

QUESTION TO BE ASKED OF THE PRESIDENT OF THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE ON TUESDAY, 20th MAY 2003, BY THE DEPUTY OF ST. JOHN

Question

In relation to the new development on the former Jersey Pearl site in St. John, would the President inform members -

- (a) what is the Committee's policy, if applicable, relating to the protection of existing neighbouring properties when considering applications for major new developments of this type?
- (b) what provisions are made, if any, for site inspection by officers of the Planning Department during the course of development works of a major new development of this type?
- (c) what is the Committee's policy, if applicable, relating to the number of windows included in a new development of this type which overlook existing neighbouring properties? and,
- (d) what consideration, if any, is given by the Committee to applications for major developments of this type relating to future extensions of the properties, and if so, what provision is made for the impact on parking and open space?

Answer

- (a) The Committee's current policy is to be found in the Island Plan at Policy G2 'General Development Considerations', a copy of which is attached for members, which states;

'Applicants will need to demonstrate that the proposed development -

- (ii) will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations.'

The application decision on the Jersey Pearl site was, of course, made by the former Planning and Environment Committee before the Island Plan was approved in July 2002. However, although there was no explicit policy in the 1987 Island Plan, I am advised that, for many years, successive Committees have assessed applications in this way.

All applications fall to be considered on their merits, and no two situations are the same. We cannot be prescriptive in a way that is applicable in every situation, and so the Committee has to make a judgement which balances the interests of applicant and neighbour in a way that is 'reasonable'. In granting permission for the development at St. John, which is currently under construction, the former Committee, or more precisely the Applications Sub-Committee to which the Committee had delegated such decision-making powers, considered the relationship between the proposals and neighbouring properties. That relationship is not unusual in a built-up area, and in the Sub-Committee's view there was no demonstrable harm to neighbouring properties or the residents' quality of life.

- (b) There are statutory requirements for inspections to be made at certain stages of construction, for the purpose of building by-law compliance, and a copy of the Building Bye-laws 2001, Part 3, Section 12 is attached for members information. It is also standard practice for the Building Control Surveyors to make regular and frequent inspections of larger and more complicated developments, in order for them to be able to certify compliance with the building by-laws at completion. These officers are also able to assess whether planning conditions are being met.

I can confirm that this particular development has been inspected regularly since construction began (over 100 times).

- (c) There is no policy relating specifically to the number of windows. Such matters fall to be considered in detail under the policy I referred to in my first answer.
- (d) No specific consideration for the possibility of future extensions is given at this stage. Extensions will fall to be considered subsequently if they require permission, when detailed issues such as the adequacy of car parking will be addressed. It does not follow that all extensions will be approved. Some extensions will be exempted from the need to receive permission as a result of the new Exempted Operations Regulations stated in P.209/2002 approved by the States in November 2002, and a copy extract is attached for members information.