

**FALLES HOLDINGS LIMITED: HIDEAWAY AND LA MAISON DES PRES, LAND TO THE NORTH OF RUE
DES PRES, ST. SAVIOUR (P.219/98)- REPORT**

**Presented to the States on 12th January 1999
by the Planning and Environment Committee**



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REPORT

Introduction

The Committee has decided to present a report to the States in response to Senator Shenton's projet so that States members are made aware of all the factors which were taken into account by the Planning and Environment Committee when it made its decisions -

- (a) to grant permission for the development of a car storage shed, fuelling point, and wash bay;
- (b) not to seek to relocate the business to an alternative site.

The Senator's report attempts in a page-and-a-half to summarise the planning issues of a site whose file in the Planning Department is three or four inches thick. Although there are various appendices to his report, they cannot begin to convey the full range of factors which the Committee needed to take into account if it was to undertake its statutory duties properly, fairly and reasonably.

Conclusions

The Planning and Environment Committee does not consider the approved development of the site at Rue des Pres to be, as Senator Shenton has described it, a bad neighbour, because -

- the use by Falles for car storage exists, and has done so for several years, without complaint;
- every effort has been made in the design and siting of the car storage shed to reduce its impact on properties to the north and west;
- its overall height is no more than a pitched-roof bungalow;
- the building will be barely visible from the properties to the north because of the high wall which separates them from the site;
- the conditions the Committee has placed on the development (restrictions that do not currently exist on the use of the site) ensure -

that there is no use of the site at evenings and overnight, on Sundays and Bank Holidays, and on Saturday afternoons;

that no pressurised steam hoses will be used in the washing-bay.

As far as its property responsibilities are concerned, the Committee does not believe that the relocation can be justified given -

- the limited impact of the proposed development on local residents;
- the high costs of acquiring the site (or providing an alternative site); and
- the relatively low housing yield.

Background

The history of this site goes back to the mid-1970s when it still comprised a lean-to commercial glasshouse abutting the wall on the northern side of the site which separates it from the Miladi Farm Estate, in particular the bungalows comprising numbers 1-9 Miladi Farm. The land formed part of the Bagot or Bashfords Nurseries site which linked Longueville Road with La Rue des Pres. In 1975 the States zoned the nurseries variously for housing development purposes, commercial purposes and educational purposes. The site now referred to was designated for educational use.

It was later decided by the Education Committee that the site was not required for educational purposes, and apart from the northern part of the site adjoining Longueville Road which has subsequently been developed by Falles and others, the remainder of the nurseries, excluding the land in question, has since been developed by the States for States loan and rental

housing.

The acquisition of the nurseries by the States was successfully negotiated in the late 1970s by Senator Pierre Horsfall in his capacity as President of the Island Development Committee, after several unsuccessful attempts. The terms of that agreement were that the land in question should remain with Falles Holdings Limited and could be used for car storage associated with the company's garage operations in the area.

As a result of this agreement, in 1979 and 1980, Falles Holdings Limited applied for and received permission, both in principle and in detail, for the construction of a single-storey storage building over almost the entire site for the purpose of storing cars.

Although this building was never constructed, the company, with the agreement of the Island Development Committee, used it for parking cars associated with its garage operations. The site was also used for storage by Pentagon Limited for several years in the 1980s, and by Balfour Beatty Limited more recently for the storage of materials associated with the construction of the Fort Regent cavern and the town drainage system. Between times Falles Holdings Limited have used the site for the storage of motor vehicles and continue to do so. The site therefore has a well-established existing use for car storage stretching back some 19 years.

In the mid-1980s attention focused on the site as a potential Category A housing development as part of the Island Plan preparation process. Indeed, in 1986, before the Island Plan had been approved, an application to change the use from the storage of cars to a car inspection and cleaning plant including the use of high pressure steam cleaners was refused because it was premature, pending approval of the Island Plan by the States, and because the use of high pressure steam cleaners would be detrimental to the amenities of adjoining residential properties.

In November 1987, the States adopted the Island Plan and designated the site for Category A housing purposes. As a result, and at the instigation of the Housing Committee, negotiations were entered into between the States Land and Property Officer and the company, with a view to acquiring the site for public housing development, together with two others owned by the company in the vicinity. The negotiations were lengthy, but in essence Falles stated that they could only afford to give up this site if they were able to take over the fuel depot site near the Airport (adjoining their Airport garage) as a replacement. That was not possible as the site at the Airport was still required for fuel storage purposes and, much later, when the site was disposed of through tender by the Harbours and Airport Committee, Falles Holdings Limited failed in their bid to acquire the land.

It thus proved impossible to acquire the site by agreement, and the suggestion that it might be necessary to acquire by compulsory purchase elicited letters from Mr. Falle and Senator Horsfall reminding the Committees of the agreement made when the States bought the Bashfords site. As a result, the Housing Committee and Island Development Committee of the day decided to honour that agreement and not to proceed to acquire the site, and thus while the Category A designation remains (at least until the current Island Plan review is completed), the existing use continues.

In 1993 Falles started to give consideration to the permanent development of the site. An application in June of that year sought to construct a new car storage building on the site, which attracted 16 objections from local residents, including the Miladi Farm Residents' Association. In July 1994 the application was withdrawn by Falles in favour of a new application combining the car storage building and a two-storey building of four two-bedroom flats. The flats relied on vehicular access being provided from the Bashfords Estate alongside No. 4 Le Bel Gruchy (the property at the western end of the site). This application again generated considerable concern from local residents, not only based on the impact of the shed (which had been reduced in height from 29 feet to 23 feet) but also because the flats overlooked the properties in Miladi Farm Estate from the first floor windows. The application was refused in October of that year as the proposed access from Bashfords failed to meet basic requirements for roads serving small housing developments.

Subsequent discussions with the Housing Committee, which owns the access road through the Bashfords Estate, failed to overcome the problem.

There followed an interlude in Falles' attempts to develop the site while Balfour Beatty occupied it in 1996 and 1997.

In October 1996 Falles submitted a further application to construct a new car store at the western end of the site with an area of 6000 square feet (60 feet x 100 feet), a ridge height of 22 feet and a height to the eaves of 14 feet. There was some delay in progressing the application, due to the intervention of Senator Jean Le Maistre on behalf of the residents of the area.

The Committee during that time also received a detailed application for the construction of a wash bay and petrol pump with underground tank for servicing the Falles hire car fleet. Both applications were put to the Committee in July of 1997, and indeed Senator Le Maistre attended the Committee meeting to make his representations. The Committee was furnished with

all the representations that had previously been made, had regard to the fact that the proposed car storage building had been considerably reduced in height and moved away from the property at the western end of the site, and decided to grant development permission for the washing and fuelling facility and permission in principle for the shed, subject to stringent conditions governing the days and hours, and method, of operation.

Relocation of Falles

Falles Holdings' attempt to acquire the former fuel depot near the Airport failed because they under-bid for the site.

Senator Shenton became involved in this matter in January this year following the striking out by the Royal Court of an Appeal brought by the residents of the house at the western end of the site against the Committee's decision to grant permission for the development. The appeal was struck out because there were no legal grounds for an appeal by a third party. The Senator requested a meeting with the President of the Planning and Environment Committee and representatives of Falles Holdings Limited.

On 3rd February 1998 the Senator asked questions of the President of the Planning and Environment Committee about proposed development of the site by Falles Holdings Limited.

On 10th February, the meeting with the Senator and Falles took place and the issues were discussed openly and frankly between the three parties. The Senator asked the Planning and Environment Committee if they would consider relocating the Falles operation to another site, and Falles agreed that they would be prepared to consider this possibility provided that such a relocation was funded by the States, was to a site no smaller than the existing site, and was located conveniently for either the company's Airport or Longueville business operations. Falles agreed to delay implementing the development for one month while the matter was considered.

The matter was reported back to the Planning and Environment Committee on 12th March 1998. The Committee concluded that there were only two options for the relocation which met the criteria established by Falles Holdings Limited and did not result in a total disregard for the States approved planning policies on new development in the countryside. No sites were available at the Rue des Pres Trading Estate. The two sites were the disused glasshouse site at Bagot Manor Farm which lies behind residential properties on the northern side of Longueville Road and to the west of Les Varines; and Fields 24, 25, 26 and 27, St. Brelade, the land which had been suggested as a site for a supermarket, but discounted, in 1997.

The Committee concluded that the Airport site was inappropriate for a development of the type proposed by Falles, being a significant incursion of building into open countryside for which there was no justification. It considered that the Bagot Manor Farm site was better suited to housing purposes (for which it would have a far greater yield) and it made little sense to expend public money to relocate the use only to achieve fewer homes at Rue des Pres.

Potential of the site for housing

The Rue des Pres site is theoretically capable of accommodating eight three-bedroom houses, 14 two-bedroom flats or 20 one-bedroom flats in a two-storey development. However, it is a difficult site for housing.

Because it is long and narrow, and vehicular access can only be obtained from the eastern end of the site on to La Rue des Pres, a significant part of the site area would have to be given up for vehicular circulation. However, the proximity of the bungalows to the north of the site would, through a two-storey development, create problems of overlooking and overshadowing which are likely to give rise (and did so in 1994) to objections from adjoining residents. It is the Committee's view that a two-storey housing development is likely to have far greater impact on the houses adjoining the site than the developments it has approved.

The Senator has suggested in his report that the site is suitable for a development for elderly persons. The Committee does not disagree with this view, but equally it considers that the costs of achieving a development of this type cannot be justified. The Department of Property Services has suggested that the site is worth approximately £370,000. A single-storey old persons' scheme should achieve 15 one-bedroom single-storey housing units. In addition, there would be potentially significant extra costs in compensating Falles for the loss of the site.