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Department of the Environment

**PUBLIC INQUIRY into the proposal to construct 19 sheltered housing units,
communal building and new vehicular access at Field 622, La Route de la Croute,
St. Ouen.**

- Statement of Case -

Planning Application Reference; P/2010/1717

Introduction

This statement is submitted by the Department of Environment in response to the Public Inquiry into planning application; reference P/2010/1717 for:

The construction of 19 sheltered housing units, communal building and new vehicular access at Field 622, St Ouen.

The Statement has been prepared by officers of the Department and does not necessarily reflect the views of members of the Planning Applications Panel, or the Minister; none of whom have had any involvement in its preparation and none of whom have had sight of the statement prior to its release to the Public Inquiry.

The statement should be read in conjunction with the documents submitted by the Department to the Public Inquiry which, together, form the Department's full statement of case. Those documents comprised all plans, representations received, consultation responses and general correspondence from the planning application file.

The statement is set out in the following sections:

1. description of the application site and its surroundings
2. brief description of the proposal
3. outline of the relevant planning history
4. outline of the recent zoning history
5. consultation responses and representations
6. policy context: national planning guidance and development plan
7. key policy considerations
8. review into 2011 Island Plan
9. conclusions

1 Description of the site and its surroundings

1.1 The rectangular application site forms the eastern half of Field 622 and comprises approximately 0.7 Hectares of undeveloped agricultural land.

1.2 The site is relatively flat and even and bounded on its northern side by La Route de la Croute. There is no physically defined western boundary as Field 622 carries on beyond the site boundary to La Route de la Croute which wraps around north-west corner of the larger field to form its western boundary.

1.3 To the south lies Field 623 and a boundary with two residential properties. The eastern site boundary is formed by a hedgerow alongside an access road serving several residential properties and by the boundary of a dwelling at the southern end of that access road.

1.4 The site lies on the western edge of the Built-up Area of the village of St Ouen.

2 Brief description of the proposal

2.1 The application proposes the erection of a single storey development comprising nineteen units of housing for the over 55's and for residents with special needs. The units feature one primary bedroom and a study / dining room that can be adapted to form a bedroom. One of the units is ear-marked as a warden's residence, but this is adaptable for use as a larger 3-bed unit of sheltered accommodation, should the need arise.

2.2 With the exception of a 4-unit terrace and a 3-unit terrace, the new homes would be provided in semi-detached blocks of a 'low-slung' bespoke design clustered around areas of hard and soft landscaping.

2.3 A centrally located community building is also proposed, sharing the same design ethos of the dwellings.

2.4 Access would be brought into the site from the north-eastern corner, to run along the eastern site boundary, parallel to the existing private access road just beyond that boundary. A public footpath would also link the south-eastern corner of the site to the village.

2.5 The proposed provision of car-parking within the site satisfies the Department's current guidelines.

2.6 In line with Departmental policy, the applicant has also proposed the provision of a Percentage for Art contribution.

3 Outline of the relevant planning application history

3.1 EIA/2010/0997: Request for a Screening Opinion as to whether an Environmental Impact Assessment (EIA) was required to Construct 23 No. sheltered units plus two warden units and 1 No. community room on Field 622 submitted 6 July 2010. The Department confirmed by letter that an EIA was not required (7 July 2010) .

3.2 P/2010/1717: The planning application the subject of this Inquiry was submitted on 22 November 2010. The application was, after a period of statutory consultation and lengthy assessment by the Department, held as 'suspended' owing to the fact that the application was a clear departure from the Island Plan and that it could not progress to a favourable determination without having being considered at Public Inquiry or without the site being re-zoned through an amendment to the Island Plan.

3.3 On 4 March 2013, the Minister for Planning and Environment, Deputy Robert Duhamel, resolved that a Public Inquiry into the planning application would be held. At that stage, the status of the application reverted to 'pending'.

3.4 There is no other relevant history of planning applications relating to this site.

4 Outline of the recent zoning history

4.1 The Jersey Island Plan, 2002, designated Field 622 as being within the Green Zone. That Plan was adopted by the States of Jersey on 11th July 2002.

4.2 On 19 April 2010, the Connétable of St Ouen lodged a Proposition with the States to require that the Minister for Planning and Environment re-zones the eastern portion of Field 622 from Green Zone to Built-up Area for the development of Parish sheltered accommodation. That Proposition was, subsequently, withdrawn by the Connétable.

4.3 A formal Review into the 2002 Island Plan considered representations from the Parish of St Ouen at an Island Plan Examination in Public (EiP) on 5 October 2010. Following this EiP, the independent Inspector issued a recommendation to the Minister that:

"It is appropriate that this site is included in the Green Zone for the reasons the Minister gave. However, it relates well to the village and in the event of the preparation of a Village Plan under Proposal 15 and Policy H5, it might provide a suitable site for consideration for affordable housing to meet local needs..."

4.4 The Inspector recommended that the site should remain in the Green Zone

4.5 The Jersey Island Plan 2011 was adopted by the States on 29 June 2011 and designates the whole of Field 622 as Green Zone.

5 Consultation responses and representations

5.1 Responses were received from the following bodies which were consulted as part of the planning application process:

Drainage section of Transport & Technical Services (States of Jersey)

Environmental Land Controls Section of the Department of Environment

Natural Environment Section of the Department of Environment

Copies of the consultation responses have been submitted to the Public Inquiry.

5.2 In response to the statutory publicity for planning applications, 150+ representations were received from individuals or households.

Copies of the representations have been submitted to the Public Inquiry.

6 Planning policy context

6.1 The Island Plan, 2011 (approved and adopted 29 June 2011) sets out detailed policies and objectives to guide the management of development across the Island. The whole of the site lies within the Green Zone as designated on the Island Plan Proposals Map. In the context of this application, the following policies are considered to be of some relevance:

SP1 – Spatial Strategy
SP2 – Efficient Use of Resources
SP3 – Sequential Approach to Development
SP6 – Reducing Dependence on the Car
SP7 – Better by Design

GD1 – General Development Considerations
GD3 – Density of Development
GD4 – Planning Obligations
GD7 – Design Quality
GD8 – Percentage for Art

NE1 – Conservation & Enhancement of Biological Diversity
NE4 – Trees, Woodland & Boundary features
NE7 – Green Zone

ERE1 – Safeguarding Agricultural Land

H5 – Housing in Rural Centres

TT2 – Footpath Provision & Enhancement & Walking Routes

TT5 – Road Safety

TT8 – Access to Public Transport

NR7 – Renewable Energy in New Developments

WM1 – Waste Minimisation & New Development

WM5 – Recycling Centres & Waste Collection

LWM1- Liquid Waste Minimisation & New Development

LWM2 – Foul Sewerage Facilities

LWM3 – Surface Water Drainage Facilities

6.2 The following adopted documents are also of some relevance to the consideration of the planning application:

-Supplementary Planning Guidance: Disposal of Foul Sewage (May 2012)
Jersey Design Guide (2008)

-Parking Guidelines (PPN3 1988)

-A Minimum Specification for New Housing Developments (PPN6 1994)

-Countryside Character Appraisal (1998)

-Jersey Design Guide (2008)

7 Key policy considerations

7.1 The Island Plan holds many policies that are, or could be, of relevance to a development proposal of this nature. These are listed, although not necessarily exhaustively, at 6.1 above. There now follows a summary of what the Department considers to be the key policy areas relevant to this application:-

7.2 Policy NE7: The site is entirely within the Green Zone wherein there is a strong presumption against all forms of development. New dwellings and other buildings within the Green Zone can only be justified where there is a strong justification related to the essential requirement for a countryside location and where alternative provision cannot be made or found within the Built-up Area.

7.3 Policy H5; recognises the need to protect the viability and vitality of Jersey's smaller main rural settlements, such as the village of St Ouen, through the provision of relatively small scale affordable housing developments. The policy states that such housing should be contained within the Built-up Area and encourages the preparation of Village Plans by the parochial authority. Such Plans should be subject to a full and comprehensive assessment and engagement with the local community and relevant stakeholders, prior to formal review, approval and adoption by the Minister as Supplementary Planning Guidance.

7.4 Policy H5 also clarifies that where "...*Village Plans contain a specific proposal for the re-zoning of land outside the existing defined Built-up Area boundary, any such*

proposal would require the approval of the States as a draft revision of the Island Plan".
[Para. 6.143 of the Island Plan refers]

7.5 No Village Plan was prepared and submitted by the Parish in respect of the current proposal.

7.6 Policy H7; promotes housing to meet special requirements, including sheltered accommodation, where it meets an identified need and where it is within the Built-up Area boundary.

7.7 Policy SP1; states that "*...Outside the Built-up Area, planning permission will only be given for development: ...of greenfield land, in exceptional circumstances, where it justifiably supports parish communities or the rural economy and which meets an identified need and where it is appropriate to do so*".

7.8 Policy SP3; advocates a sequential approach to an assessment of development proposals to support a more sustainable pattern of development and the more efficient and effective use of land.

7.9 Policy ERE1; presumes against the permanent loss of good agricultural land.

7.10 Policy GD1; outlines the material considerations against which all development proposals will be tested, including the need for the highest standard of design and construction and the need to prevent unreasonable harm to neighbour amenity or to the character of an area.

7.11 Policy GD7; requires a high quality of design that respects, conserves and contributes positively to the landscape and built context.

8 Review into 2011 Island Plan

8.1 The Minister is, currently, considering whether to undertake a comprehensive review of the 2011 Island Plan with regard to site selection for new housing sites across the Island.

8.2 At present, no formal decision has been made to undertake a review of the designation of Field 622. However, should a formal review of potential new housing sites proceed, then Field 622 would be considered among other potential sites within St Ouen.

8.3 Until such a review is carried out, the Department cannot offer further opinion as to whether Field 622 should be taken out of the Green Zone and offered Built-up Area status as the preferred site for providing homes to satisfy the Parish need.

9 Conclusions

9.1 Field 622 is undoubtedly well related, and has easy pedestrian access, to the core settlement of St Ouen's village. The village has a range of shops and services and benefits from public transport links to the town of St Helier. Notwithstanding the policy conflict arising through its designation as Green Zone, the site would, in the

Department's view, meet the majority of the criteria laid down in Policy H5 of the Island Plan.

9.2 However, the planning application (P/2010/1717) did not form part of a Village Plan as encouraged by Policy H5. It may well be the case that if due process had been followed by the Parish and a Village Plan submitted to the Department for formal review, it may have been approved and adopted by the Minister as forming part of the Island's planning framework. This is a hypothetical argument as the process advocated by Policy H5 has not been followed in this instance.

9.3 In the absence of an adopted Village Plan, the proposals therefore fall to be determined under the policies of the 2011 Island Plan as it stands. In this respect, the proposals represent a substantial departure from Policy NE7 (Green Zone) of the Island Plan.

9.4 Notwithstanding the site's current designation, the proposals are not necessarily at odds with the over-arching Spatial Strategy of the Island Plan.

9.5 The loss of the use of Field 622 for agricultural purposes would be regrettable but would not have any significant impact on the viability or the long term future of the Island's agricultural sector.

9.6 The site is well related to the village and the provision of 19 new dwellings will support the vitality and viability of the rural centre of St Ouen. It may further be argued that the provision of new homes will, potentially, release 19 dwellings from the existing housing stock, allowing younger families to move, or establish homes, within the parish.

9.7 The Department would recommend the imposition of conditions on any subsequent planning permission and, request that the applicant enters into a Planning Obligation Agreement with the States to secure long-term tenure and occupancy requirements.

9.8 The Department will forward, without prejudice to this Statement of Case, a schedule of recommended conditions and suggested terms of a Planning Obligation Agreement prior to the Public Inquiry Meeting.

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