

STATES OF JERSEY



ISLAND PLAN 2002, POLICY H2: FIELDS 848, 851, 853, AND 854 (P.48/2006) – COMMENTS

**Presented to the States on 8th May 2006
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

Responding to this proposition raises a number of issues for me. I have made it clear on a number of occasions that I believe that other than in exceptional cases the estimates in the Island Plan should not be significantly exceeded. Furthermore, my recently introduced planning policy note suggests that houses should be locally relevant in their design, have increased space about and larger room sizes and should wherever possible have garages. That said the Panel have an obligation to determine the current application based not on our new policies but on those in place at the time the application was submitted and based on the terms of the development brief approved by a previous Committee in May 2004.

The site in question is the largest of those zoned by the States for Category 'A' housing purposes under Island Plan Policy H2, in order to meet identified needs for new homes. Its zoning was the culmination of a comprehensive site evaluation and selection process, which involved extensive public consultation.

As presently written, the Island Plan states that the figures given for yield on each of the zoned sites (e.g. approximately 97 homes for the site in question) are "...only an indication of yield..." and are not, therefore, set in stone. Comparisons between the actual and indicative yields for each of the zoned sites together with respective density figures are provided on the attached sheet for the information of Members.

The Proposition requests that I bring forward an amendment to the Island Plan to effectively set a maximum yield for the development at the above site of 97 homes.

Members should be aware that this has proved a sensitive and controversial planning application. The application process to-date has been long, complex and highly politicised. Since the original application for 140 homes was submitted in November 2004, many planning matters have arisen requiring detailed consideration, which have in turn already led to a number of significant scheme changes. The various development proposals for the site have been the subject of three public meetings and a technical seminar with residents.

The current revised application for the site proposes 129 homes (71 first-time buyer homes and 58 social rented homes); a large public amenity area/wetland park; road widening and improvements to St. Peter's Valley Road; major drainage infrastructure (including a surface water pumping station which will provide wider benefits); a community building; a village green; and separate children's and teenagers' play facilities.

This revised application was submitted in September 2005 and has been subject to rigorous consideration by the Department to ensure all outstanding material planning matters, including those concerns and issues referred to in the Proposition, are properly addressed.

It should be noted that the current application to develop the land was made under, and falls to be determined under, the Island Planning (Jersey) Law 1964. The Applications Panel may either grant permission, subject to any conditions it thinks fit, or refuse permission. Either way, the applicants have a right to have their application properly determined within a reasonable time period.

For its part, the Planning Applications Panel must deal with the application objectively and impartially and, whatever the outcome of the debate, neither they nor I can be seen to be "taking sides", or being actively engaged in retrospectively "moving the goalposts" in order to secure a different outcome for a current live application. To do so would damage the effectiveness and integrity of the Island Plan, set a dangerous precedent for further piecemeal changes to achieve similar aims and would risk bringing the whole planning process into disrepute. As with all applications, it must be determined in a consistent, fair and reasonable manner, on proper planning grounds, having regard to all the material circumstances of the case, including the representations of local residents, the relevant policies in the Island Plan and the site specific supplementary guidance provided in the planning authority's approved development brief.

The Island Plan which has been agreed by the States and the development brief already indicates the manner in which the planning authority proposes that the land should be used. They effectively act as statements of intent as to the policy which I and the Planning Application Panel should follow in considering applications for development. Any persons reading those documents objectively will have a good understanding of what is

expected of any development. The applicants will justifiably have placed reliance on these documents throughout the application process, as they are entitled to, and will legitimately expect an application to stand a reasonable prospect of success, if it complies with the policies and guidance contained within them.

The proposition adds complexity to what is already a very difficult case, especially as there does not appear to be any material change in the circumstances of the site, no new planning factors have been brought to light, and, it would seem, no new overriding public interest has arisen.

The Planning Applications Panel will, of course, have regard to any decision of the States made on the Connétable's proposition. If the Panel determines that the current proposals are consistent with the policies set out in the Island Plan and the guidelines and constraints in the development brief, it may decide to grant permission. In doing so, it would find itself in the extremely regrettable position of having to disregard a decision of the States if they support the proposition.

If, on the other hand, the Panel was to refuse the application primarily on the basis of that the Connétable's proposition to restrict the number of homes is successful, the decision would be open to challenge. The applicants would have a strong prospect of success on appeal to the Royal Court, on the grounds that the decision was unreasonable in planning terms and inconsistent with the indications given in the Island Plan approved by the States and the development brief approved by a former Committee. Should that prove to be the case, the Royal Court would grant permission for the development, or instruct me to do so, and in all likelihood award the applicants their costs, which the States would have to meet.

CATEGORY 'A' HOUSING SITES

Yield and Density Comparisons

(@3/5/06)

Site	Island Plan Indicative Yield of Homes	Actual Approved or (Proposed) Yield	Housing Site Area (approx.)	Est. Gross Density (h.r.a.)	Comments
1. Bel Royal, St. Lawrence	97	(129)	10.9 acres (including community hall, teenage area & cp and excludes wetland amenity area)	60	Application not yet determined
2. Field 1218, Mont-à-l'Abbé, St. Helier	91	123	8.9 acres (inc. 1 acre public park)	61.5	
3. Jambart Lane, St. Clement	75	76	6.4	64	
4. Hodge Nurseries 2, St. Clement	71	73	5.4	70	
5. Route de la Pointe, St. Peter	68	72	5.1	61.5	
6. Westview, Rue des Cosnets, St. Ouen	43	43	3.0	68	
7. Field 690A, Maufant, St. Martin	38	(43)	4.7	45	Application not yet determined
8. Rue de la Sergente, La Moye, St. Brelade	27	(29)	1.9	76	No application yet
9. Field 40, St. Clement	25	23	1.6	72	
10. Field 873, Rue du Haut, St. Lawrence	14	Est. 10			No progress
11. Field 1370, Rue de la Mont Séjour, St. Helier	11	13	0.7	90	