

# STATES OF JERSEY



## LAND IN ST. LAWRENCE NEAR TESSON MILL AND FIELD 621, ST. BRELADE: REZONING (P.33/2005)- COMMENTS

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

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STATES GREFFE

## COMMENTS

### Introduction

In light of concerns relating to the definition of the built-up area boundary in the 2002 Island Plan, and particularly with regard to the apparent anomalies therein raised by Deputies J.A. Hilton (P.33/2005) and G.C.L. Baudains (P.40/2005), the Environment and Public Services Committee has undertaken a review, the outcome and recommendations of which are contained within its own proposition – P.77/2005.

In carrying out this review and in responding proactively to the findings, the Committee wishes to demonstrate that it is cognisant and responsive to the concerns of Members and, through them, the public, where there are clear deficiencies in the Island Plan. Through its action, however, the Committee also seeks to ensure that public confidence in the Island Plan, and in its application, is maintained and, where it has wavered, is restored.

The Committee is strongly of the opinion that the principles and policies contained within the Plan are fundamentally sound and that the maintenance of a robust and up-to-date Island Plan is of critical importance to our quality of life.

To ensure that the Plan is regarded as rigorous and robust, however, the Committee is 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).

### Land near Tesson Mill, St. Lawrence

With respect to the specifics of Deputy Hilton's proposition, the Environment and Public Services Committee acknowledges that the site referred to near Tesson Mill in St. Lawrence is an important area of open space which should enjoy a greater degree of protection from potential development.

The Committee would contend, however, that the context of the site is such that the built-up area boundary does not require revision in this instance but rather that the site should be rezoned as important open space and would accordingly benefit from the specific policy regime in Policy BE8 of the 2002 Island Plan which states that "*there will be a presumption against the loss of important open space as designated on the Island and Town Proposals Maps*". It is considered that this policy is more applicable to the character and context of the site near Tesson Mill as evidenced from the supporting justification for Policy BE8, as set out in the Island Plan.

- 6.53 *Across the Island, there are areas of open space of varying sizes, form and quality that area considered important in terms of their role in the character and quality of the built environment.*
- 6.54 *Within urban areas, open spaces help to soften and complement the surrounding built form and frame the setting of important buildings. Open spaces also have an important environmental role, as 'lungs' within a densely built-up areas such as the town centre, as rest places in office areas, play and leisure areas in housing developments and as parks...*
- 6.55 *On the edges of the town, green spaces can help form a barrier between two or more built-up areas, bringing countryside to the urban doorstep. In this context, open space may be agricultural land without public access, but it still performs an important visual and environmental function.*
- 6.56 *The new Island Plan aims to protect important open spaces from development.'*

On the basis of the above, the Environment and Public Services Committee is proposing in its own proposition P.77/2005, that land near Tesson Mill in St. Lawrence be rezoned as important open space and be subject to the policy regime of BE8 which presumes against the loss of important open space.

## **Field 621, St. Brelade**

The Committee believes that it is right to maintain the status of this site in the built-up area for a number of reasons, which range from the broad strategic principles which underlie the Island Plan, to the detailed level of control that can be exercised in respect of the determination of development applications on this site under the terms of Policy G2 and H8 of the Island Plan (attached at Appendix 1). In examining these reasons reference will be made to the points raised by Deputy Hilton in her proposition.

### ***The need for homes***

Adequate housing is a basic human need and the States has adopted a strategic aim to enable the provision of homes for all Island residents. The States has also stated that it wants to grow the economy; but that the working population should not be allowed to grow by more than one per cent per annum. Setting aside any issues of in-migration, demographic changes within the Island's resident population – natural population growth and falling household size – suggest that the need for new homes will endure for some time.

One key function of the Island Plan is to make provision for sufficient land and opportunities to meet the anticipated requirements for homes. The Plan allows for 2,860 homes to be built between 2002 and 2006 of which 1,850 will be for Category A homes and 1,010 will be for Category B homes. The Island Plan only included the specific zoning of land for Category A housing – social-rented and first-time buyer homes: the Plan anticipated that the majority of Category B homes would come forward as windfall developments.

Windfall development includes infill development, conversions and the redevelopment of existing properties and sites within the built-up area which are not specifically allocated or this purpose in the Plan. The term windfall development is not new and was defined in the glossary of the 2001 Consultation Draft of the Island Plan as “sites that come forward on an ad-hoc basis that are not identified through formal planning policies”. Field 621 is considered to be one such site.

As Deputy Hilton states, there have been very high levels of Category B developments since the adoption of the 2002 Island Plan: this is not surprising given that the review of 14-year old built-up area boundaries is bound to (and was intended to) present new development opportunities. Approximately 890 Category A homes were built between 2002 and 2003 and, at the beginning of 2004, another 920 were under construction. The high level of Category B development is considered to result not only from the new opportunities presented by changes in the built-up area boundaries, but also from the redevelopment opportunities presented by a number of large hotel and outworn commercial sites; changes in the relative profitability of housing developments over other forms of development and a conscious policy shift towards higher density, design-led developments, particularly in central St. Helier.

The Committee considers the level of provision of Category B homes to be good news for Jersey providing these new homes is essential to assist movement within the housing market and their provision should result in a higher proportion of all new homes being ‘affordable’ and thus accessible to more Island households. The development of these homes is market-led and the level of provision must reflect a buoyant market based on demand, which provides local residents with a degree of choice and competition within the private housing market.

On this basis, the Committee is of the view that the retention of sites, such as Field 621, within the built-up area boundary positively contributes towards the States strategic objective of providing homes for all Island residents.

### ***Spatial strategy***

Whilst the Island Plan must enable land to be developed in support of, amongst other things, the demand for homes, it must also ensure that development is appropriately located. The 2002 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 approved by the States in 2002. This includes the town of St. Helier, 8 urban settlements, 11 key rural settlements and 21 small built-up areas and rural settlements.

Field 621 is situated within the defined small built-up area described as Clos du Parcq, St. Brelade in the Island Plan and accordingly has the characteristics of *'one of a number of small built-up areas that have an urban form and density but are not urban settlements. They mainly comprise housing and do not have a physical focus or community facilities. These are identified as part of the built-up area but are not locations where development should take place beyond small-scale infill'* (paragraph 3.26, Island Plan 2002).

Accordingly the built-up area boundary for Clos du Parcq is drawn tightly around existing development here (see Island Proposals Map extract at Appendix 2) such that Field 621 can be clearly seen as a small scale infill plot in the middle of a cluster of existing houses: it is surrounded on 3 sides by development and whilst enjoying an open coastal aspect to the west, is not of a sufficient scale or utility to warrant protection as an important open space. The Island Plan recognises, however, that there are important open spaces along Route de Noirmont and, as can be seen from the extract from the Island Map, seeks to protect these as countryside zone: Field 621 is not one of these, it being a small infill plot situated in the middle of a length of ribbon development.

### ***Development within the built-up area***

The Island Plan states (paragraph 8.127) that *"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 dwellings"*.

On the basis of this statement, it is quite clear that there is a presumption that the majority of new housing development will take place within the built-up area boundary – that is largely what the boundary is there to define. Policy H8 of the 2002 Island Plan further states that *"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** ... (emphasis added)"* the proposal satisfies certain criteria. It is thus considered to be clear that there is a qualified presumption in favour of development within the built-up area boundary.

The Environment and Public Services Committee is very clear and entirely comfortable, however, 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.

### ***Controlling development within the built-up area***

In his foreword to the 2002 Island Plan Senator Nigel Quérée stated that *"Land is, for this small Island, a most precious resource, and it is essential that it is used wisely"*. Accordingly the wise and efficient use of land as a principle has been embodied into the Island Plan and was adopted by the States. In relation to housing specifications, this has been translated into seeking to secure higher densities of development in order to use land efficiently – and to limit as far as possible the overall amount of land that needs to be taken for the number of homes needed in the Island.

It is important to recognise, however, that this has not been done at the expense of internal living spaces, amenity spaces or the amenity of neighbours, but through the use of better design and a reduction in the level of car parking space. The Committee has not, however, pursued a dogmatic approach to the matter of higher densities: the Committee has paid heed to the character and nature of surrounding development,

particularly in the more suburban and semi-rural housing developments, such as the rezoned housing sites, which is why the highest density housing development, where this principle can be applied to greatest effect, is in central St. Helier.

The Committee does not thus accept the charge that it has overdeveloped sites in favour of the developer: it is of the view that it has sought to secure the most efficient use of land to ensure that the need for homes can be contained within the envelope of land defined in the Island Plan, rather than having to seek to rezone more of Jersey's countryside to meet the Island's housing requirements.

The Committee also contends that the Island Plan has a sound and rigorous set of criteria-based policies in the Island Plan to provide a good framework for guiding and controlling the development and use of land in the built-up area: the key tools in this respect are Policies G2 and H8 which, amongst other things, enables the Committee to require applicants to demonstrate that their proposed development "*will not unreasonably affect the character and amenity of the area*" (the full range of criteria presented by these policies is shown at Appendix 1). The Committee believes that this does provide it with the degree of control that it requires and that the policy regime applicable within the built-up area boundary does not require review, as proposed by Deputy Hilton.

This policy regime is considered to be entirely applicable and appropriate to the determination of any development applications for sites such as Field 621 and provides the Committee with a sufficient level of control.

### **Summary and conclusion**

On the basis of the above and with regard to its proposition P.77/2005, the Committee has sought to demonstrate that, with minor amendment to address specific anomalies relating to the status of a small number of sites, the principles and policies of the Island Plan remain sound and do not require further review.

In this respect, the Committee recognises and accepts that land near Tesson Mill in St. Lawrence should be protected as important open space. It does not, however, consider it necessary for any amendment to be made to the status of land at Field 621, St. Brelade as this site is a smallscale infill site within the middle of a small built-up area, the proposed development of which can be appropriately determined within the context of the existing Island Plan policy regime, specifically Policies 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***

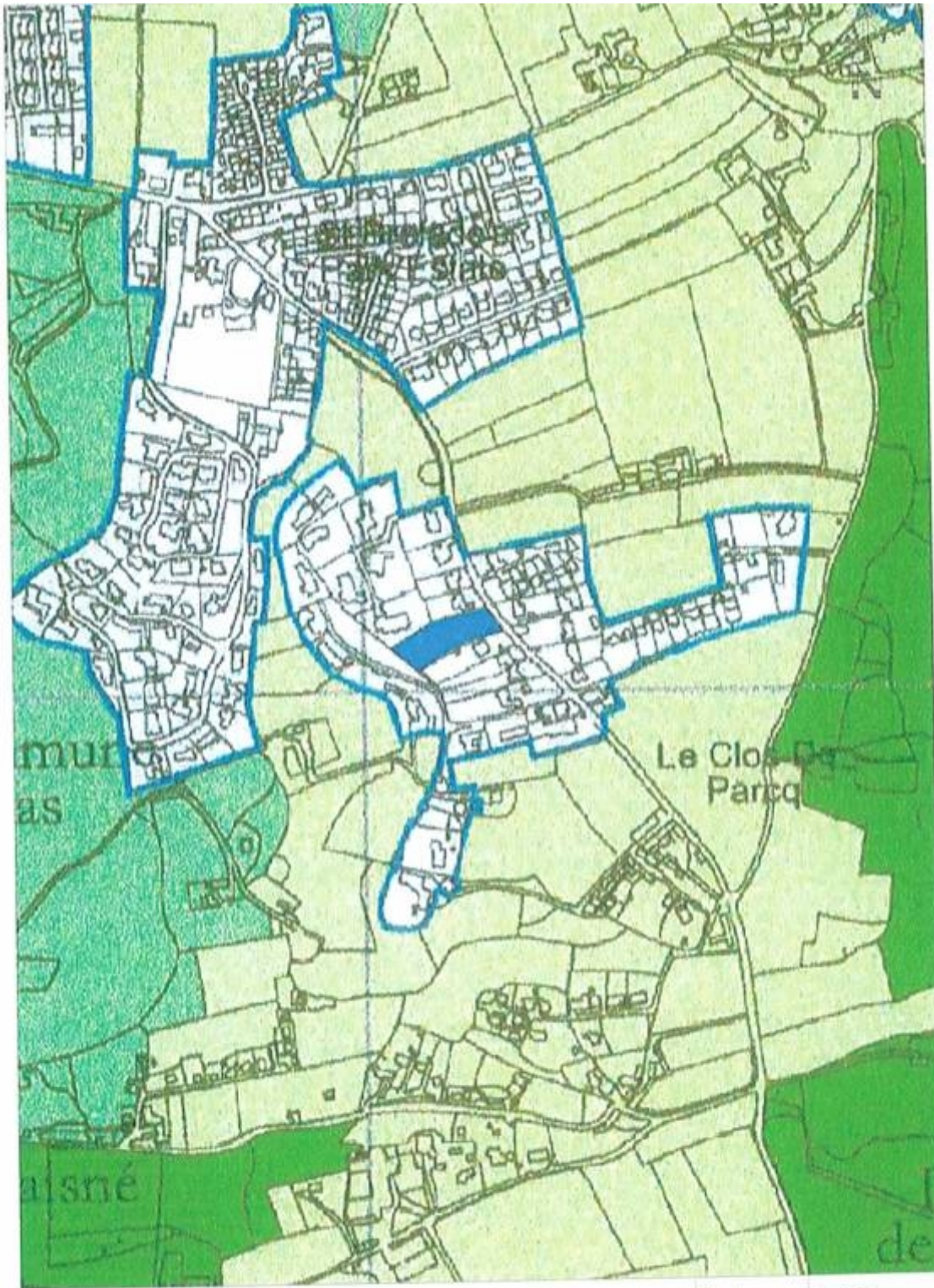
**Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will normally be permitted within the boundary of the built-up area as defined on the Island Proposals Map, provided that the proposal:**

- (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.**





Scale: 1:5000  
Date: 13/04/05  
Drawing No: APPENDIX 2



Field 621: Island Plan context