of land for Category A housing sites. The Committee would contend, however, that details of these changes were available throughout the review of the new Island Plan and were explicit: the alleged 'secret sites' were identified on the Consultation Draft Island Proposals Map, which was published in June 2001; over a year prior to the States debate on the Island Plan in July 2002.

It was thus incumbent upon Members to raise matters where they had issues with the definition of the built-up area boundary. Where issues were raised, as a result of the open and inclusive process of consultation that the Committee undertook, the Committee considered them and responded accordingly, including the making of some amendments to the definition of the built-up area boundary in the final draft of the Island Plan published in April 2002.

Development of sites in St. Clement

Deputy Baudains asserts that applications for dwellings within the built-up area are presently determined "with the mindset of the 1987 Island Plan" that is, without any qualification to the presumption in favour of development that existed under the former Island Plan and thus without reference to the criteria of the new 2002 Island Plan. This is clearly not the case: the Island Plan is the Committee's primary consideration in the determination of all development applications and the Committee is required to carefully consider the merits of each application relative to the detailed requirements of the appropriate Island Plan policies.

The Deputy makes reference to the development of sites in Rue de Hocq and Rue de Samarès as examples of where the Committee has, in his view, failed to have regard to the requirements of the new Island Plan, and consequently, failed to uphold the assurances given by the then Committee Vice-President, Deputy Alastair Layzell during the Island Plan debate. The Committee would seek to contend this assertion and considers it worthwhile providing some of the detail in respect of the cases cited and would draw Members' attention to the aerial photographs of these sites, and their contexts (attached at Appendices 2 and 3 respectively):

Field 147, Rue de Hocq

This development of 6 two-bedroom houses in the form of one terrace of 3 homes, 2 semi-detached dwellings and detached home, reflects the varied form and character of buildings along Rue de Hocq: the homes comply with the Committee's standards for internal and external living space. It is a relatively small but dense development of 20 dwellings/acre, relative to that of other development along Rue de Hocq, such as Beachside Mews, at 16 dwellings/acre, but is considered to be appropriate in scale and character to other development which exists in the lane (see Appendix 2);

Land adjacent L'Industrie, Rue de Samarès

The development of a 0.6 acre former greenhouse site has been approved for 10 new homes: the site density, of just over 15 dwellings /acre, is similar to that of Broadlands (@ 14 dwellings/acre) in Rue du Hocq or Oaklands Vineries, in Rue du Presbytere (@ 16 dwellings /acre). The scheme is considered to be in keeping with the existing character and pattern of development in the area (see Appendix 3).

West Riding, Rue de Samarès

This site comprises a large detached property in its own grounds, with a site area of just under one acre. Approval has been awarded, in principle, for the demolition of the existing property and the redevelopment of the site for 6 homes: this is consistent with the redevelopment of existing developed sites to provide new homes through an efficient use of land, having regard to all other material considerations (see Appendix 3).

Summary and conclusion

On the basis of the above the Committee recognises and accepts that Field 108A in St. Clement should be rezoned as green zone. It does not, however, consider it necessary for any amendment to be made to the status of land south of Jambart House and Jambart Farm in Rue de Jambart as any development proposals relating to either of these sites can be appropriately and adequately determined within the context of the existing Island Plan policy regime, specifically Policy G2 and H8.

General development considerations

- 4.1 In assessing proposals for development, there are a range of issues to be taken into account relating to the impact of the development on infrastructure and resources, the environment, adjacent uses and the wider community. These are general criteria that apply to all types of development and should be read in conjunction with specific policies of the topic chapters.
- 4.2 Sufficient information will be requested with an application to enable an assessment to be made of whether the criteria listed in Policy G2 have been fully taken into account.
- 4.3 Where a site development brief has been produced, the applicant will also need to provide evidence that the proposed development satisfies the requirements of that brief. In certain circumstances, applicants may also be required to submit design statements, environmental impact statements, transport assessments, archaeological evaluations, site investigations for contaminated land, access audits, travel plans and waste management plans. These requirements are addressed under Policies G4, G5, G6, G12, G17, TT19, TT22 and WM2 respectively.

POLICY G2 – GENERAL DEVELOPMENT CONSIDERATIONS

Applicants need to demonstrate that the proposed development:

- (i) will not unreasonably affect the character and amenity of the area;**
- (ii) will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations;**
- (iii) will not have an unreasonable impact on agricultural land;**
- (iv) 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;**
- (v) incorporates satisfactory provision of amenity and public open space where appropriate;**
- (vi) will not have an unreasonable impact on important open space or natural or built features, including trees, hedgerows, banks, walls and fosses;**
- (vii) provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking;**
- (viii) will not lead to unacceptable problems of traffic generation, safety or parking;**
- (ix) is accessible by pedestrians, cyclists and public transport users, including those with mobility impairments;**
- (x) 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;**
- (xi) is not at risk from flooding or does not increase the risk of flooding elsewhere;**
- (xii) does not have an unreasonable impact on the safe operations of the Airport;**

- (xiii) where possible makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources;
- (xiv) takes into account the need to design out crime and to facilitate personal safety and security;
- (xv) encourages energy efficiency through building design, materials, layout and orientation; and
- (xvi) includes the provision of satisfactory mains drainage and other service infrastructure.

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

Housing Development within the Built-up Area

- 8.124 Policies H2 to H6 deal with sites specifically identified to meet the requirements for Category A homes in the Plan period. The majority of Category B homes will come forward as windfall developments within the normal development process on sites within the built-up area which are not specifically allocated for this purpose in the Plan.
- 8.125 The new Island Plan Spatial Strategy designates a hierarchy of settlements which together form the boundary of the built-up area, as defined on the Island Proposals Map. This includes the town of St. Helier, 8 urban settlements, 11 key rural settlements and 21 small built-up areas and small rural settlements. Proposals for housing development, including new dwellings and extensions and alterations to existing homes within the built-up area, will be assessed against criteria relating to its design and impact on the local environment and neighbouring uses. This policy should be read in conjunction with the general considerations for all developments contained in Policy G2.
- 8.126 In particular, all new housing developments will be expected to provide a standard of accommodation that meets the requirements of the Planning and Environment Committee, with respect to –
- site density;
 - privacy, daylight and noise;
 - dwelling size, internal layout and room sizes;
 - energy efficiency;
 - use of materials;
 - car parking space;
 - garden and private amenity space;
 - public open space;
 - children’s play areas;
 - designing out crime; and
 - landscaping.

These requirements are specified within Planning Policy Advice Notes (see Appendix 2).

- 8.127 The intention of designating a built-up area boundary is to continue to contain future development within existing limits and thus prevent encroachment into the countryside. Housing development will not therefore generally be allowed outside of the boundary, except for the replacement of existing dwellings and conversions of existing buildings. It is often said that there are many small corners of land in the countryside, which could take ‘infill’ developments. On its own, such a development might not appear intrusive but the cumulative impact would be severe for the Island’s countryside, travel patterns and cost of providing community and utility services.

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:

- (i) is in accordance with the required standards for housing as set by the Planning and Environment Committee;**
- (ii) will not unreasonably affect the character and amenity of the area;**
- (iii) will not have an unreasonable impact on neighbouring uses and the local environment by reason of noise, visual intrusion or other amenity considerations;**
- (iv) will not have an unacceptable impact on a Site of Special Interest, Building of Local Importance or a Conservation Area;**
- (v) will not lead to unacceptable problems of traffic generation, safety or parking;**
- (vi) makes use of existing buildings where possible;**
- (vii) is appropriate in scale, form, massing, density and design to the site and its context;**
- (viii) incorporates where appropriate satisfactory provision of amenity and public open space, to include landscaping and children's play space;**
- (ix) makes provision for satisfactory mains drainage and other service infrastructure;**
- (x) takes into account the need to design out crime and facilitate personal safety and security; and**
- (xi) 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.



Field 147, Rue du Hocq

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Drawing No: APPENDIX 2



Rue de Samares

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Drawing No:	APPENDIX 3