## Proposed Sheltered Housing Accommodation

Field 622, St Ouen

Main submission to the Public Inquiry

June 2013

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### Main submission to the Public Inquiry by the Parish of St.Ouen

### <u>Summary</u>

- 1. The main submission deals briefly with the planning process the Minister has decided to follow.
- 2. The Parish of St Ouen has an exemplary record of providing sheltered housing for the elderly, and a large waiting list of potential tenants.
- 3. Although the proposed site is located in the Green Zone, wherein there is a presumption against development, we demonstrate that it is not possible to achieve the Parish's aim on a designated Built-up Area site within the central part of the Parish.
- 4. We have regard to the Planning Policy framework in the 2011 Island Plan, relating to the provision of local need housing in the Island's northern Parishes.
- 5. We believe the proposals are supported by Policy H5 and Proposal 15, albeit that the Island Plan failed to make realistic provision for the Built-up Area boundaries in St. Ouen.
- 6. The designated sites are covered by Policy H6 which states that residential development <u>will</u> be permitted within the Built-up Area.
- 7. Unfortunately the only Built-up Area sites in the village are miniscule, or carry the higher value of market housing, thus making them unaffordable to social housing providers.
- 8. Accordingly we believe there is a strong case to identify a site in St. Ouen on which the Parish's proposed sheltered housing can be provided.
- 9. A number of sites were evaluated by the Parish, before settling on the western part of filed 622.
- 10. Field 622 is entirely suitable for this development and is far better than the alternatives that have been put forward by objectors. There are no technical reasons why it should not be developed in this way.
- 11. There has been significant engagement with stakeholders including Parish Assemblies, planning consultations, and advertisement of the application.
- 12. It is evident that the number of representations against the scheme has been orchestrated, and is wholly disproportionate to the number of existing properties that might suffer a limited adverse impact. Indeed, a number of these properties were themselves built on agricultural land a generation or two ago.

- 13. We consider that the impact of the proposals is extremely limited. We acknowledge that the site is in the Green Zone and is in agricultural use. However, the Parish believes that the provision of sheltered housing far outweighs the loss of this small area of agricultural land.
- 14. In conclusion, we consider that there is clear evidence of housing need; the Policies and Proposals of the Island Plan support the provision of housing in the rural Parishes; and the proposal is worthy of planning permission, notwithstanding that it is not located on a Built-up Area site.

This Statement was prepared by:

Peter Thorne MRTPI, Planning Consultant and Morris Architects Ltd. 29 May 2013

### Proposed Sheltered Housing Accommodation, Field 622, St. Ouen

### Main submission to the Public Inquiry by the Parish of St.Ouen

### Introduction

 A planning application was submitted on 22 November 2010 by Morris Architects Ltd. on behalf of the Parish of St Ouen, for the construction of 19 no. sheltered accommodation units on Field 622, St Ouen (P/2010/1717).

### Planning Process

- 2. The application was made following a recommendation by myself, the (then) Director of Planning and Building Services, and the Assistant Director (Policy and Projects) at the Planning Department, to submit an application which would be considered and determined under the 2002 Island Plan as a departure from that Plan, most likely following a Public Inquiry.
- 3. In the alternative, the Minister, if he chose, could have lodged a proposition to designate the site as an amendment to the Island Plan, following the statutory procedures described in the Planning & Building (Island Plan) Order 2009.
- 4. However, on 5 October 2012, the Minister decided to deal with the application through the process of a Planning Inquiry under Article 12 (1)(b) of the Planning & Building (Jersey) Law 2002. It is recognised that if the Minister were minded to grant permission, it would represent a departure from the Island Plan as the site is located in the Green Zone, within which there is a general presumption against new development for whatever purpose. The process will enable all the various issues to be debated publicly, before a decision is made on the application.
- 5. The Minister has since stated, at a meeting on 6 November 2012, that he will not therefore be lodging a proposition to amend the Island Plan. Accordingly, if the Minister is minded to grant permission, he will need to exercise the power to determine the application under Article 19 (3) of the Planning and Building (Jersey) Law 2002 and make a decision which is inconsistent with the 2011 Island Plan.

### Policy background

- 6. The 2011 Island Plan was approved on 29 June 2011. The latest Plan has specific proposals and policies to assist the development of housing in the rural parishes, provided that a local need can be demonstrated.
- 7. Specifically, Policy H5 "Housing in rural centres" states:

"The Minister will support the provision of small-scale affordable housing to support the viability and vitality of Jersey's smaller main rural settlements, predominantly in the northern and central parishes (i.e. **St. Ouen** [emphasis added], St. Mary, St. John, St Lawrence, Trinity and St. Martin). Any such housing shall be Category A housing or for homes to meet the specific needs of the elderly and those with disabilities, including sheltered accommodation.

Housing development proposals to support the viability and vitality of Jersey's smaller rural settlements will be permitted, provided that the development:

- is appropriate in scale and density to the existing character of the village;
- is within the existing Built-up Area and well-related local facilities, services and infrastructure and where provision for education, leisure, recreation, local shopping, and other community facilities is adequate or can be provided, where required, to meet the needs arising from the proposals;
- meets an identified local need (evidenced through the States Housing Gateway, and also the housing list maintained by the Parish of St Ouen) for such homes;
- has been the subject of full and comprehensive assessment and engagement with the local community and key stakeholders, including relevant States departments; and
- is designed and constructed, or can be adapted, to accommodate the specific requirements of the intended residents."

8. Furthermore, Proposal 15 of the Plan ("Village Plans") states that:

"Where new development is proposed to protect the vitality and viability of Jersey's smaller rural settlements the Minister for Planning and Environment will require the parochial authorities to undertake and develop their own village study or plan.

This will need to clearly demonstrate a justifiable need for any new development proposals and clearly set out and justify its potential impact on the countryside and the character of the village relative to the objectives and strategic policies of the Island Plan. It must be subject to a full and comprehensive assessment and engagement with the local community and relevant stakeholders, including the relevant regulatory departments of the States of Jersey.

Where Village Plans are to attain formal status as part of the planning framework they will require the formal review, approval and adoption by the Minister for Planning and Environment as supplementary planning guidance.

In such circumstances, any development proposals in the Village Plan must be consistent with the Island Plan and must relate to, and be within, the defined Built-up Area boundary for the settlement as defined on the Island Plan Proposals Map.

Where, however, Village Plans contain a specific proposal for the rezoning of land outside the existing defined Built-up Area boundary, any such proposal would require<sup>1</sup> the approval of the States as a draft revision of the Island Plan."

 Accordingly, there is much in the 2011 Island Plan which supports and underpins the proposals of the Parish of St Ouen to develop sheltered housing on Field 622 if there is sufficient demand for it.

<sup>&</sup>lt;sup>1</sup> The proposal does not, as a matter of law, need the approval of the States Assembly, as exemplified in the manner the Minister proposes to use in this case.

- 10. It is accepted that the site of the application is not located within the designated Built-up Area of St Ouen. Indeed, the only sites within the Built-up Area in St Ouen's village which are not already developed, are an active potato farm to the north of Field 622, for part of which the owner has an intention to develop for Category B housing under Policy H6 ("Housing Development in the Built-up Area"), and two small fields, F.630 and 654, to the south-east of the application site, which are too small to achieve the Parish's intentions.
- 11. St. Ouen already has a significant and exemplary record of providing housing for 38 elderly households at the following sites:
  - Le Clos de Mahaut, which was officially opened on 10<sup>th</sup> April 1976. This development consists of 20 units of sheltered accommodation, all with one bedroom (once the current work has been completed). There are 10 flats and 10 bungalows;
  - Le Jardin de la Rue, Phase 1 of which was officially opened on 11<sup>th</sup> April 1987. This development consists of 10 one bedroom units of sheltered accommodation. There are 6 bungalows and 4 flats;
  - Le Jardin de la Rue, Phase 2 was officially opened on 2<sup>nd</sup> November, 1996. This development consists of 8 one bedroom bungalows (plus a Warden's bungalow which has two bedrooms).
- 12. The demand within the Parish of St Ouen for additional housing is now such that the Parish seeks to construct a further 19 sheltered homes.

Proposal 15 requires the Parish to prove a justifiable need for the proposed sheltered housing, to consider the impact of the development on the countryside character, highlight objectives and strategic policies of the Island Plan. The Proposal must involve engagement with the local community, relative stakeholders and regulatory departments.

Policy H5 specifically relates to the small-scale proposal for Category A housing in the rural settlement of St Ouen to meet specific needs of the elderly or infirm and specifically mentions sheltered accommodation.

### Policy H5 requires that the design is appropriate in scale and density.

- 13. The planning application included a comprehensive Design Statement for sheltered housing accommodation on part of Field 622. The application is based on the Joseph Rowntree Foundation guidelines for sheltered accommodation. The application also includes a Landscape Management and Maintenance proposal.
- 14. The application was subject to pre-application advice given by the Planning Department on 10 June 2010, which had commented positively and confirmed that the proposed scheme should be submitted as a planning application. Subsequent to this, discussions with the Planning Department have confirmed its view that the scale and density are appropriate for this site and therefore the proposal meets this requirement. Some detailed design issues may need to be addressed. However, it is considered that these can be dealt with during the application process.

### Policy H5 requires that the proposal be within the built up area.

15. In all probability, there is little prospect of the only large undeveloped site in the St Ouen Built-up Area being developed for Category A housing. Field 622, in any event, is better located in relation to village amenities than the farm-yard to the north

The Policy requires the proposal to be well related to local facilities, services and infrastructure and where provided, for facilities for education, leisure, recreation, local shops and other communal facilities.

16. Drawing No.4591/27 is a location plan highlighting safe routes to the shops and communal facilities at the centre of St Ouen's village. It clearly illustrates that the site is located within the physical boundaries of the village, surrounded on three sides by the designated built up area. Vehicular access is attained over the first 20 metres of Rue de la Croute from Route du Vinchelez. The Proposal is linked by a safe pedestrian route directly to the shopping centre at the heart of the Parish. Residents will have easy access to a doctors' surgery, a pharmacy, post office, shops, supermarket, retail outlets, village green, Parish Hall, public house, bus stop, community centre and other locations of sheltered accommodation within just a few

minutes walk. The site is extremely well placed at the heart of the Parish community, with good, safe pedestrian and vehicular access.

17. It should also be noted that, during the Examination in Public of Draft Island Plan, the Inspectors commented, "the proposed site (ie. Field 622) relates well to the village and, in the event that the preparation of a Village Plan under Proposal 15 and Policy H5, it might prove a suitable site for consideration for affordable housing to meet local needs".

### The Policy requires evidence of local need.

- 18. The sheltered housing requirement for St Ouen currently comprises some 70 people (latest figure).
- 19. The identification of local housing needs arises from the waiting list for St Ouen's sheltered accommodation. As the Planning Department is no doubt aware, the Parish has a significant number of existing sheltered accommodation units for which it has a waiting list. Currently there are sixty applications on file from senior citizens requiring places within the existing or proposed new sheltered accommodation within the Parish. Should the Inspector require them, copies of the St Ouen Housing List and the application form and tenancy agreements are available.
- 20. Appendix 1, attached to this report, is data provided by the Housing Department's Affordable Housing Gateway relating to the "Over 55s" demand for housing. The report clearly illustrates the need in the Parish. The data is a snapshot of the situation at the time ie: 5th March 2013. The Planning Department is in any case provided with the Gateway information on a weekly basis. Therefore, the Planning Department is well-placed to verify the need at any given time.
- 21. There is an identified and defined local need for sheltered housing in St Ouen's Village, which is necessary to accommodate persons with Parish connections, and more important to protect the vitality, viability and community spirit of St Ouen.
- 22. The application proposes a split of tenure in the development of 55% <u>open market</u> rental houses and 45% <u>affordable</u> rental. The proportion of open market housing

provides additional funding for the costs of the development together with future long term funding for maintenance and the running costs of all sheltered accommodation. This model has recently been adopted and approved in the Parish of St Peter on field 633, where the previous Minister approved the rezoning of this field with a similar percentage split. The Parish is fortunate in having a benefactor who bequested funds for the development of homes for the elderly. The estate of the benefactor is currently administered by Trustees who will provide funds to meet part of the development costs of this project, should planning permission be granted.

### The Policy requires engagement with key stakeholders.

- 23. Following a full and comprehensive assessment, the Parish has submitted a planning application which has been advertised and has been issued to the key stakeholders, advertised to residents and relevant States departments. As part of this consultation the architect has had information from Transport and Technical Services with regard to drainage and vehicular access and the proposals meet that Department's requirements. As a result, the architect has also discussed the Proposal with the Ambulance Service and the States of Jersey Police and has amended and adapted the scheme to meet their requirements.
- 24. Discussions have also taken place regarding improvements to the junction of Rue de la Croute and Route de Vinchelez with the owners of the property immediately north of the junction and, subject to planning permission being granted, the Parish will share the costs of the improvement. The new arrangements for the junction are shown in Waddington Architect's Drawing No. 5048\_030C, which is attached, and have been agreed in principle by the Transport and Technical Services Department.
- 25. There has been a full consultation with the Parishioners at Parish Assemblies held on 17 November 2009 and 23 February 2010 (the respective minutes of those meetings are attached as Appendices 4 and 5). The minutes illustrate that the majority of the Parishioners support the application.
- 26. There has been consultation through the planning application process. This has generated a significant number of objections to the application, albeit that the

proposal only has a limited impact on a relatively small number of adjoining properties which have access from Rue de la Croute and overlook the site. In the Parish's view, the impact is not unreasonable.

- 27. The consultation has proved that the Parish and Parishioners support the development and have voted in favour of it (see relevant extracts of Parish Assembly minutes at Appendices 4 & 5)
- 28. The Parish's architect has supplied the Inspector with full documentation on the application.

# Policy H5 requires that the Proposal is designed and constructed or can be adapted to accommodate specific requirements of the intended residents.

29. The planning application illustrates the various unit types proposed. The Joseph Rowntree Foundation guidelines for sheltered accommodation provide flexibility for the units to have a second room which can be used as a study, a second bedroom, a visitor's bedroom or be adapted to provide additional room to the living room or first bedroom. All living space has been designed to allow for adequate circulation, as shown on the submitted drawings.

### Alternative sites considered and assessed

- 30. In order to decide whether Field 622 was the most suitable site, the Parish assessed twelve other potential sites within the Parish. These fields are shown on the attached Drawing No.4591/28.
- 31. Attached to this submission is the Parish of St Ouen's report on possible uses of parts of Field 622<sup>2</sup>, which is a document that was presented at a Parish Assembly on 16 November 2009, and highlighted reasons for the preference of Field 622.
- 32. The other sites reviewed were:

<sup>&</sup>lt;sup>2</sup> Reported verbatim by the Connétable at the Parish Assembly on 16 November 2009

### "Snow Goose"

33. This site was in private ownership and the site was for sale, at that time, on the open market. This meant that the value of the land made the proposal for affordable homes unachievable. The site was also small and fairly modest in terms of its surrounding context with regard to mass. Therefore, the desired unit numbers could not be achieved without having a significant impact on the adjoining properties and a detrimental effect on the visual amenity of the main arterial road through the village of St Ouen. For these reasons, together with the fact that the site has since been purchased and developed by others, this piece of land was not subsequently considered.

### Fields 630 and 654

34. The sites are small and could not be developed economically. The combined area is inadequate to meet the wishes of the Parish.

### Field 564

35. Adjacent to the Farmers Inn, this field is in private ownership and the owners have stated that they are not inclined to sell. However, a safe pedestrian route is unachievable and could not be suitably linked to the village, and thus renders the site unsuitable for the intended purpose.

### Field 615

36. This field was offered to the Parish for consideration, but the Parish rejected the offer because the field is bordered on two sides by heavily used roads where access to shops is limited and any pedestrian route would be dangerous. It was also felt that to seek permission for the construction of sheltered accommodation in this field would create a large and unacceptable impact on the environment and the countryside.

### Fields 616 and 617

37. The site at Fosse au Bois, Fields 616 and 617 were reviewed as a potential site as they are located within the built up area, however there were three major reasons against this site. Firstly, the farm is successfully operating as an agricultural business and, if dwellings were placed on this site, it would necessitate displacement of the farm holding and its buildings to another site in the area. Also, the owners have the aspiration to develop the vacant part of the farm holding for Category B housing under Policy H6 of the Island Plan and have subsequently made a planning application which was refused on density grounds. It is likely that the owners will resubmit an application at a different density to move this proposal forward. Finally as the site is a valuable agriculture holding and a potential residential development, the land value would be too high for the sheltered accommodation scheme to be viable.

### Fields 595 and 602:

38. These were discounted for similar reasons to Fields 615.

### Field 657:

39. This was not pursued on the grounds that it was not large enough for the number of units required and would need considerable drainage infrastructure work in order to service any development. It was also felt that a safe pedestrian route was difficult to achieve and the site was too remote from the village centre.

### Fields 640 and 646

40. Bordering La Cache de L'Eglise, neither of these fields is sufficiently close to the village centre or capable of safe pedestrian access.

### Field 695

- 41. Following a public meeting held on 06 February 2009, the owners of Field 695 were approached, but it became apparent that they were unwilling sellers.
- 42. The Parish has clearly undertaken an exhaustive assessment of the possible fields around and within the village centre and, from this process it was decided by the Parish that the eastern part of Field 622 was the most favourable site a view which was also supported by the Inspectors examining the Draft Island Plan in 2010.

### Representations on the proposals

43. The proposals have what could be called a direct adverse impact on a limited number of properties. Essentially, they concern additional traffic on Rue de la Croute, potential loss of privacy, and loss of aspect. There are 5 residential properties in Clos de la Croute, and approximately 11 on Rue de la Croute.

- 44. There were 166 written representations on the proposals. The majority of them were submitted when the application was originally registered. It is our clear impression that the generation of so many representations was orchestrated a case of "never mind the quality, feel the width" and they came from all over the Island.
- 45. The representations themselves fall into three main categories, as follows:
  - The proposals are contrary to the presumptions contained in the Green Zone policy (107 comments);
  - Adverse impact on the character of the area (78);
  - Loss of privacy (13); and
  - Traffic and road safety (95)

Several respondents felt that the development as proposed would automatically lead to the development of the eastern part of the field as it will inevitably set a precedent for developing the western part of Field 622 and 623 to the south.

- 46. It must be stated in response that the relationship between the existing homes and proposed development is quite normal in the village context, and can be seen across the smaller settlements in the rural parts of the Island.
- 47.We have attached, as Appendix 5, a copy of a letter submitted to the Planning Department by Morris Architects responding to the initial representations on the application, which addresses the substantive objections referred to in paragraph 45
- 48. We can understand the concerns and fears of residents who will be affected to some extent by the development, but consider that the demand for additional sheltered housing in the village justifies the development of the most appropriate field for this purpose

### **Conclusions**

49. Having regard to Proposal 15 and taking into account Policy H5, the Parish of St Ouen clearly believes that the Proposal to provide sheltered accommodation on this land for this specific use meets all but one of the criteria of the Policy. It fails solely on the inability to find a suitable site that is located within the designated Built-up area. As the Parish has met all of the requirements of the Policy, with the exception of the built up area requirement, it considers that the planning application should be approved under Article 19 (3) of the Planning & Building Law 2002.

This Statement was prepared by:

Peter Thorne MRTPI, Planning Consultant, and Morris Architects Ltd.

2 June 2013

### Enclosures

- Drawing No.4591/27: Location plan, highlighting the safe routes from Field 622 to the shops and communal facilities at the centre of St Ouen's village.
- Drawing No.4591/28: Shows the potential sites considered and evaluated by the Parish of St Ouen.
- Waddington Architects Drawing No. 5048\_030C: showing the agreed Improvements to the Rue de la Croute and Route de Vinchelez junction.
- Appendix 1 Data provided by the Housing Department's Affordable Housing Gateway, relating to the "Over 55s" demand for housing, and the St Ouen's Parish waiting list.
- Appendix 2 Note by Procureur Advocate Richard Renouf on the ownership of the land that is required to link the development to the village shops and Parish Hall.
- Appendix 3 Minutes of St. Ouen's Parish Assembly dated 17 November 2009 (specifically to Item 7).
- Appendix 4 Minutes of St. Ouen's Parish Assembly dated 23 February 2010.
- Appendix 5 Letter to the Planning Department, dated 7 January 2011, in response to the concerns expressed by people making representations on the Planning Application.







### <u>Appendix 1</u> Housing Needs

### Affordable Housing Gateway

### Data relating to "over 55" demand for housing.

### (Position as at 5<sup>th</sup> March 2013)

	of applications registered within Bands 1, 2, 3 & 4 of the Gateway t is aged 55yrs or over.	313
Of those 313:-		
	Number on the Waiting List (i.e. those currently housed in unsatisfactory accommodation in the private sector)	217
	Number on the Transfer List (i.e. those already tenants of the Housing Dept or a Housing Trust who need to move for various reasons)	96

Applicants are placed on the list in various priority groups:-

BAND	CHARACTERISTICS OF APPLICANTS		
1	Homeless i.e:-		
	<ul> <li>Under Eviction Notice (Court Order in Place)</li> <li>In Tied Accommodation where employment has ceased</li> <li>Unable to occupy or return to present home because of Urgent Medical Issue</li> <li>Have no rights to stay in current accommodation such as staying with friends or family</li> <li>Forced to live apart from family because present accommodation isn't suitable</li> <li>In "hostel" or "shelter" type accommodation;</li> </ul>		
	Existing tenant needing to Transfer for decant reason Existing tenant under occupying Any combination of Band 2 characteristics		
2	Grave overcrowding (opposite gender children sharing a room or more than 2 children in one room) Poor housing standards Moderate Medical Cases (by Medical Officer of Health determination) Other social housing transfers		

3	Private Rented Sector tenants who are adequately housed but are unable to afford the current rent – with or without financial assistance.	
4	Presently Adequately Housed - little or no housing need but simply wish to change home	
5	Register for those who wish to purchase but require some kind of financial assistance to do so.	
6	Multi-Agency Supported Housing – Applicants who will require ongoing landlord support to live independently and are only likely to be housed by certain landlords who can offer that 'extra care'.	

Bands 5 & 6 have not been included in the figures.

### Waiting List

Band 1	29
Band 2	66
Band 3	80
Band 4	42
Total	217

### Transfer List

Band 1	46
Band 2	50
Band 3	n/a
Band 4	n/a
Total	96

There are 72 households on the St Ouen Parish Waiting list. Only 4 of them have no connection to the Parish. The list is made up of 44 single people and 28 couples.

### <u>N.B</u>

Single applicants and couples applying to the States Housing Gateway for social rented accommodation are generally accepted for one bedroom units unless there is a demonstrated medical need for larger accommodation. This is because the current rent component of Income Support will only allow for the size accommodation that an applicant needs.

Applicants applying through the Gateway for social rented accommodation are required to meet certain criteria, the financial element of which is that their income is no greater than £40K per annum. The majority of those registered with the Gateway would not therefore be able to afford the full fair rent for a 2 bedroom property without additional assistance from Income Support, which they would only be entitled to if there were strong medical grounds.

Copies of the St Ouen's Housing List and the Application Form and Tenancy Agreement are available should the Inspector require to see them.

### Appendix 2

The Parish owns the land to the south of **sector and the sector** which will provide safe pedestrian access from the development to the village facilites. It is not merely a right of way.

The land forms part of Field 622 and is described in the contract of purchase of the field.

The farmers who cultivated the field ceased using the land as an entrance to the field due to the narrowness of the access road. Instead they accessed the field from La Rue de la Croute. Sometime in the 1980s, the Rector of the time granted a licence to the then owners of the property lying immediately to the north of the land) to use the land as domestic garden.

There was a proper written agreement and it was stated that the Rectorat could repossess the land at any time. Subsequent Rectors have not renewed the licence and the licence

The boundary between **the second and** 622 was a hedge or bank which has now disappeared. However there is evidence of the boundary when **the second second** is viewed from the parish road La Petite Fosse. There are also old OS maps. I have been to the Archive to look at aerial photos but the boundary cannot be seen due to tree cover. They cannot claim ownership unless they build up 40 years possession without any contrary claims. We have a letter from their own lawyers acknowledging the situation. The owners of are vocal objectors to the Parish plans. We have taken the view that we do not wish to take steps to take back the SE corner of the field or attempt to formally agree a new boundary until a planning permit is granted. Do you agree?

We have however thought that we would make arrangements with the owners to enter their garden to view the land in question, and that we would have to do this before the public enquiry to show the area to you and Andrew. We may also wish the inspector to see it during the public enquiry. What do you think?

Advocate Richard Renouf 4 March 2013

### Appendix 3

### Parish Assembly Minutes: 17<sup>th</sup> November, 2009.

AN ASSEMBLY of Principals and Electors of the Parish of St Ouen was duly convened in St Ouen's Parish Hall on Tuesday, 17<sup>th</sup> November, 2009 at 8.00 p.m. to:

1. To receive a report on the possible use of part of Field 622 (Rectory land) for the construction of further sheltered accommodation for the elderly and to consider seeking the rezoning of this and in the new Island Plan. (Copies of this report are available from the Parish Hall Office).

The final item on the Agenda was to receive a report on the possible use of part of Field 622 (Rectory land) for the construction of further sheltered accommodation for the elderly and to consider seeking the re-zoning of this land in the new Island Plan.

### The Connétable read the following report:-

"In October 2007, the Parish was informed that the late Mrs Beryl Coulter has left instructions for a Trust to be created with the residue of her Estate to be used for the financing of the construction of sheltered homes for the Elderly of the Parish of St Ouën. There were certain conditions associated with this request which included that the construction should commence within three years of the date of the registration of her Will. Should any of the conditions not be complied with the residue of her Estate would be transferred to Jersey Hospice Care. These conditions have subsequently been the subject of a Deed of Variation duly accepted by all parties and placed before the Royal Court. This Deed of Variation, among other things, lifts the three-year time stipulation.

Having met with the Trustees of the Will, the Parish started to look for possible development sites. Mindful of the fact that the sites were for elderly persons, there was a need to find a suitable site within easy reach of the shops at Haut du Marais, and also where the crossing of main roads could be avoided.

Initially, two sites were identified. One to the east of the Farmers Inn (field number 565), the other was the eastern half of field 622. Field 565 is in private ownership and the owners have stated that they are not inclined to sell. Field 622 is in the ownership of the Rectorat Committee and therefore subject to the agreement of the Dean of Jersey. The matter was raised with the Rectorat Committee. It was found that the field was originally two fields, which had been made into one with the eastern side being Rectorat land and the western side being in the Trust of the Dean of Jersey and the Rector of St Ouën. The boundaries were duly established, using the services of Mr Winston Le Brun, of law firm Le Gallais and Luce. It must be noted that the western part of the field has a requirement on it that it should be held by successive Rectors and Deans on the following conditions: -

1. The land or the income derived from it must be applied for the benefit of the Rector of St Ouën, or any other purpose connected with the Anglican Church in the Island of Jersey.

- 2. The land cannot be leased, sold, exchanged hypothecated or otherwise alienated without the express written consent of the Church Commissioners, the Bishop of Winchester and the Lieutenant Governor.
- 3. The Rector and Dean must, if required by, and subject to the directions of the Church Commissioners, permit a Church, Chapel or other place devoted to the Anglican worship or Sunday School or other School in which religious education is taught in accordance with the Anglican doctrine, on the land.

The field is in the Green Zone and must therefore receive approval of the States of Jersey for re-zoning.

Fields 614 and 615 were offered to the Parish for consideration, but were turned down because they were bordered on two sides by heavily used main roads, where access to the shops would have been dangerous. It was also felt that, to seek permission for construction in these two fields, meant a new encroachment into the countryside.

Part of field 602 was also offered but again, turned down for similar reasons to the above.

At this time, the former Snow Goose site came onto the market and the Parish contacted the owners to enquire whether the site would be available for use by the Parish. Although the owners had no objection, the site had already been valued at a figure, which the Parish could not afford. At the same time, we were advised that the site was not large enough to accommodate 20 units.

Field 657 was also offered, but was also refused on the grounds that it was not large enough and would have needed considerable drainage to be undertaken prior to any construction.

Two fields bordering La Cache de L'Eglise were also considered, but neither proved large enough to house the proposed development.

In September, 2008 a Parish Assembly agreed to the establishment of a Charitable Association to administer the building of Homes for the Elderly, in accordance with the terms of the Will of the late Mrs Beryl Coulter. This was done following legal advice that considerable amounts could be lost to the British Chancellor of the Exchequer by way of Death Duties, if such a Charitable Association was not established.

Following a meeting of concerned residents living in the area of field 622, held on 6<sup>th</sup> February this year, the owners of field 695 were approached, but proved to be unwilling sellers. A further suggestion that a Residential Home should be looked at was proceeded with, with a Committee under the Chairmanship of Advocate Richard Renouf, tasked with enquiring into the feasibility of such a scheme. This Committee consisting of Deputy Andrew Green, who has considerable experience in hospital management, Mrs Rosamund Harris, a long time nurse with Jersey Hospice and Mr Graeme Le Rossignol, Chartered Accountant has now reported.

The Committee took advice from a number of bodies involved in Health Care including, Mrs G Blackwood, Registration and Inspection Manager, Health and Social Services, the present and past Matrons of Maison St Brelade, St Ewolds, the

Little Sisters of the Poor, together with Social Services Social Work Care Manager and the Financial Director at the Town Hall.

The Committee have found that there is insufficient capital in the Coulter bequest to enable the Parish to construct an economically viable unit (25 beds). They have also identified that, even if the capital could be raised for building such a unit, the ongoing running costs would be too high a risk to justify recommending to a Parish Assembly.

The Committee, after considerable research, have been forced to conclude that it is not economically feasible to operate a combined Residential Nursing Home on the planned site as, whilst fees may cover running costs, they would not be sufficient to recover any capital expenditure, and there would also likely be ongoing calls on Parish funds to meet maintenance.

There would also likely be problems in ensuring availability to Parish residents in accordance with the terms in Mrs Coulters Will. To ensure economical running of the unit would need near enough 100% occupancy, meaning that the Parish could not hold back any units for the specific use of Parishioners.

Having identified the need for further Sheltered Housing, (15 Doubles and 28 Singles on the present waiting list), the Parish therefore appears to be left with no alternative other than to pursue the use of the eastern part of field 622."

The Connétable added that he opposed any building on green-field sites but he always knew that any further extension to the Homes for the Elderly in the Parish would require building on a green field site. All applicants on the waiting list had been written to and all but one had replied in the positive.

The proposition before the Assembly was to seek approval for the Eastern half of field 622 to be included in the new Island Plan which was due to come out in 2010. It would then be considered by the States of Jersey.

Mr Robert Henkhuzens asked if Field 564 had been considered. The Connétable replied that this was incorporated in Field 565.

Mr Nicholas Poole stated that he was one of the ones opposing this. He was not opposing the building of the homes just another piece of the Green Zone being used. Although it had been said that it was on the edge, everything was always on the Green Zone. He felt that he would have liked a little more time and consideration be given to this issue. Although it was stated that half of the field was being considered for the redevelopment of the homes, the plans showed a mystery road going onto the other half of the field. He also understood that there were people who were in their 50's on the list. To what extents had the other sites been looked at? Maybe 615 would have been a possibility. He asked for the decision to be made not only on social grounds.

The Connétable replied that on the advice of the Planning Minister, Field 622 would be rezoned for a specific purpose only. Only Sheltered Homes. According to the list of applicants, who were all written to, 90% of these are over 60 years of age. Regarding Field 615, this field was rejected because it was surrounded on two sides by busy main roads.

Mr Robert Blackmore asked if Field 622 was re-zoned and Sheltered Housing was turned down, could he have the Connétable's assurance that no other development would be built. Mr Blackmore further added that Mr Richards Nobes, a cousin of Mrs Beryl Coulter had telephoned him that afternoon and that he, Mr. Nobes, was unaware that the Will had been changed and was very distressed concerning this. Mr. Blackmore insisted that, what was contained in the lady's will should be complied with, as Jersey Hospice was very close to her heart. The Connétable replied that he had not changed the Will this had been done by the Executors of the Will, and it was legally supported by Mr Percell-Jones of Jersey Hospice's signature.

Mrs Lesley Ricketts stated that legally, it may have been OK for Trustees to change the terms of the Will but morally this was wrong. Advocate Richard Renouf (Procureur du Bien Public) explained that Parish Lawyers were dealing with this. Mrs Coulter did not appoint her Cousin to administer her Estate she appointed two very close friends. The Trustees have only been handling the Will with the assistance of their lawyers who have applied to the Royal Court for these changes. The Royal Court had this power. The Trustees were not changing the intention in Mrs Coulter's Will, as her intent was always to have Homes for the Elderly for St Ouen. The Trustees were allowed to extend the time providing they were content that the Parish was making every attempt to get these homes built. The Parish were asked, by the Trustees, to support this application to the Royal Court. The Royal Court did not consider that any of the parties was in any way acting incorrectly.

The Connétable asked Mr Robert Blackmore if he was aware that the family were contesting the will. Mr Blackmore replied to the negative.

Advocate Richard John Michel stated that the parties to the Will were all in agreement. For any representation, all had to agree to changes, and it had to be unanimous. Trustees giving effect to the Will had to gather around a table and sort out who was to receive what. This was nothing to do with the Parish. If the family disputed what the Trustees had done, again, it was nothing to do with the Parish.

Mr Daniel Dingle stated that he would agree to building on Field 622 as he saw nowhere else other than this. The Parish need for more homes had clearly been identified.

Mr Nicholas Poole, re-iterated that the Parish should make sure it had all the facts before it went ahead and voted. There was an emotional factor which should not be overlooked.

Major Michael Barthorpe asked if Field 622 would only to be used as Sheltered Housing and what would happen to the rest of the field, would it remain the in the Green Zone. The Connétable replied yes.

Mr Nicholas Poole asked why there was still an access road showing on the drawings. Mr David Fleetwood Ellam (Procureur du Bien Public) stated that these were the same drawings that had been presented at an earlier meeting, but that that issue would be addressed.

Mr Dennis Clarence Renouf stated that the site proposed was an ideal site for this building project as it had safe pedestrian access to shops and the Parish Hall.

Mrs Amanda Lees-Baker did not agree that this was the ideal site. Access was an incredibly narrow green lane. The Connétable replied that the Parish had experience of the traffic involved in a sheltered homes development, and this was nowhere near that of an open development.

Mrs Brenda Watts stated that those opposing this proposition were merely pulling at heartstrings. She asked the following questions of the objectors. Did they drive here, were they on a bus route, did it serve a Parish Hall, how many cars in their family, how many cars sat outside of their own property. She thought that most had driven here. How many cars did they have? She stated that she had recently moved to the Village from L'Etacq. From L'Etacq, if she got a bus she would have had to go to town to get to the Village at St Ouen. As you got older, if you had no transport, you tried to move nearer to your Parish Hall. Down in L'Etacq, was lonely, and there were many in this Parish who were lonely. She was fortunate to be able to have made a private move, but there were many who could not. The field being suggested was a good forward step, and although not yet in black and white, she asked that it at least it be given a chance. It was on our doorstep and that is what we needed.

Dr Kisch stated that he was looking at this from a different angle, Field 622; Parish land administered by the Rectorat and the Church had been identified. How would the Parish be acquiring this? Why were we not looking at the largest field, 614 and 615? Dr Kisch then suggested that this site should not be decided on tonight but moved to another meeting.

Connétable replied that there were no conditions on the site proposed, field 622. No decision had been made on how we acquired that land, although negotiations had begun with the Dean. It would either be taken on a long lease or an outright sale of the field. Fields 614/615 were turned down because they bordered two main roads and were even further into the Green Zone. The principal of Homes for the Elderly in St Ouen was set 35 years ago.

Mr Clarence Syvret asked if the Parish purchased Field 622 would they have to replace it with more land. The Connétable replied that he had spoken to the Dean, who would have preferred a complete sale or a long lease. This would have to be decided at a later date.

Mr Douglas Creedon said that a sum of 2 to 3 million pounds had been mentioned. Was it true that the amount depended on the sale of property in the U.K? Did anyone have any idea if the prices had gone down in the UK and if there was a shortfall how would it be met. The Connétable assured the Assembly that no scheme would be proceeded with unless the monies were available. There was no question of a shortfall.

Mr Creedon said that Field 623 might get developed, could the Connétable get a guarantee that this would not happen. The Connétable replied that this would be a Planning decision, and he therefore could not give any guarantee.

Mr Nigel Queree said that this was being considered, as when you had money burning a hole in your pocket, it was easy to make the wrong decision. An Assembly would be wiser to take the longer view. He felt that this was a worthy report but not a satisfactory one.

The Connétable said that this was a good point but that he was already being criticised for delaying the matter and this suggestion would only cause further delay.

Mr Nicholas Poole understood that the time scale has been lifted altogether. Advocate Renouf confirmed this was correct.

Mrs Margaret Jervis stated that this argument could go on forever. The objectors were very much "not in my back yard". Postponement was not good, just a way of trying to get out of it. Mr Gary Le Brocq stated that was not the case, they just felt that it was not the right site. They were asking for the Parish to look for other alternative sites. One behind Jersey Telecom was suggested, as was one at the top of the Marsh, these would have less effect on life and properties in the area.

Mr Jonathan Poole jnr asked why the Village Green was not used as no one else uses it. The Connétable stated that the owner of that field was only prepared to gift it to the Parish as a Village Green, not a building site. Furthermore, it would not have been big enough.

Mrs Rosemary Blackmore stated that she did not agree with Mrs Watts, there would be far more traffic in the small green lane. Although they had had the Connétable's assurances to the contrary, she did not believe him. The exit onto the main road would be far too dangerous for the elderly.

The Connétable stated that elderly people did not use cars all the time, they normally only had one per home maximum, if any, and the Parish would put in traffic calming measures if deemed necessary.

Mrs Madeleine Poole asked what sort of traffic calming measures could be put at this junction. The Connétable suggested the possibility of a traffic island.

Mr John Mallet said that we were getting away from the point and that the proposition was to get field 622 re-zoned. Putting forward the argument for another Green field site, fields 614/615, was only saying OK to build there but not on field 622.

Advocate Richard Renouf stated that he wished to add that there was pedestrian access in the South East corner. This was why this was the best field of all fields considered, as easy access would be available along a quiet lane. The Connétable & Procureurs had agreed that Field 622 was by far a better site for the building of homes. The Parish would have loved to keep the Green Field site. Houses to the east had been constructed on Green Field sites as were a lot of homes in the area. It was necessary to look at what would be best and most convenient to the elderly. The population was now living longer and he stated that it was recognised that there was a need for more retirement homes. A sympathetic development was proposed subject to all the planning controls.

Mr Pierre Le Saux said it was not just a case of granting permission to build 22 homes, but it would lead to 71 further homes around the site. He was led to believe that the other fields could not enter onto the dangerous road. He further stated that this was a new drawing, but Mr David Ellam (Procureur du Bien Public) replied that this was definitely not a new drawing.

The Connétable stated that he was only attempting to get permission to get field 622 rezoned. No homes would be built until the amount of funds left to the Parish was known. The Connétable then asked the Assembly to vote on this decision. There were 74 in favour, 55 against with 12 abstentions. The motion was therefore carried and the Parish would now be submitting this land for consideration in the next Island Plan.

Dr Robert Albert Kisch proposed that the Act of this Assembly be read at the next Assembly this was seconded by Mr Allan John Quenault (Chairman of the Rates Assessment Committee).

There being no further business the Connétable declared the meeting closed at 10.10 p.m.

### APPENDIX 4

### Parish Assembly Minutes: 23<sup>rd</sup> February, 2010.

An Assembly of Principals and Electors of the Parish of St Ouen was held in St Ouen's Parish Hall on Tuesday, 23<sup>rd</sup> February, 2010 at 8.00 p.m. to:-

### **Relevant Extract**

The Connétable then read the Act of the Parish Assembly held on 17<sup>th</sup> November 2009

Mr Nicolas Poole proposed there be amendments made to the minutes, one being the question of the drawing, asking why, when there was no new drawing, did Mr Ellam insist that the one on display was a new plan, and secondly he questioned the mystery road.

Mr Pierre Le Saux asked with reference to number of people, 74 for 55 against and 12 abstentions, which came to 141 people, but felt there were nearer to 200 people.

On the proposition of Mrs Margaret Aimee Jervis seconded by Dr Robert Albert Kisch it was agreed that the Act of the Parish Assembly be accepted with 10 people in favour 17 abstentions and non-against.

Mr Gary Le Brocq stated that he had raised the issues regarding the road being too narrow for the extra traffic, and the wildlife of Marsh. The Connétable replied that a lot of the old people requiring Sheltered Housing did not actually drive. It was unanimously agreed that the minutes be approved. Mr Nigel Queree proposed that this be deferred. The Connétable stated that there was not to be a vote therefore it was not accepted.

Mr Nicholas Poole stated that going back to the vote of the Assembly which was held on 17<sup>th</sup> November 2010, he wished to know how many non Parishioners voted and wished it be minuted that there were concerns regarding to the manner in which the vote was taken.

Mr Blackmore asks why no count was made on abstentions. Connétable stated that had he known there would be so much controversy over the vote, he would have carried out the count in a different manner.

Mrs Jervis stated that Mr Ellam counted one side, with Centenier Paddock counting on the other and they had the same result on a re-count.

The Connétable stated that he was satisfied that the count was correctly done.

Mr Le Breuilly stated that if people attended Parish Hall meetings on a regular basis rather then once or twice a year if at all, they would know the system of Parish Hall meetings.

Advocate Richard Renouf stated that was no evidence of people who had not had a vote being counted, and to the best of his knowledge, everyone counted was eligible to vote.

Mrs Madeleine Poole stated that in a room that was so full on that night, the two Procureurs could not be expected to know everyone in the room with 100% certainty.

Mr Nicholas Poole added that he accepted that Procureurs had carried out the count fairly and honestly.

There being no further business the Connétable declared the meeting closed at 21.10.

### APPENDIX 5

Letter to the Planning Department, dated 7 January 2011, in response to the concerns expressed by people making representations on the Planning Application.



Our ref: AMM/KTV/4591 Your ref: P/2010/1717

07 January 2011

Planning & Building Services South Hill St Helier JERSEY JE2 4US

Dear Sirs

### Re: Field 622, Le Clos de la Croute, St Ouen (St Ouen Sheltered Accommodation)

Thank you for your series of letters containing letters of representation.

Firstly, we would like to state that in all of our years of practice we have never had so many representations from residents who are not associated with either the locality of the development or the Parish. There are over ninety letters from people outside of the Parish which is unprecedented and leads us to some suspicion of how this has come about. Therefore, we would like to question the validity of the objections received and would ask the Planning Department to sample contact a number of the authors to ensure that there has been no abuse of the open nature of the planning system. We would be obliged for your confirmation that you will be undertaking this exercise.

Also, we note that there are a number of objections from the same household, all of which make the same point. We would therefore suggest that in cases such as this, the household should be considered as one representation. We would like to confirm that there has been some duplication in the representations and that your department should review the correspondence in order to give clarity and fairness to the number of representations being made.

This being said, we believe that there are only a small number of issues that have been common to the correspondence and we would comment as follows:

### Planning Policies – Green Zone

We and the Parish are aware that this proposal lies within the countryside zone and is on an agricultural field. The purpose of the application is to commence a process for the rezoning of this site.

The important thing to consider when proposing the redevelopment of the countryside is to ensure that the land that is being chosen has been done so correctly and with due consideration. We and the Parish have been through a very long and time consuming exercise where we have considered numerous fields and locations for the proposed sheltered accommodation and have come to the conclusion that this location on field 622 is the most worthy. The reasons for this are that it is located within the heart of the Parish's village and it has good, safe and existing pedestrian links to the shops, community centre, Parish Hall, etc. It is also located within boundaries of the urban fringe and, more importantly, the site is under the ownership of the Parish which makes the scheme more viable than purchasing from third parties.

Therefore, the proposition for the rezoning of this site is felt to be correct and that the selection of this field has been through a due process.

### Character of the Area

The character of the area, as can be seen from the photographs contained within our submission, is varied to say the least. It is predominantly made up of one and two storey modern day rendered houses with a small number of what could be described as more old Jersey vernacular. The proposal has been kept to one end of the field for legal reasons but it was also felt that the development would be more appropriate to be kept close to the more modern developments that have occurred in St Ouen. Therefore, we feel that the character of the area has no particular clarity or style in terms of architecture and that the proposal being put forward is highly appropriate.

### Character and Design of the Proposal

We have gone to great lengths in order to ensure that a single storey development of small units has an individual design character. It is important within these schemes to create a community around a courtyard. It is felt that a light design with the use of modern materials is appropriate for housing the elderly as it brings vitality and a modern feel to living.

#### Noise and Disturbance

Noise and disturbance during the construction process is not a planning matter and is only a short term event. Within the Regulations of Construction the Environmental Department set down stipulations with regard to noise, dust, disturbance, fumes, etc which any future contractor will have to comply with during the construction process.

With regard to noise and disturbance from the eventual built scheme, we would argue that this will be very low as these residents are not the type that would be revellers in the very nature. Also, this classification of development has a low ratio of car numbers to properties which also reduces possible disruption from vehicles.

### Loss of Light

Due to the positioning and the height of the proposed buildings there will be no overshadowing to the adjoining properties.

#### Loss of Privacy

You will note that within the proposal it is all single storey. Also, the site falls away from most of the existing residential properties. It is an established understanding that there is no overlooking from single storey dwellings on to existing dwellings. It should be noted that there is an existing road between the proposed and the majority of the existing dwellings have high banks and vegetation. Therefore, their privacy is already compromised.

Also, Michael Felton Limited have produced a plan to provide a green screen to the boundaries.

### Traffic and Road Safety

As stated above, the ratio of cars to dwellings for this type of building is low in comparison to residential. The traffic movements for this type of residence are not normally within the peak rush hours as most people are retired. This therefore tends to suggest that the traffic movement numbers will be low and out of peak times. Therefore, the impact on the existing road network will be minimal.

The vision splays that have been provided from the site are sufficient and meet Transport and Technical Services' requirements. Therefore, access and egress, if acceptable to them, should be acceptable to the Planning Department.

### Car Parking

The car parking provided exceeds that required by the Planning Department. It should also be noted that a high number of disabled spaces have been provided.

### Site of Historic Interest

We do not believe that this field is of historic interest. The boundary walls in one section of the field are of no importance and need to be adapted for road safety.

### Drainage

We have had comments from Transport and Technical Services, dated 16 December 2010, confirming that the scheme can have a connection to the foul drainage system. Our engineer, Rothwell and Partners, believe that with the flexibility of being able to utilise the field as a whole for a future drainage system means that we will be able to overcome any surface water issues that may arise. Therefore, surface water will not be an issue.

#### Wildlife

The field is a commercially farmed field at this time. Therefore, there is no indigenous wildlife that live within the field. The proposed dwellings will have no more impact on the wildlife than that which would be there via agricultural usages.

The scheme is proposing an increased buffer zone around the development in terms of trees, hedgerows, etc which will propose natural habitats for the wildlife which is over and above that which exists at the moment.

#### Marsh Area

Although the site is located near to the marsh, it is not on the marsh or adjacent to it and therefore should have very little effect.

Once again, we would be obliged if you would ensure that the comments above have been noted and we <u>require</u> your clarification with regard to the sampling of the objectors to ensure that good process has been duly followed.

Yours faithfully

ANDREW MORRIS BA (Hons) Dip Arch (Kingston) RIBA MORRIS ARCHITECTS LIMITED Copy+encs Parish of St Ouen