

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY R.S. KOVACS OF ST. SAVIOUR
QUESTION SUBMITTED ON MONDAY 7th NOVEMBER 2022
ANSWER TO BE TABLED ON MONDAY 14th NOVEMBER 2022**

Question

“In light of the fact that, in December 2001, planning permission was approved for Fields 378 and 379, Rue à la Dame and Le Bassacre du Milieu and du Nord in St. Saviour; will the Minister provide the details of what the planning permission allowed for, and of any conditions attached to the permissions granted?”

Answer

Details of planning permission, together with associated planning conditions, for all development which requires permission, is available on the online planning register: [Planning application search \(gov.je\)](https://www.gov.je/citizen/planning/pages/planning.aspx)¹

Planning application reference P/2001/1713 was approved on 10 January 2002.

The approved scheme consisted of 42 No. 3 Bedroom units and 21 No. 4 Bedroom units with associated car parking, landscaping and access roads at Fields 378, 379 and Field Cottage, La Rue a la Dame, St. Saviour.

The planning permission was granted subject to the following conditions:

Standard Condition

A. If the development hereby permitted has not commenced within three years of the decision date, this permission shall cease to be valid.

Reason: The Planning and Environment Committee reserves the right to reconsider this proposal consequent on any future change of circumstances or policy.

Condition(s)

1. A. The 60 dwellings to which this permission relates on land known as Fields 378 and 379 in the Parish of St. Saviour shall not without the consent of the Planning and Environment Committee be transferred by sale, cession, gift, exchange or other form of transfer to any person who does not satisfy the criteria specified in the schedule hereto.
- B. The 60 dwellings to which this permission relates on land known as Fields 378 and 379 in the Parish of St. Saviour shall not without the consent of the Planning and Environment Committee be occupied by any person who does not satisfy the criteria specified in the schedule hereto and who does not occupy the accommodation as his sole or principal place of residence.

Persons to whom the proposed residential development of 60 dwellings on land at Fields 378 and 379, Five Oaks, St. Saviour may be transferred in accordance with condition A above, or who may occupy these dwellings in accordance with condition B above.

1) any person who:-

- i) does not own, and has not previously owned, whether as a sole owner or jointly or in common with any other person or persons,
- a) any immovable property
- b) either in his own name or as beneficial owner shares in any company, ownership of which confers the right to occupy residential accommodation.

and:-

¹ <https://www.gov.je/citizen/planning/pages/planning.aspx>

- ii) is neither married to, nor buying as co-owner with, any person who does not fall within (i) above.
- 2) any person who has been approved by the Housing Committee as being a person to whom consent should be granted to acquire or to occupy the residential accommodation as the case may be notwithstanding the fact that he does not fall within (1) above.
2. The development hereby permitted shall commence within three years of the date of this permit, which shall otherwise cease to be valid.
 3. The development hereby approved shall be carried out entirely in accordance with the plans and documents permitted under this permit. No variations shall be made without the prior written approval of the Planning and Environment Committee.
 4. The development hereby approved must not be commenced until such time or after works are commenced to:-
 - a. provide a footpath to serve La Rue de Deloraine;
 - b. provide an improved visibility splay at the junction of La Rue de Deloraine and St. Saviour's Hill; in accordance with the standards and requirements set out in the development brief for this site.
 5. The development hereby permitted of the site shall not commence until the access to it via land at Field Cottage has been created with adequate visibility, whereby everything within the visibility sight lines, including gate, walls, railings and plant growth is to be permanently restricted in height to 900mm above road level, as detailed on drawing CA (642.10.11F)
 6. Construction traffic associated with the development of this site shall be routed along La Rue de Deloraine only in order to gain access and egress to and from the site, and shall not use La Rue a la Dame and Bel Air Lane.
 7. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Planning and Environment Committee, a scheme of landscaping which shall provide details of the following:-
 - i. All existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site and on adjoining land within the same ownership;
 - ii. The position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them.
 - iii. Other landscape treatments to be carried out or features to be created, for example, any excavation works, surfacing treatments, or means of enclosure;
 - iv. The measures to be taken to protect existing trees and shrubs; and,
 - v. The arrangements to be made for the maintenance of the landscaped areas.
 8. Prior to the commencement of the development hereby permitted full details, including a plan which is to scale, showing the position, design, materials and type of all boundary treatments to be erected on all external boundaries of the site must be submitted to and approved by the Planning and Environment Committee.
 9. All peripheral landscaping and boundary treatments approved under this permission, shall be carried out and completed prior to the commencement of dwellings and associated infrastructure on the site. Until such time that this work is undertaken, the commencement of development on the site shall not be permitted.

10. Prior to the commencement of the development hereby permitted, full details of the design and landscaping of proposed areas of open space within the site, including children's play areas, shall be submitted to and approved by the Planning and Environment Committee.
11. Except where they have been identified for felling on an approved landscaping plan, all the trees on the site shall be protected for the duration of the development hereby permitted, unless agreed otherwise in writing with the Planning and Environment Committee, in the following ways and thereafter maintained;
 - i. No demolition, site clearance or building operations shall commence until suitable fencing, of a height not less than 1.3 metres, has been erected around each tree or group of trees, on or overhanging the site, at a radius from the trunk of 5 metres or around the crownspread, whichever is the greater. Such fencing shall be maintained until development is complete.
 - ii. No trenches, including any trench for services or drains shall encroach within the crownspread of any trees which are on or overhanging the site;
 - iii. The burning of materials, including any obtained by site clearance or demolition, shall take place within 6 metres of the furthest extent of a canopy of any tree or group of trees on or overhanging the site;
 - iv. No topsoil or other spoil from excavation shall be disposed within the crownspread of trees within the site;
 - v. No tree shall be felled, lopped, topped, or in any way destroyed or removed, unless the prior written consent of the Planning and Environment Committee is received.
 - vi.

In the event that any tree or part of a hedge is removed, damaged or dies, another tree/plant shall be planted at the same place and shall be of the same size and species, unless otherwise agreed, and planted in the next available planting season.

12. Notwithstanding the indications on the approved plans, prior to the commencement of the development hereby permitted, full details of all external materials and colours to be used to construct the development, including those to be used for buildings, walls and other hard surfaces, shall be submitted to and approved by the Planning and Environment Committee.
13. Prior to the commencement of the development hereby permitted, full details of proposed lighting for internal site access routes shall be submitted to and approved by the Planning and Environment Committee.
14. Prior to the commencement of the development hereby permitted full details showing the routing of proposed foul and surface water drainage must be submitted to and approved by the Planning and Environment Committee.
15. Attic space at second floor level in house types A (3 bed), B (3 bed), C (3 bed) D (3bed), E and E1 (3 bed), G (4/4/3 bed), F (3 bed) and I (3 bed) is to be used for the purposes of storage only. Use as habitable floorspace shall not be permitted without the express consent of the Planning and Environment Committee.
16. Parking provision amounting to three dedicated car parking spaces for each residential unit shall be provided and maintained thereafter.

Reason(s)

1. To ensure that the land and property the subject of this application remains in the use for which it was designated by the States, in the best interests of the community.

NB. For the avoidance of doubt, the above condition does not apply to those three dwellings to which this permission relates on land known as Field Cottage, La Rue de Deloraine, St. Saviour.

2. For avoidance of doubt
3. To ensure that the development is carried out and completed in accordance with the details approved by the Planning and Environment Committee.
4. To ensure that those works specified are commenced and completed prior to the occupation of dwellings on the site as they are considered to be important in the interests of improving highway safety.
5. In the interest of highway safety.
6. In the interest of highway safety.
7. To ensure that before development proceeds provision is made for a landscaping regime that will enhance the appearance of the development and help to assimilate it into the landscape.
8. To ensure that the features are appropriate as they are considered to be important to ensure a satisfactory resultant appearance and in the interest of protecting the amenities of neighbours.
9. To ensure that the benefits of the approved landscaping scheme are not delayed and consequently make an early contribution to the amenity of the site in the interest of sustaining and enhancing landscape quality and also to ensure that the amenities of occupiers of neighbouring properties are protected.
10. This scheme has been approved on the basis that it complies with the requirements of the Planning and Environment Committee and this facility must be provided and made available for the use of the occupiers of any dwelling approved by this application.
11. To protect the trees on and near the site. These features are considered to make an important contribution to the character of the area and for that reason the Planning and Environment Committee wants to retain control over their removal or replacement.
12. To safeguard the visual amenities of the area.
13. To provide for the safety of users of the development.
14. To ensure that the implementing of associated infrastructure does not adversely affect the amenities of the locality.
15. To safeguard the amenities of the area.
16. To ensure an appropriate level of car parking space on the site.