

**Department of the Environment**  
**Report for Planning Applications Panel/ Ministerial Meeting**  
**Site Visit**

- |                                   |  |
|-----------------------------------|--|
| <b>1. Application Number</b>      | P/2013/1037  |
| <b>2. Site Address</b>            | Wabbi, Beau Rivage, La Route de la Pulente, St Brelade, JE3 8HG  |
| <b>3. Applicant</b>               | Mr W P Le Marquand   |
| <b>4. Description</b>             | Demolition of existing detached garages and stores. Construct dwelling to South of existing dwelling. Incorporate existing integral dwelling to form additional ancillary habitable space for Beau Rivage. |
| <b>5. Type</b>                    | Major Application  |
| <b>6. Date Validated</b>          | 24/07/2013   |
| <b>7. Zones &amp; Constraints</b> | Coastal National Park<br>Primary Route Network   |

**Summary**

Beau Rivage occupies a large triangular site which is located at La Pulente, at the southern end of St Ouen's Bay. The site forms part of the Coastal National Park, wherein there is the strongest presumption against all development.

Beau Rivage comprises a main dwelling, together with a small integral one-bedroom unit (known as 'Wabbi'). In addition, there is a detached single storey garage / store to the north-east of the house, as well as an extant permission for the construction of an extension to the south-west elevation of the house.

The application proposes to incorporate the existing one-bed unit into the main house, and then construct a replacement unit in a separate new building alongside the main house. Coastal National Park policy does potentially allow for the replacement of existing dwellings – the applicants argue here that there would not be any increase in the overall number of established residential units on the site.

The applicants are also proposing the demolition of the existing detached garage, as well as the 'non-construction' of the approved extension to the main house – the argument being made is that the combined floor area of these two elements would be less than the

	<p>footprint of the proposed new building, effectively offsetting its construction.</p> <p>The new dwelling would be partially below the existing ground level and has been designed in such a way that it will be absorbed, as far as possible, into the green backdrop of the site. Also, public views of the new building would be minimal, if at all.</p> <p>The case made by the applicants is noted. However, in the Department's view, we consider that this is a very difficult scheme to justify under Coastal National Park policy; if the application were to be approved, then the result would be a sizeable new detached dwelling within the Coastal National Park in an area which is currently undeveloped. Moreover, the existing residential unit is not itself being redeveloped – rather it would simply become part of the existing dwelling, so there is no reduction in the existing level of habitable floorspace.</p> <p>This application follows on from a previous similar application which was refused by the Panel on grounds of Coastal National Park policy and, although there are some key differences between the two schemes (including the relocation of the proposed dwelling, and the offer of additional demolition), in the Department's view, this scheme remains fundamentally unacceptable.</p>
<b>Department Recommendation</b>	REFUSE

- |   |  |
|---|--|
| <b>8. Site Description &amp; Existing Use</b> | <p>Beau Rivage occupies a large triangular site at the southern part of the cluster of properties at La Pulente. The site is bordered by the main road on two sides (sitting at a much lower level than the road) with other properties to the immediate north.</p> <p>The proposed new dwelling would be located alongside the existing property within its large garden, built into the southern boundary of the site.</p> |
| <b>9. Proposed Development</b>                | As per application description above.  |
| <b>10. Relevant Planning History</b>          | <p>A number of applications have been approved on the site in recent years.</p> <p><i>P/2007/0355</i> - Demolish existing utility and conservatory. Construct extension to south east elevation and convert part of existing dwelling to 1 No. flat. Various extensions to existing dwelling at ground and first floors with terraces.<br/>Approved 20/04/2007 *</p>   |

*\* There is a considerable planning history regarding the existence (or otherwise) of two separate units of*

*accommodation on the site and the issue was central to the consideration of this application. The applicant had claimed that there had been an integral bedsit forming part of the property at the time of his purchase in 2003. There was no formal planning record of this being the case, although, on 28/11/2003, Building Bye-Laws granted a 'Certificate of Completion' for the works which led to the establishment of a separate unit. Ultimately, this application was approved, thereby formally approving the creation of a 1-bedroom unit within the main house.*

P/2009/1260 - Install swimming pool. Widen vehicular access. Construct extension to plant room with terrace above. RETROSPECTIVE: Landscaping ground works. Approved 22/09/2009

P/2010/0231 - Install swimming pool. Widen vehicular access. Construct extension to plant room with terrace above. RETROSPECTIVE: Landscaping ground works. REVISED PLANS: Relocation of swimming pool with retaining wall. Construct extension to pool room. Revised landscaping. Approved 12/04/2010

Most recently (and of most relevance), an outline application for a similar development was recently refused by the Panel.

PP/2011/0882 – Construct one bedroom dwelling to South-West corner of site. REQUEST FOR RECONSIDERATION of refusal of planning permission. Refused 29/05/2012 for the following reason;

1. The site is located within the Coastal National Park. Under the provisions of Island Plan Policy NE 6, this zone is to be given the highest level of protection against development and there is the strongest presumption against all forms of new development for whatever purpose within this zone. For the avoidance of doubt, the policy does not allow for the establishment of new residential units within this zone.

In this instance, the applicant has argued that, because the application concerns the relocation of an existing 1-bedroom residential unit, together with the incorporation of the existing unit into the main house, there would be not be any increase in the number of dwellings on the site (the application is for, in effect, a replacement dwelling). Furthermore, the new dwelling would be built into the existing landscape and would not be readily visible from outwith the site. It is acknowledged that the replacement of existing dwellings on a 'one-for-one' basis is potentially acceptable within the Coastal National Park. However, where this is proposed, Policy NE 6 requires that a

development proposal;

*"would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance".*

In this instance, there is no 'redevelopment' of the site as such which would result in these required improvements. Rather, the existing 1-bedroom unit is simply being subsumed into the main house and, thereafter, an entirely new replacement structure is to be built elsewhere within the site (in an area which is currently undeveloped at present), increasing the amount of development on the site as a whole. Irrespective of how well the new dwelling may be designed, it is not considered that this meets the stringent policy test as set out above.

The applicant has submitted a detailed covering letter outlining the particular family circumstances which have given rise to the application. Whilst these comments are noted and understood, an applicant's personal or familial circumstances cannot be a determinative factor in the consideration of an application, particularly in those situations where the development being sought is contrary to adopted policy.

For these reasons, it is considered that the application fails to satisfy the requirements of Policy NE 6 of the 2011 Jersey Island Plan.

The current application is for a similar level of development, albeit this is now a full application. The applicants have made alterations to the scheme in an attempt to address previous concerns.

**11. Consultations** The **Environmental Health Team of H&SS**, in its letter dated **20 August 2013**, state that it has no objection to the proposed scheme.

The **Natural Environment Section of DoE**, in its letter dated **23 August 2013**, states that the site lies in a sensitive area in terms of its landscape and ecology. If the application is approved, then a full ecological survey should be required.

**All consultations are attached with the background papers**

**12. Representations** The Department has received a single letter of representation from the National Trust. In its view, if the application were approved it would seriously damage the Coastal National Park and undermine

policy NE 6. The application is contrary to the island's spatial strategy which seeks to concentrate new development in the built up area.

**All letters of representation and responses are attached with the background papers**

### **13. Planning Assessment**

#### **a) Policy Considerations**

The site is located within the Coastal National Park. Policy NE 6 states that the CNP will be given the highest level of protection against development and that there will be the strongest presumption against all forms of new development for whatever purpose.

The policy does not allow for the establishment of entirely new residential units. However, the replacement of existing dwellings on a 'one-for-one' basis may still be acceptable in principle in this zone. In such instances, the CNP policy requires that a development proposal;

*"would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance".*

The existing property, Beau Rivage, in addition to the main accommodation, contains a small one-bedroom unit (known as 'Wabbi') within its existing building envelope. There is a detached single storey garage / store to the north-east of the house, and also an extant permission for the construction of an extension to the south-west elevation of the house.

In this instance, the application proposes to incorporate (or subsume) the existing one-bed unit into the main house, and then construct a replacement unit in a separate new building alongside the main house. The argument being made is that there would not be any increase in the overall number of established residential units on the site.

As part of the scheme, the applicants are also proposing the demolition of the existing detached garage, as well as the 'non-construction' of the approved extension to the main house. The applicants note that the combined floor area of these two elements amounts to around 80 m<sup>2</sup>, which is less than the 60 m<sup>2</sup> footprint of the proposed new building. Moreover, it is suggested, the design of the new dwelling is such that it would effectively be absorbed into the green backdrop of the site, and would not be readily visible from outside the site.

As noted above, this application follows on from a previous similar application although there are some key differences between the two schemes.

The new unit has been repositioned further east, so that it lies closer to the existing house and is now behind what is described as the 'perceived building line of the micro village of La Pulente' (previously the new unit was located within the far south-west corner of the site). In addition, the proposed demolition of the existing garage / store, as well as the 'non-construction' of the approved extension, the purpose of which is to offset the new floorspace, are new elements of the scheme.

The applicants also stress that the purpose of the unit is to provide 'second-generation accommodation' within the site for family members i.e. that this application should effectively be considered as an extension of the existing property, rather than a standalone residential unit.

The applicants' case is noted. However, notwithstanding the alterations which have been made to the scheme, just as with the previous application, we consider that this is a very difficult scheme to justify under Coastal National Park policy.

Ultimately, if the application were to be approved, the result would be a sizeable new detached dwelling within the Coastal National Park in an area which is currently undeveloped. Moreover, the existing residential unit is not itself being redeveloped – rather it would simply become part of the existing dwelling, so there is no reduction in the current level of habitable floorspace (the application can simultaneously be considered as an extension of the existing dwelling).

Irrespective of how well the new dwelling may be designed, the Department does not consider that this meets the policy test as set out above.

We are not convinced by the argument that the proposed unit is simply an extension of the exiting dwelling – rather, we think that this would be a substantial separate unit which has all of the facilities which it requires to operate as an independent unit of accommodation.

Finally, there is an added complication in that the extension which it is proposed not to construct actually forms part of a wider application which has already been partially implemented. Therefore, it is not a simple matter for the applicants to agree to this permit being rescinded; instead, the applicants would need to sign up to a formal agreement (a Planning Obligation Agreement) for the 'non-construction' of this extension to be guaranteed. The applicants have stated that they would be prepared to enter into such an agreement.

- b) Size, scale, form & siting**
- The new dwelling would be a two-storey structure, albeit the lower-ground floor level would effectively be below ground – a sunken well area excavated to the front would provide light to the lower level.
- At the existing garden level, the new unit would appear as a single-storey flat-roof structure built into the surrounding green backdrop of the site.
- The total floor area of the new 1-bedroom unit would be 124 m<sup>2</sup> (1,330 sq ft).
- As noted above, the new dwelling would be sited in a part of the site which is currently undeveloped. It is acknowledged that, through its design and part-submersion into the site, the applicants have sought to disguise and conceal the new dwelling; however, in the Department's view, this does not overcome the fundamental policy problem with the scheme.
- c) Architectural design and use of materials**
- The applicants have designed the building in such a way that it is absorbed into the green backdrop of the site – the granite walls forming the outer walls of the upper level connects to the granite boundary walls of the site, whilst the green planted roof would connect to the surrounding bank.
- The design is clearly well-considered, and if the principle of development was not so problematic, then a scheme of this kind may well prove to be acceptable.
- d) Impact in the landscape / street**
- As noted, the applicants have designed the scheme in such a way that it will be absorbed, as far as possible, into the green backdrop of the site.
- Public views of the new building would be minimal, if at all.
- e) Impact on neighbours**
- None
- f) Access, car parking & highway considerations**
- Access into the site, from the existing vehicle entrance onto La Rue de la Pulente, remains unchanged. There is ample parking within the site at present, including an immediately alongside the main road, as well as the main driveway next to the existing house.
- Since the original submission of the application, the applicants have contacted the Department, offering what they see as further 'Planning Gain' benefits which, they hope, would tip the balance in their favour.
- It is stated, for instance, that the applicant has been negotiating the process of the strip of land running alongside La Rue du Douet, with a view to providing a public footpath along the site boundary. In addition, the applicant has also offered to either extinguish or conceal some of the existing surface parking within

the site through the increased use of planting and landscaping.

In the Department's view, these additional offerings do not overcome the fundamental problems with the principle of the application.

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| <b>g) Foul sewage &amp; surface water disposal</b>   | The new dwelling would connect to the public foul sewer network. TTS Drainage have previously concerned that there is capacity for this development. Surface water to on-site soakaways to bye-laws satisfaction.  |
| <b>h) Landscaping</b>                                | <p>The new dwelling has been designed to try and blend into the green backdrop of the site; to that end, public views of the development would be minimal.</p> <p>In general terms, the applicant is offering to retain and reinforce existing landscape areas across the site, particularly to the site boundaries.</p> <p>As noted above in the 'access, car parking &amp; highway considerations' section, the applicants have recently offered a series of further amendments to the scheme, including the extinguishment or concealment of existing parking areas through the use of further landscaping.</p> <p>As part of the previous scheme, the panel noted that the proposed landscaping scheme was simply reinstating landscaping which had previously existed but which the applicant had himself removed. The applicant is free to make landscape improvements to his site and does not require permission for a new house in order to achieve this.</p> |
| <b>i) Archaeology</b>                                | n/a  |
| <b>j) Waste management</b>                           | A small amount of waste would be generated from the scheme. This would be disposed of in the normal manner.  |
| <b>k) Planning Obligations &amp; Percent for Art</b> | <p>Percentage for Art would not be applicable in this instance.</p> <p>As noted, if the application were approved, then it may be necessary for the applicant to sign up to a Planning Obligation Agreement to secure the 'non-construction' of a previously-approved extension to the main house.</p>   |
| <b>l) Contaminated Land</b>                          | n/a  |
| <b>m) Sustainability</b>                             | The principle of constructing a new dwelling within the Coastal National Park is considered to be unsustainable and against the principles of the Island Plan's spatial strategy which seeks to focus new residential development in the Built Up Area.  |
| <b>n) Other matters</b>                              | None   |

<p><b>14. Conclusion</b></p>	<p>The design of the proposed dwelling is well-considered – partially submerged and blending into the surrounding landscape. Also, the Department acknowledges the case which the applicants have made, which includes the proposed demolition of an existing garage, and the ‘non-construction’ of an approved extension – as well as (latterly) the extinguishment of existing parking on the site and the introduction of additional planting and landscaping.</p> <p>However, taken together, these are not sufficient reason in our view, to permit the construction of a new detached dwelling on the site in a zone subject to such strong protection against all development.</p>
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**15. Department Recommendation** REFUSE

- 16. Reason for Refusal**
1. The site is located within the Coastal National Park. Under the provisions of Island Plan Policy NE 6, this zone is to be given the highest level of protection against development and there is the strongest presumption against all forms of new development for whatever purpose within this zone. For the avoidance of doubt, the policy does not allow for the establishment of new residential units within this zone.

In this instance, the applicant has argued that, because the application concerns the relocation of an existing one-bedroom residential unit, together with the incorporation of the existing unit into the main house, there would be not be any increase in the number of dwellings on the site (the application is for, in effect, a replacement dwelling). Furthermore, the new dwelling would be built into the existing landscape and would not be readily visible from outwith the site.

It is acknowledged that the replacement of existing dwellings on a ‘one-for-one’ basis is potentially acceptable within the Coastal National Park. However, where this is proposed, Policy NE 6 requires that a development proposal

*“would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance”.*

In this instance, the ‘redevelopment’ of the site would

comprise the demolition of an existing garage block, together with the 'non-construction' of an approved (but as yet un-built) extension to the house. The existing one-bedroom unit would not be demolished; rather it would simply be subsumed into the existing main house, and thereafter an entirely new replacement structure would be built elsewhere within the site (in an area which is currently undeveloped). On this basis, there is not considered to be sufficient justification to outweigh the very strong presumption against development and permit the construction of such a new house.

For these reasons, it is considered that the application fails to satisfy the requirements of Policy NE 6 of the 2011 Jersey Island Plan.

**17. Background  
Papers**

1:2500 Location Plan  
Covering Letter from Design Plus Architects  
Design Statement + Waste Management Scheme  
2 consultation responses  
1 letter of representation  
3 additional letters from Design Plus Architects  
Copy of PAP minutes from previous scheme – PP/2011/0882

**Endorsed by:**

**Date:**

Ref MD/dp1319

20<sup>th</sup> September 2013

**For the attention: Lawrence Davies**

Department of Planning and Building Services  
South Hill  
St Helier  
JE2 4US

25 SEP 2013

Dear Sirs

**Re: DP1319 'Wabbi- Beau Rivage, La Rue de La Pulente, La Pulente, St Brelade  
Planning Application Reference – P/2013/1037**

With reference to the above, in response to comments received from The National Trust for Jersey, please find attached a further response on behalf of our client, from KE Planning, additional to that submitted recently by Designplus. In support of KE Planning's statement and figures 1 and 2, please find attached 2 copies of revised drawings DP1319 102 rev a and 103 rev a, and new drawing dp1319 105 illustrating a photomontage of proposed landscaping improvements to the site entrance area.

These drawings have been revised/prepared to acknowledge the further advice received from KE Planning in demonstrating further additional significant Environmental and Planning Gains, to support the case being made for the relocation of the existing unit of accommodation known as 'Wabbi'.

We would also record that we are further investigating opportunities for further Environmental Gains with the client, but are currently not in a position to confirm these, we are advised by our client that we should have this information by 04<sup>th</sup> October and as such would confirm our intention to advise the department by 11<sup>th</sup> October 2013, as such we would welcome your agreement to temporarily holding the application pending submission of this further potential information.

We trust you find the above to be in order, but should you have any queries or require any further information at this time, please do not hesitate to contact us.

Kind Regards

Yours faithfully

**Mark Dennis**  
Director

For and on behalf of **designplusarchitects** limited

CC Client Copy  
KE Planning – Stephanie Steedman

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10<sup>th</sup> September 2013

**Planning application P/2013/1037 – Wabbi, Beau Rivage, La Route de La Pulente, St Brelade**

**Response to The National Trust for Jersey comments dated 19<sup>th</sup> August 2013**

KEPlanning (KEP) has been requested by Mr Le Marquand to provide an additional response to the comments made by the National Trust in connection with application P/2013/1037, in particular to address planning concerns that have been raised.

KEPlanning has visited the site and walked the surrounding area, including the beach to understand the context and specifics of the scheme. Having done this and considered the points raised by the National Trust, suggestions have been put forward by KEP to strengthen the environmental gains already being suggested by the scheme.

Revised plans explaining these environmental gains have been prepared by Design-Plus and are included with this response. A summary of the changes included is provided:

1. Reduce width of vehicular access to Beau Rivage
2. Strengthen and improve the quality of the landscape boundary of Beau Rivage with La Route de La Pulente
3. Remove the parking area adjacent to La Route de La Pulente and consolidate car-parking to the east and north of Beau Rivage
4. Introduce further landscaping between the boundary of Beau Rivage and 'La Pulente Public House'

To clarify: the development proposed seeks to replace an existing residential unit of accommodation, currently located within the property Beau Rivage and relocate it elsewhere on the site. The scheme also involves the demolition of existing ancillary structures and a proposal to reduce the size of an extension already approved.

The Beau Rivage site currently comprises two established residential units, with associated domestic curtilage and ancillary buildings. The main dwelling is known as Beau Rivage and has recently been extended. It also has planning permission for further extensions. A smaller unit of accommodation, comprising a one-bedroom unit of accommodation is known as 'Wabbi'.

Description of development:

The scheme proposes the relocation of the one-bedroom unit 'Wabbi' from one part of the site to another for use by dependent family members. The intensity in use of the site will remain unchanged. The replacement unit is achieved through the introduction of a part below-ground ground structure. Only a single-storey with a flat green roof, will be visible above ground.

All car-parking is consolidated to the north and east of Beau Rivage. The lower car-parking area adjacent to La Route de La Pulente is removed and this area infilled to provide environmental and landscape improvements. The existing vehicular access is reduced, taking care that adequate visibility splays can be retained, whilst removing the low, old Ronez imitation split block wall. A new boundary feature, comprising low granite wall to match the boundary wall to the south, with hedge above, constructed using high quality materials is introduced along La Route de La Pulente.

A granite planter is to be introduced to the north of the access to provide environmental and landscape improvements in this area and improve the relationship with the commercial site to the north. Additional planting is also introduced along the northern boundary of the site to screen the site from the adjacent commercial site. The introduction of this planting introduces features that are designed to improve the landscape character of the site and its contribution to the character of the area. As a result of this additional planting, Beau Rivage house and the site will be less visible from public views from the north and north-west.

#### Key facts:

- The entire site is over 4000m<sup>2</sup> and is an established domestic planning unit, comprises 2 residential units, gardens, parking areas and ancillary structures.
- The footprint of the proposed replacement dwelling is some 60m<sup>2</sup>.
- The footprint of the structures to be removed, including the approved extension are some 80m<sup>2</sup>.
- One storey of the replacement structure is proposed entirely underground. Only one storey of the structure is apparent above the existing site level, a structure with a flat green roof. The volume of structure visible above ground is less than that proposed by the previous scheme.
- The replacement dwelling is proposed closer to Beau Rivage, compared with the previous scheme.
- Wabbi has been designed to be a dependent unit, reliant upon the curtilage of Beau Rivage for access, parking and garden amenity space.
- Car-parking at the site will be consolidated to the north and east of Beau Rivage

#### Relevant Background:

A previous proposal to relocate Wabbi was considered and refused under application reference PP/2011/0882. The Planning Applications Panel indicated that the design principle was well presented, but the location proposed was outside the line of building line, comprising the La Pulente hamlet. Advice was given that any replacement structure should be relocated closer to the existing building group.

It is also understood that Ministerial advice has been given, with an indication that the principle of relocating the unit elsewhere on site is supported in principle.

#### Landscape character:

The Beau Rivage site is in domestic use. It comprises an arrangement and configuration of buildings and spaces, which are all used for domestic purposes. This character is specific to the site and the small hamlet of which it is a part. It is not typical of the natural and open landscape character for which the Coastal National park is valued.

The photographs attached as Figure 1 illustrate the character of the area surrounding the site. Beau Rivage and the building group of which it is a part are located primarily upon a narrow platform, which interrupt the escarpment slopes of St Ouen's Bay to the east and west.

#### Visual Impact Assessment:

The photographs included as Figure 2 illustrate those locations from where the application site might be visible from public locations. It also provides an assessment of the development proposed from the beach, in view of the concerns raised by the National Trust for Jersey.

This assessment illustrates that public views of the application site are currently only available from limited locations to the west and north-west from La Route de La Pulente. No views of the structure are available from the beach.

### Policy context

The site is located within the Coastal National Park, in which Policy NE6 is applicable. The aim of the policy is to protect the unique character of its natural environment. A primary purpose is:

- i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area designated as National Park; and,

Any proposals are assessed within a stringent decision-making framework that strongly presumes against new development. This does not preclude exceptional circumstances from being considered acceptable.

The text supporting the justification for the policy acknowledges that the Coastal National Park is a living landscape, with many buildings and land uses within it. There is a presumption against the introduction of new uses or buildings **that would detract from the existing landscape character**. There may be opportunities to secure the repair and restoration of character by allowing exceptions where it is clear that a redevelopment of existing buildings or land uses might provide an opportunity to repair or reduce the damage caused to the landscape character by existing building and uses.

Exceptions might be acceptable where:

- scale and mass is significantly reduced, thereby dramatically lessening the visual impact of existing buildings in the landscape, particularly where they are large and prominently sited;
- ensure local relevance of design and materials;
- they may also provide the opportunity to actively repair and enhance the extent and/or quality of the landscape character of the area;

The scheme proposes a replacement dwelling unit, within an existing residential site. The landscape improvements included, enhance the landscape character of the site and its contribution to the surrounding area. They also improve and enhance the visual character of the site by reducing the availability of views of the domestic use of the site. As a result of the improvements proposed, the replacement dwelling will be invisible from any public view.

### An Acceptable Exception:

The development proposed:

- relocates an existing dwelling unit on site, there is no increase in intensity of use;
- is for a replacement unit, designed to be ancillary to the main house – garden, parking, access, services are shared;
- enables car-parking on the site to be consolidated in a location where it will be invisible from public views;
- reduces the apparent mass of building at Beau Rivage – a garage, shed, and part of an approved extension, is replaced by a part below-ground replacement dwelling;
- secures environmental gains through landscape improvements resulting from the loss of an open access and parking area on the west frontage of the property with La Route de La Pulente, and its replacement with a new boundary landscape feature comprising low granite wall with hedge above;
- delivers other landscape improvements through new planting along the northern boundary of the site with the commercial premises to the north;
- upon completion of the new landscape boundary feature the development proposed will be entirely invisible from any public view;

### Conclusion:

Policy NE 6 for the Coastal National Park states that exceptions to the strong presumption against development in this land use zone may be considered as an exception, where the redevelopment of existing residential buildings would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of buildings that is more sensitive to the character of the area and local relevance.

The scheme proposes the relocation of an existing ancillary dwelling unit, within an established residential site. There is no increase in intensity of use arising from the development proposed. The design of the replacement unit is high quality, sensitively sited and finished using materials designed to provide relevance to the landscape character of the site and the context in which it is located.

With the introduction of the landscape improvements proposed the development proposed will be entirely invisible from public views. The landscape improvements also secure landscape and visual improvements to the character of the site and its contribution to the character of the area.

On this basis it is judged that the scheme includes environmental gains to meet the requirements of Policy NE6 and can be approved under its terms.

**Figure 1: Beau Rivage and Wabbi - Landscape character**





**Only the roof of Beau Rivage can be viewed from the beach to the west. This picture was taken at low-tide. At high-tide locations would be even closer to the wall preventing any views. The location and design proposed for Wabbi is invisible from these locations.**



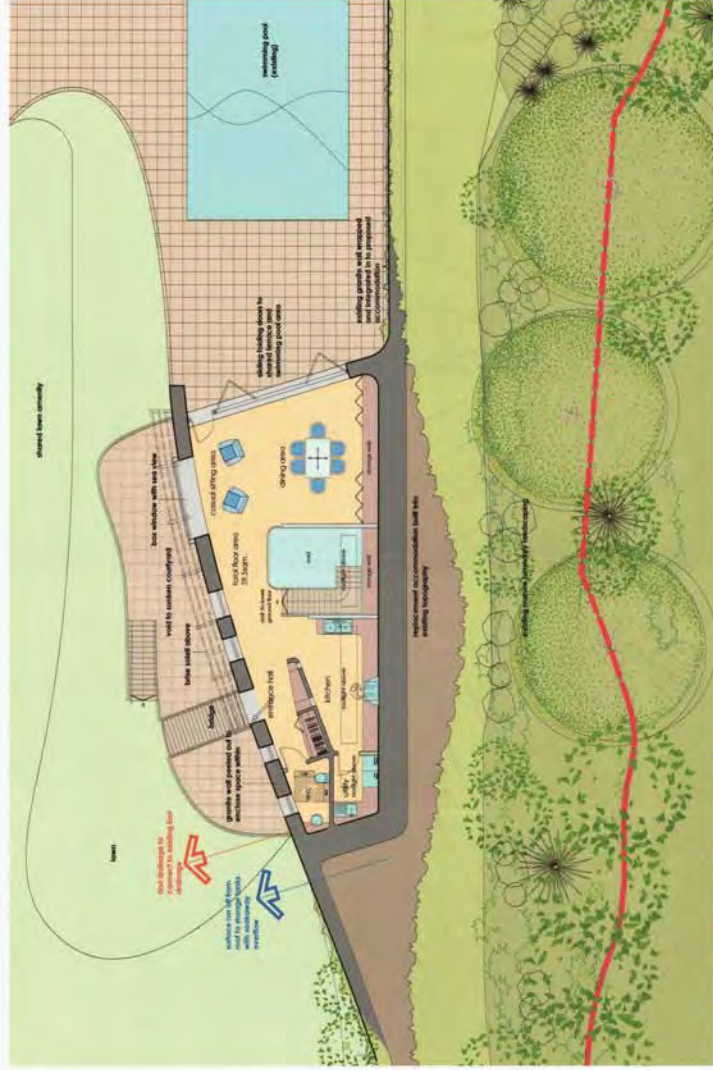
**From the coastal footpath to the south-west the proposed site is invisible. The improvements proposed will screen Beau Rivage even further.**

**Figure 2: Visual Impact Assessment – Wabbi, La Route de La Pulente, St Brelade**

	<p>Only the roof of Beau Rivage can be viewed from the beach to the west. This picture was taken at low-tide. At high-tide locations would be even closer to the wall preventing any views. The location and design proposed for Wabbi is invisible from these locations.</p>
	<p>From La Route de La Pulente to the north-west, views into the site are very limited. The landscape and environmental improvements proposed will screen the site entirely from public views and improve the landscape character of the site by further screening Beau Rivage and contributing to the landscape character of the area.</p>
	<p>From the coastal footpath to the south-west the proposed site is invisible. The improvements proposed will screen Beau Rivage even further.</p>
	<p>From La Route de La Pulente to the east the proposal site will be invisible.</p>



## proposed lower ground floor plan



**proposed ground floor plan**



**proposed plans & north elevation 1:100 @ A1**

**Wabbi** - le route de la pulente, st brelade



**concept precedent**



sketch view



la route de la pulente



## proposed north elevation

sketch view



[illegible]

no	problem	date	day	act
1	1. the company is not clear about the boundary of the company's business	2009/12/11	11	1. the company is not clear about the boundary of the company's business
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Key points



CONCEPT

Client: Mr W. Le Marquand  
21 October

DATE	SCORE	GOALS	CHECKED
10/07/2013	1:200 @ 1	mf	m/d

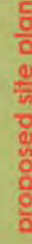
planning issue

DP1319 102 a

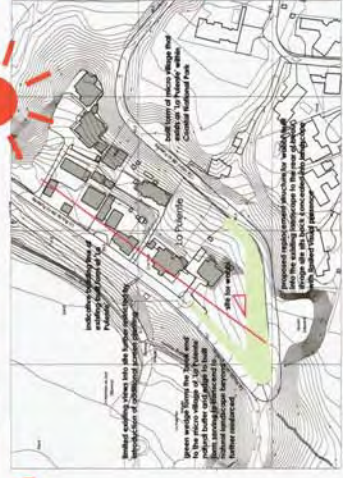
**d+ design plus**  
architecture interior design



**R.I.B.A.**  
 ASSOCIATION OF REGISTERED ARCHITECTS  
 Chartered Practice



**Wabbi** - le route de la pulente, st brelade



sketch view

due to updates and alterations, the accuracy of dimensions and areas is not guaranteed. dimensions are given in millimeters unless otherwise stated. all dimensions are to be verified on site by the main contractor and before the commencement of any work. the drawing must be read in conjunction with all relevant specifications and notes. the drawing must be read in conjunction with all relevant specifications and notes. the drawing must be read in conjunction with all relevant specifications and notes.

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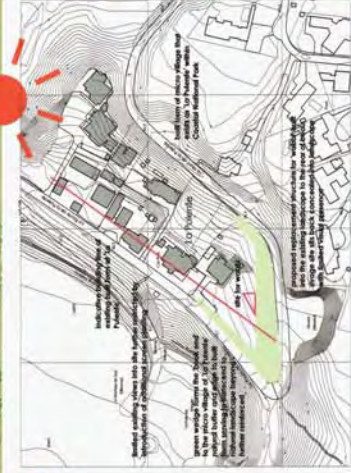
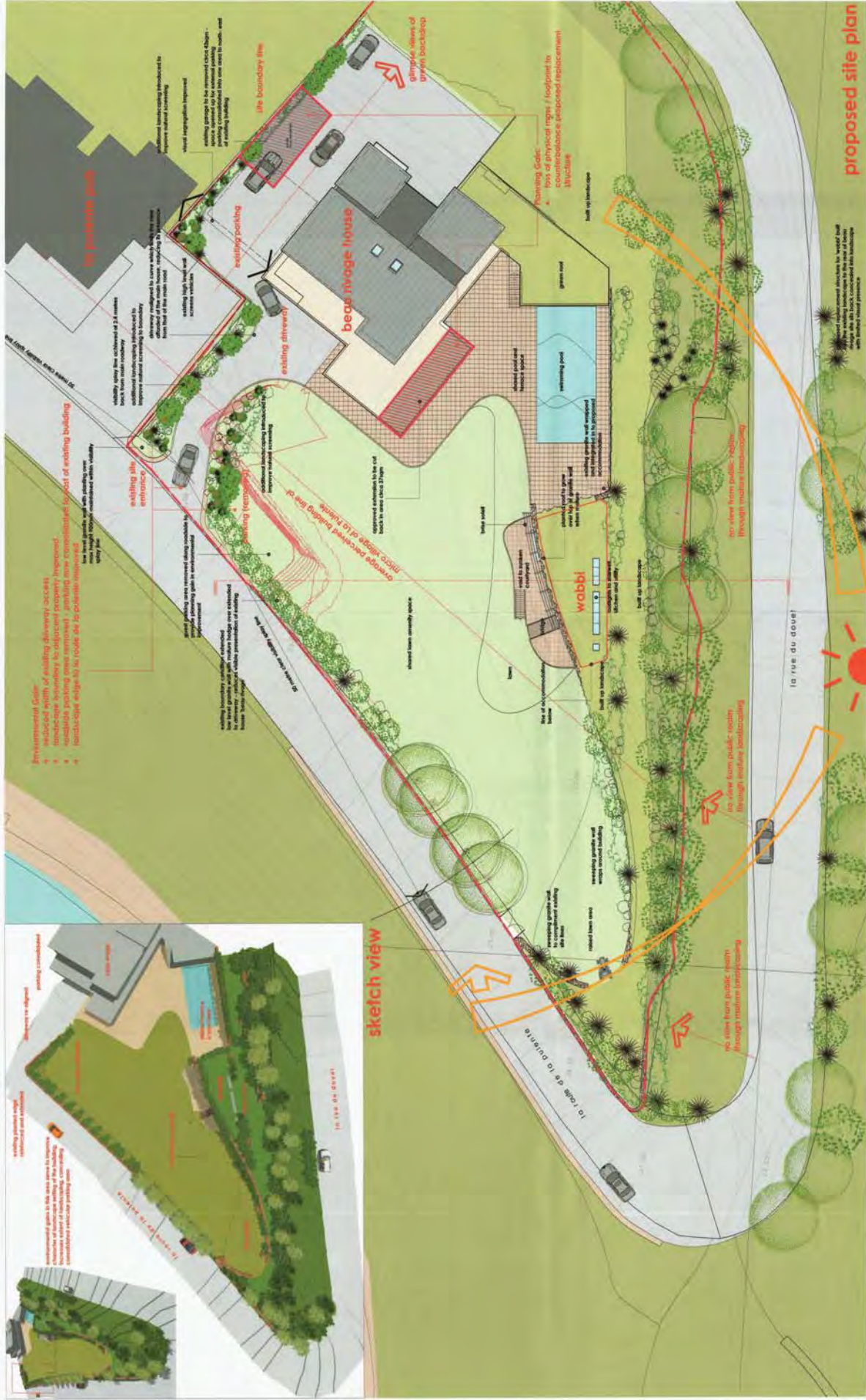
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Beau Rivage,  
La Route de la  
Pulente, St.  
Brelade:  
proposed new  
dwelling  
(RFR).  
1070/2/1/3  
(380)

A13. The Panel received a report dated 8th May 2012, in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which had sought permission for the construction of a new dwelling at the property known as Beau Rivage, La Route de la Pulente, St. Brelade. The Panel had visited the site on 22nd May 2012.

Deputy S.S.P.A. Power of St. Brelade, Chairman was not present for this item. Connétable J. Le S. Gallichan of Trinity acted as Chairman for the duration of this item.

PP/2011/0882

A site plan and drawings were displayed. The Panel noted that the application site was located within the Coastal National Park and that Policy NE6 of the 2011 Island Plan was relevant.

The Panel noted that the above application had been refused on the grounds of Policy NE6, which related to the Coastal National Park and the high level of protection against development within this Zone. It was recalled that Policy NE6 did not allow for the establishment of new residential units within the Coastal National Park. In this particular case the applicant was arguing that the proposed new dwelling was, in fact, a replacement dwelling because an existing one bedroom unit was being subsumed into the principal dwelling. However, the application involved the construction of a new structure to be built in the south west corner of the site, on an area of land which was currently undeveloped, increasing the amount of development on the site as a whole. The Panel noted the contents of a letter dated 14<sup>th</sup> June 2011, from the applicant in which he outlined the particular family circumstances which had given rise to the submission of the application. However, it was recognised that such personal circumstances could not be a determinative factor in the consideration of planning applications. In conclusion, the proposed scheme failed to meet the policy test and the Panel was being recommended to maintain refusal of the application.

The Panel noted that one letter of representation had been received from the National Trust for Jersey.

The Panel heard from the applicant, Mr. W. Le Marquand and his agent, Mr. M. Dennis of Design Plus Limited. Mr. Dennis contended that the scheme merely proposed the relocation of an existing one bedroom unit to another part of the site. The landscape character of the site would be significantly improved by means of intensive planting and the removal of an existing single storey garage, roadside car parking and stores was also proposed. The removal of the garage would have a positive effect on the setting of the existing building. Whilst a physical reduction in mass could clearly not be achieved by subsuming the existing one bedroom unit into the principal dwelling, this reduction in mass would be achieved by the removal of the garage and stores. Mr. Dennis referred to the draft Supplementary Planning Guidance relating to Policy NE6 and contended that the scheme accorded with the guidance. In concluding, Mr. Dennis advised the Panel that both the current and former Minister's for Planning and Environment had expressed support for the scheme.

The Panel heard from Mr. Le Marquand, who advised that he had sought pre-application advice in 2007/2008 regarding the scheme and had been advised that it was "potentially feasible". However, due to personal circumstances, Mr. Le Marquand had been unable to progress the scheme at that time. Mr. Le Marquand advised that in 2011 he had met Deputy R.C. Duhamel, Minister for Planning and Environment together with 2 officers on site and had received a favourable response to the proposed scheme, particularly in relation to the removal of the garage and stores, which he believed had been viewed as a planning gain. Mr. Le Marquand was disappointed that there appeared to be no reference to the removal of these structures in the officer report as he felt that the full nature of the proposals had not been made clear. He referred to other developments which had been permitted in the vicinity of the application site and believed that a precedent had been set. Mr. Le Marquand explained that it was intended that the proposed new unit would be used to accommodate a dependent relative and he urged the Panel to take this into account.

The Panel discussed the application and viewed aerial photographs of the application site taken in 2003 and 2011, respectively. It noted the difference in terms of the landscaping in 2003 and 2011, and concluded that the scheme actually proposed to re-instate landscaping which had previously been removed. This could not, therefore, be used as a means to justify the proposed development. The Panel decided to refuse permission in accordance with the officer recommendation on the grounds that the application was clearly contrary to Policy NE6.



Ref MD/dp1319

19<sup>th</sup> July 2013

**For the attention: Lawrence Davies**

Department of Planning and Building Services  
South Hill  
St Helier  
JE2 4US

Dear Sirs

**Re: DP1319 'Wabbi'- Beau Rivage, La Rue de la Pulente, St Brelade**

With reference to the above, and further to our recent telephone conversations and comment following submission of revised draft proposals submitted on 14<sup>th</sup> February 2013 for the replacement structure for 'Wabbi', Beau Rivage, please now find enclosed a full formal planning application submitted on behalf of our client, Mr Wayne Le Marquand.

As discussed with you this formal planning application presents a scheme similar in **concept** to that of the original planning in principle application PP/2011/0882 determined on the 24<sup>th</sup> May 2012 but acknowledges the feedback received from the department from that application. As discussed the proposed replacement structure is still built into and merged with the landscape, but now moved closer to that of the existing building becoming part of the main built form on site, directly sharing amenity space. A greater extent of physical built form existing and approved but not yet constructed, is to be removed and as such is considered to provide sufficient loss of building to balance that being created. The amount of building footprint removed is thus larger than that created. The proposals relocate an existing unit of accommodation but provide this in a much more sympathetic and sustainable structure, which is considered to enhance the site and the landscape.

Through our conversations you have indicated that the scheme is worthy of an application in order to formally test the proposals within policy. As discussed with you we firmly believe that the proposal is in line with the policies and opportunities available under the Coastal National Park, it provides a site specific solution that merges architecture with landscape in keeping with the landscape environs of the site. We believe that we have demonstrated a balanced approach to the replacement of existing building elements, that achieves a replacement of that which exists and serves to provide a long term solution for our client and his family.

As discussed we have not prepared a physical model for this site, but have instead provided a copy of the sketch up model that has been constructed to demonstrate the proposals, and has been utilised to provide the perspective views encapsulated on the application documentation.

In support of this revised application, please find enclosed:-

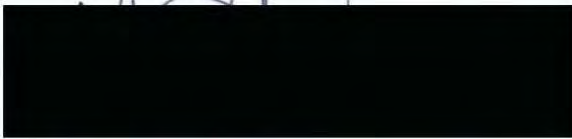
- 1 original and 1 copy of the duly completed application form
- 2 copies of the application drawing nos. DP1319 101, 102, 103, 104 all rev -
- 2 copies of the current 1:2500 site location plan – DP1319 100
- Design Statement
- Waste Management Statement
- CD containing a pdf copy of all application documentation and 3d sketch up model
- Application fee for £585.10 –( 123.7sqm x 4.73 under category 1A )

page 1

We trust you find the above and enclosed to be in order, but should you have any queries or require any further information at this time, please do not hesitate to contact us.

Kind Regards

Yours sincerely



**Mark Dennis**  
Director

For and on behalf of **designplusarchitects** limited

enc

**Project Title:** 'Wabbi', Beau Rivage, La Rue de la Pulente, St Brelade

**Project No:** DP1319

**Project Description:** The relocation of an existing A-H accommodation licence from an existing unit of accommodation to a replacement unit of accommodation built as a single storey 'garden room' set into landscaping alongside the existing external swimming pool and terrace.

## Introduction:

The purpose of this design statement is to demonstrate the design rationale behind the Planning Application proposal to relocate an existing unit of accommodation within the same site. Currently the Beau Rivage site, La Route de Pulente provides two units of accommodation, the main house and a second one bedroom A-H unit of accommodation alongside known as 'Wabbi'. As this current unit of accommodation is contained within the single mass of the existing building it is proposed to compensate the area of the proposed replacement building by the demolition of an existing single storey garage and store block located to the east of the main house and further the removal of a section of building extension currently approved for construction but not yet built to the main house (indicated below). In proposing the reduction in mass of the existing building this is considered to more than counterbalance the proposed building footprint.



'Wabbi' exists as a one bedroom interdependent unit of accommodation attached to 'Beau Rivage', it is the intention to simply **relocate** this existing accommodation within the site utilising the existing natural topography of the site to conceal a replacement structure. It will remain as a dependent element of 'Beau Rivage' and as such accordingly share existing amenity and parking facilities.

The existing site of Beau Rivage is over 4000 square metres in area with extensive garden amenity and parking area. As the application site already provides for the two existing units of accommodation 'Beau Rivage' and 'Wabbi' the proposals do not vary that existing situation, the existing site is considered to more than adequately cater for the proposals well in excess of the standards required.

### Pre-application Consultation

This application has sought recent departmental pre-application advice and in conclusion to that exercise it is noted that the proposal encompassed within this application has significant planning gain and potentially supportable improvements over and above that of the previous scheme determined in 2012, reference PP/2011/0882.

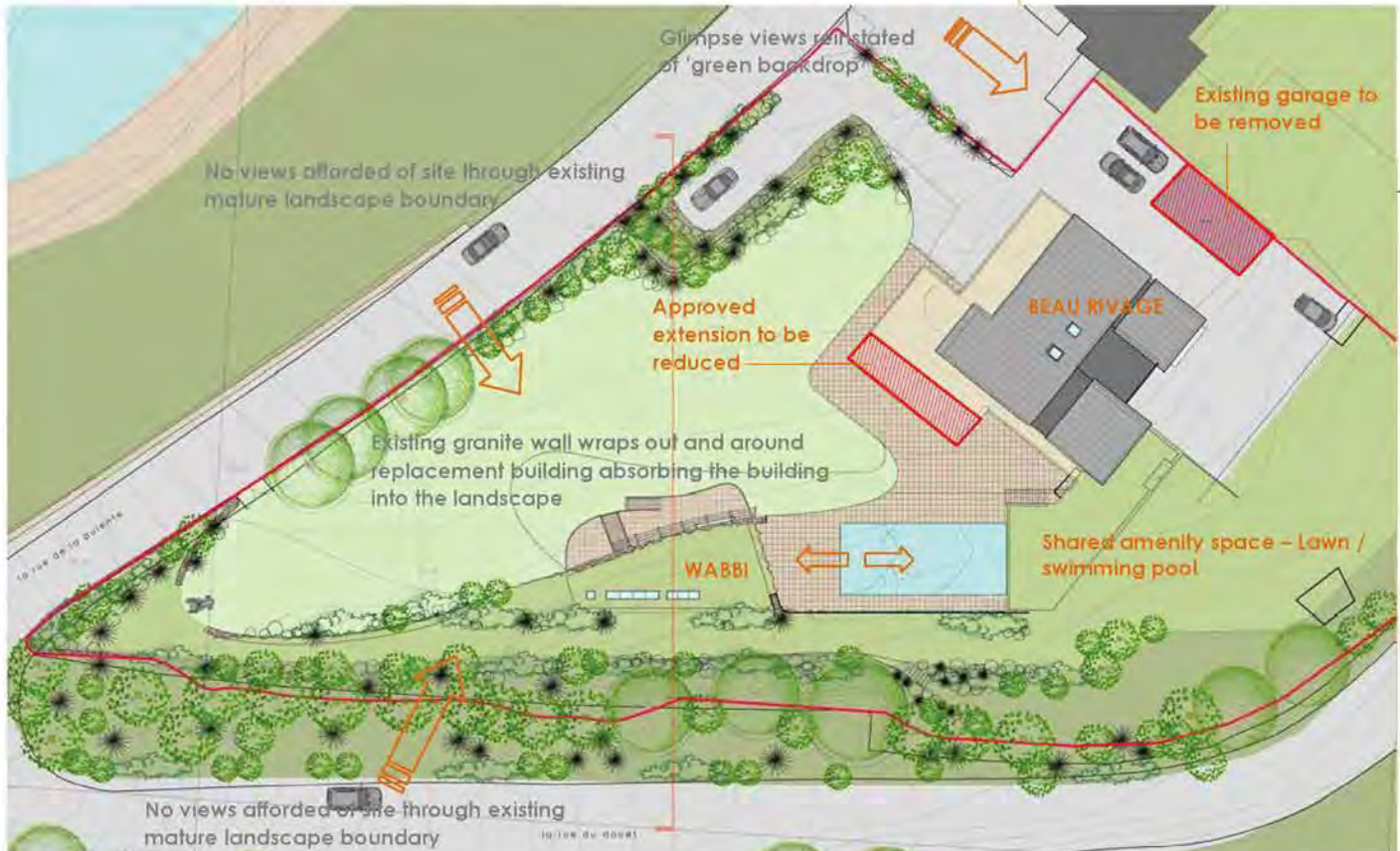
It is acknowledged that the relocation of the proposed landscape building being closer to the main house improves its interrelationship and provides less visible impact; it concentrates the development within the centre of the site leaving a significant landscape margin, cognisant of the natural quality of the locale. The proposed physical loss of mass on the site and the proposed intention of incorporating the proposed building into the landscape are considered to provide a solution of planning gain, in accordance with the aspirations of relevant policy. It was noted that this scheme presents some significant advantages for the site and the pre-application process suggested that the scheme and its planning case be formalised through an application in order to allow formal consideration of the proposals in the framework of the 2011 current Island Plan.

Currently the existing garage and store located to the east of the existing main house is circa 43sqm in footprint, it is further proposed to reduce the currently approved ground floor living room extension by circa 37sqm in order to provide a reduction of area of 80sqm which is considered to balance the proposed footprint area of the replacement accommodation which amounts to circa 60sqm.

The removal of the existing garage block improves the setting of both 'Beau Rivage' and the adjacent 'La Pulente' Pub, along their mutual boundary. It provides an open area between the two buildings and provides some visual relief in their presentation to the public realm allowing views of the backdrop behind. Although both Beau Rivage and La Pulente are elevated above La Route de la Pulente at this point, the removal of the garage provides a discontinuity in physically presented mass, serving to segregate the two buildings visually. This is considered to present a significant benefit to the presentation of the natural landscape that is glimpsed between, highlighting the 'green backdrop' available to view behind. In consideration of policy NE 6 section 5, that **'their demolition and replacement with a new building for another use would give rise to significant demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape and seascape character of the area through a significant reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise in particular from significant reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape character'**, the proposed demolitions are acknowledged to be in cognisance of the aspirations of the policy in respect of the restoration of landscape character, the proposed building built into the form of the existing landscape further serves to support and enhance that principle.

Once the garage building is removed this area is proposed to remain open as external parking, which conceals vehicles from perspective view, reducing the requirement of parking vehicles along the existing roadside driveway. This exercise then allows a section of the existing parking area to be planted, which closes down the width of the parking currently exposed to the public realm, thus improving the visual presentation of the site to the public realm. Currently a linear length of approximately 24 metres of open parking is presented to the main roadside, this would reduce significantly to just the width of the access driveway circa 6 metres, providing the opportunity of considerably more landscape addressing the main

road. This landscape would retain and reinforce the existing landscape expressed at the corner, serve to provide further screening of the site from the main road, and provide an enhancement and improvement to the landscape character of the area.



Having discussed the proposal with the department, for the loss of approved building area contained within the approved ground floor extension to the main house of Beau Rivage under permit P/2007/0355, it is acknowledged that this requires consideration. It is confirmed that this area of approved building is not yet physically constructed on site. It is further acknowledged through discussions with the Planning Officer that as the extension is already approved, the Planning Department have no recourse to prevent this being constructed in the future, without some form of agreement being formalised. Our client is in full support of this 'Planning Obligation Agreement' requirement and quite prepared to enter into a legal agreement binding the **non-construction** of this building area/element into the potential approval of this application.

The new scheme is considered to acknowledge the comments raised at the PAP determination meeting of 24<sup>th</sup> May 2012 considering application PP/2011/0882, in reducing mass of the proposal, moving the building closer to the main house, integrating it further into the garden landscape and further reducing the existing mass on site. These measures were and remain to be considered in line with the aspirations of policies of the 2011 Island Plan.

### Previous application consultation

The original scheme proposals sought to replace the existing accommodation unit existing within Beau Rivage, with a replacement unit of accommodation concealed into the landscape within the corner of the garden, this original concept being supported as an acceptable design solution by the then Minister and subsequent and still current Minister. Through the PAP process it was suggested previously that insufficient mass was reduced from the existing site in order to balance the mass of the relocated 'Wabbi', this has been fully reconsidered within these new proposals. It has to be stated that it is physically impossible to remove the footprint of the existing 'Wabbi' unit from within 'Beau Rivage', as it is currently integral and more specifically forms the ground floor of Beau Rivage, which extends over at first floor level.

The reduction in mass of the existing approved but not built fabric in addition to the loss of the garage is deemed to be larger than the ground floor area of the proposed and therefore illustrates a net benefit, in accordance with Policy NE 6.

This application solution is considered to improve on that which was presented previously, it reduces the perceived domestic curtilage and contains built mass within a tighter plan area, sits significantly well within the apparent construction/building line set by existing adjacent properties, remains physically integrated to 'Beau Rivage' but remains partially concealed by the landscape that surrounds and envelops it. It is considered to sustainably provide second generation accommodation on the site for the owner's parents/family, providing interdependent/assisted living accommodation which best makes use of existing domestic sites to accommodate extended families rather than apply further pressure to green field sites.

The proposal will fully share existing garden amenity and parking provision with that of the main house and remain fully integrated with Beau Rivage, providing a long term solution for our client and his family.

This design proposal encompasses the potential of a fantastic architectural solution which is considered to illustrate how a second generation element can be smoothly and coherently integrated within the existing landscape to holistically provide for the needs of modern families and modern family living, whilst limiting impact to the physical realm in full cognisance of the policy intentions of NE 6.

### Consultation History

In order to establish the background to the development of proposals it is important to note the pre-application history to the previous Planning in Principle Application PP/2011/0882 as this set the design concept and ethos to the scheme design which has now been further developed and advanced to incorporate the remedy to previous concerns.

Given the extent of pre-application consultation carried out with the department and more specifically with two serving consecutive Planning and Environment Ministers, both of whom have attended department meetings on site. The former Minister, Mr Freddie Cohen, formalised his initial verbal support to the scheme concept in departmental correspondence dated 4<sup>th</sup> July 2011 stated; **"I am supportive of your recent application and I have reviewed the submitted plans. My support is on the basis that this represents a single bedroom dependent relative unit replacing an existing separate single bedroom unrestricted unit.**

**Furthermore for some time both I and my Assistant Minister Deputy Duhamel have been interested in seeing an environment exemplar constructed that specifically merges into the landscape in a semi-underground manner and is virtually invisible incorporating a green roof."**

This is noted only as a point of reference as it is acknowledged that the scheme proposals need to deliver in line with current policy.

The current determining policies of the 2011 Island Plan, namely NE 6 – Coastal National Park, acknowledges in clause 2.65 **“that Jersey’s Coastal National Park is a living landscape, with many buildings and land uses within it.”**

Under the provisions of Policy NE 6 there are outlined exceptions to the “presumption against significant and inappropriate development”, Clause 2.65 notes that there may be the opportunity to secure character restoration **“by allowing exceptions to the presumption against new developments to be made where it is clear that a redevelopment of existing buildings or land uses might provide an opportunity to repair or reduce the damage caused to the landscape character by existing buildings and uses.”**

As the landscape character of the site was considered to be a fundamental part of the design ethos and design proposal for the new building, further extended to the wider site environs, the holistic approach taken needs to be considered in the context of the surrounding landscape both built and natural.

It is obvious, but nevertheless important to outline that the ‘Beau Rivage’ site is not an isolated site set in the sand dunes of St Ouen’s Bay, rather it is an existing dwelling set in a sizeable cluster of residential properties that effectively establish the micro-village of La Pulente. Whilst the importance of the natural landscape and the objectives to protect and enhance this landscape is acknowledged through positive land management, as set out within the Coastal National Park, it is noted that the policies accept the existing conditions and constraints imposed by an existing ‘living landscape’. La Pulente is a prime example of that living landscape, an enclave of built form in the current National Park. Recent applications that have been approved throughout La Pulente, where existing development has been expanded and further additional new accommodation created, has, set precedent to the acknowledgement by the department of La Pulente as an established built enclave and has accepted the principle of a ‘living landscape’.

NE 6 policy clause 2.70 outlines that **“proposals to extend the curtilage of existing residential premises in the Coastal National Park will be resisted as their approval would lead to the cumulative erosion of the extent and quality of the predominant landscape character. It is, however reasonable for the Minister to be able to permit small scale extensions to residential buildings in the Coastal National Park where they do not unduly harm or detract from the landscape character of the area, and where the cumulative visual impact of the development of a property is not damaging to the wider landscape.”**

It is acknowledged that the replacement of existing dwellings on a ‘one for one’ basis is potentially acceptable within the Coastal National Park. However, where this is proposed, Policy NE 6 is understood to require that a development proposal: would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. The proposals enclosed in this application are intended to improve the natural landscape character of the site thus improving the setting of the main building within its natural context in direct alignment with the policy intentions to protect the predominant landscape.

### Summary

The application reflects the proposal to **substitute/relocate** the existing current one bedroom accommodation unit known as ‘Wabbi’, aiming to re-accommodate the one bedroom unit in a new detached effectively single storey structure located on the existing swimming pool terrace. This new structure built within and into the existing topography of the rear of the site is designed specifically to effectively be absorbed by and ‘disappear’ into the landscape. The accommodation left within the main house will be returned to the main house as useable domestic accommodation. The intention of the application is to continue to provide inter-dependent living accommodation for the client’s extended

page 5

family. It will always remain a fully integrated element of the 'Beau Rivage' site, and shares garden amenity and vehicular parking. The loss of the extraneous site structures of the existing garage and stores coupled with the removal of area from the approved extension are considered to balance the small mass of the new proposals, which are therefore considered to present less physical mass being built into the topography of the site, thus reducing mass, scale and perceived volume, providing a more sympathetic consideration of siting and design.

In terms of Waste management, all arisings from the excavation of the proposed structure will be either recycled directly on site and utilised as additional backfill landscape re-profiling or recycled off site by the client through his main commercial operations at Broadlands, Le Mont Fallu, St Peter. As acknowledged previously, because of these commercial recycling operations, our client is well placed to reutilise the spoils from the site, in accordance with section 11 of the 2011 Island Plan.

In terms of design, the proposed new structure is to be sited into the existing rear embankment of the site, to align with the existing swimming pool providing a book end to that terrace area reflective of the existing building at the other end of the pool. It remains close to the physical mass of the existing building, close enough to remain a part of its physical composition and arrangement, but through its integration into the landscape remains quietly subdued. As the site triangulates to the corner alongside La Rue du Douet and La Route de la Pulente, the site boundary of Beau Rivage is significantly lower than the profile of the road, and a further existing elevated landscaped border with mature landscaping to the corner and along both road directions restricts/ prevents views into the site from this public realm. The natural stepped topography of the site and the natural existing landscape are considered to present an opportunity to provide the background to construct a new effectively single storey structure submerged into the landscape. It is intended that the landscape wraps and absorbs the new building such that only one elevation exists to the front, into the site. This exposed elevation is constructed from granite faced walls or glass and is intended to replicate similar garden wall structures already present on the Beau Rivage site, as if the garden wall oozed out to absorb and encompass the building.

The building becomes one with its landscape and effectively disappears into its natural growing context. This concept will completely conceal the proposed building from view from outside of the site.



The building extends down to a lower level which conceals a bedroom and courtyard which remains fully hidden from view but open to the elements ensuring a limited mass of building presented at the exposed ground level. The building will have a flat roof completely covered in a mix of growing sedum and grasses, reflective of the natural flora and fauna growing now on site.

It is considered that the reduction in mass of existing garages and outbuildings, the consolidation and reduction in mass of the main house and the sensitive integration of the relocated interdependent accommodation into the natural existing topography of the site, coupled with the proposed landscape improvements, including the naturalisation of the linear roadside parking, general intensification of the natural planted landscaping all serve to protect the natural quality and character of the site. These measures provide an improved setting for the existing building, actively enhancing the quality of the landscape character of the site and area, serving to protect and enhance positive land management within a "living landscape" in full acknowledgement of the intentions of Policy NE 6 Coastal National Park.



**Project Title:** 'Wabbi', Beau Rivage, La Rue de la Pulente, St Brelade

**Project No:** DP1319

**Project Description:** The relocation of an existing A-H accommodation licence from an existing unit of accommodation to a replacement unit of accommodation built as a single storey 'garden room' set into landscaping alongside the existing external swimming pool and terrace.

## Introduction:

The purpose of this waste management statement is to support the design rationale behind the Planning Application proposal to relocate an existing unit of accommodation within the same site. Currently the Beau Rivage site, La Route de Pulente provides two units of accommodation, the main house and a second one bedroom A-H unit of accommodation alongside known as 'Wabbi'. As this current unit of accommodation is contained within the single mass of the existing building it is proposed to compensate the area of the proposed replacement building by the demolition of an existing single storey garage and store block located to the east of the main house and further the removal of a section of building extension currently approved for construction but not yet built to the main house. The replacement accommodation will be built into the existing landscape topography to the rear of the site.

## Waste Management:

### General:

All demolition / excavation material is to be separated/segregated where possible on site, and set aside for re-use where possible for making up ground and broken down and used as hardcore.

### Roofing Material:

Roofing finishes in good condition will be set aside to be recycled. Poor condition roof finishes are to be removed off site.

### Masonry Material:

Granite to be recycled on site whenever possible and re-used as granite walling / cladding, or taken off site for recycling.

Brickwork to be crushed and used on site as required for sub-structural hardcore, in agreement with the structural engineer's requirements.

Concrete (mass) / Blockwork to be crushed and used on site as required for sub-structural hardcore, in agreement with the structural engineer's requirements.

(All metal reinforcement to be removed from mass concrete arisings as far as possible and set aside for recycling).

### Timber / Organic material:

Timber and Organic materials to be separated out and taken off site to Bellozanne / La Collette and (reprocessed) in the sense of providing an energy benefit for the island.

### Glass Material:

All glazing elements to be separated out from perimeter framework where possible, set aside and removed from site for recycling. All non-glass elements to be removed where possible and waste to be taken off site for reprocessing.

**Plastic Material:**

Plastic materials to be removed from site.

**Metal Material:**

All metal to be separated out on site and removed from site and recycled.

**Specialist Materials:**

To be identified, separated, and disposed of as required.

All Insulation materials to be bagged as required, and removed from site.

**Contaminant Materials:**

(Hazardous wastes, asbestos, chemicals, oils contaminated soil etc).

All specialist waste exposed on site is to be identified and assessed. Method statements are to be prepared by proposed specialist extraction contractor(s) to determine removal requirements. All demolition and disposal works to be in accordance with local Health and Safety / Environment Department requirements.

**Excavation Spoil:**

All spoil material excavated during the construction works to be either re-utilised on site for backfill / landscape substructure or removed from site for recycling.

All excavation materials can be recycled, through the construction works carried out on site already in the formation of the swimming pool it is known that the majority of excavations will be of a sand material.

Any loose stone found within the sand will be utilized to form the garden walls representing the most effective and appropriate recycling with limited energy consumption. The building is then formed from the ground around it making it truly one with its landscape, and fully connected into its context.

**Health and Social Services Department  
Environmental Health, Public Health Department**

Maison Le Pape, The Parade  
St Helier, Jersey, JE2 3PU  
Tel: +44 (0)1534 443712  
Fax: +44 (0)1534 445773



**Reference: P/2013/1037**

20/08/2013

**Response Type: No Objection**

**Beau Rivage, La Route de la Pulente, St. Brelade**

Thank you for the opportunity to comment on this application.

This department has no objection to the proposed development.

Stewart Petrie  
Interim Head of Environmental Health  
Direct Line : 01534 443507  
e-mail: S.Petrie@health.gov.je

## Planning consultation response

<b>To:</b>	Celia Griffiths	<b>From:</b>	Natural Environment
<b>cc:</b>	Rebekah Porter		
<b>Subject:</b>	P/2013/1037 – Beau Rivage	<b>Date:</b>	23 August 2013

Further to your request for consultation the Natural Environment Team provides the following comments:

### Basis of comment

This comment is based on the information submitted.

The site lies within the St Ouen's Bay Planning Framework and in a particularly sensitive area in terms of landscape and ecological qualities. The area supports a diverse assemblage of habitats with a high wildlife value including some species that are locally or nationally rare. The site lies close to one of the Island's most important populations of green lizards *Lacerta bilineata* (Biodiversity Action Plan species), which are protected under the Conservation of Wildlife (Jersey) Law 2000 (outlined below).

### Relevant Law

#### Conservation of Wildlife (Jersey) Law 2000 as amended ('Wildlife Law')

- Under Article 5(1) of the Wildlife Law it is an offence for any person to knowingly kill, injure or take any species of reptile, amphibian, bat, shrew, red squirrel or bird (apart from feral and wood pigeon, magpie and crow) or the egg of such bird;
- Under Article 6(1) of the Wildlife Law it is an offence for any person to knowingly damage or destroy the den or nest of any of the above protected species, obstruct access to a den or nest in use or to disturb any protected species occupying a den or nest;
- Under Article 13 of the Wildlife Law, it is an offence to pick, uproot or collect the seed of certain species of plants listed in the schedule to the Law.
- In accordance with Article 5(6) of the Wildlife Law, before anything is done in relation to a bat, the Department of the Environment must be notified and their advice sought as to whether the operations should be carried out and if so the method to be used.

These provisions apply to all life stages of the species concerned.

A full extract of the Law can be found at [www.jerseylaw.je](http://www.jerseylaw.je)

### **Recommendation – Possible presence of protected species**

In order to avoid contravening the Wildlife Law outlined above, the applicant is required to demonstrate, in advance of any works on site, that all such potential impacts on these protected species have been fully considered and addressed to the satisfaction of the Department of the Environment.

### **Condition**

#### **Full Ecological Survey**

Should this application be approved, no works may proceed until sufficient evidence has been supplied demonstrating that all potential impacts of the proposed development on green lizards, slow worms, common toads and other protected species found on site have been fully considered and addressed. This should be provided in the form of a report that includes:

1. A description of the wildlife and habitat features of the site, based on valid up to date information and including where appropriate ecological survey data;
2. An assessment of development impacts likely to harm protected species and/or habitats identified as present, taking into account direct and indirect effects; short-term and long-term impacts; impacts during and post construction;
3. A method statement demonstrating how any impacts identified as a result of 1) and 2) will be avoided or mitigated for, such as timing of works and provisions for post development site safeguard and monitoring.

Given the technical nature of these requirements it is recommended that the assessment should be prepared by a suitably competent ecological consultant, with experience in bat survey and ecology.

### **Ecological Survey Reports/data**

Any ecological surveys carried out in support of the assessment should meet the following requirements:

1. **The survey** should be carried out by a suitably qualified person with appropriate experience.
2. **The methodology for the survey and presentation of the survey report** should be determined in accordance with relevant best practice guidelines for the species concerned.

Note that a licence under the Wildlife Law may be required to implement these conservation measures.

### **Reason**

To ensure that the proposed development does not contravene the terms of the Wildlife Law recited above.

***Note to agents/ applicants:***

**It is the responsibility of the applicant to inform all site workers of the possibility of protected species on site and the implications under the Wildlife Law and advised that it is their responsibility under the Law to stop work and notify the Department of the Environment immediately should any species be found.**

**These procedures would be separate to any decisions made in respect of the planning conditions needed for these works. Furthermore, failure to implement the procedures may lead to the disturbance or killing of protected species which could lead to prosecution under the Conservation of Wildlife law.**

**Any comment on this consultation response must be addressed to the relevant Planning Officer and not to the Natural Environment Team.**

**A full reading of the legislation referred to above is strongly recommended**

# The National Trust for Jersey



Rebekah Porter  
Applications Manager  
Planning & Environment Department  
South Hill  
St Helier                      JE2 4US

19th August 2013

Dear Rebekah

***Re: Application No. P/2013/1037.  
Wabbi, Beau Rivage, La Route de la Pulente, St. Brelade.***

This is an Application to demolish a detached garage and store and construct a separate two storey dwelling to the South of Beau Rivage. The approved extension to Beau Rivage is to be reduced in size. The new dwelling is to form additional ancillary habitable accommodation for Beau Rivage. The dwelling would be in the Coastal National Park (CNP).

The Countryside Character Appraisal is a material consideration in Planning Applications. In relation to St. Ouen, this document identified this area as having no capacity for any new development and was accordingly considered to warrant the highest level of protection.

This Application, if approved would be a new dwelling in the CNP where there is a strong presumption against any new development for any purpose. Policy NE6 of the Island Plan which regulates development in the CNP states that this area will be given the highest level of protection against development and that this will be given priority over all other planning considerations.

In addition, if this Application is approved it could seriously damage the CNP because it is two storey high and will be highly visible from the beach. This contravenes Policy NE6 and GD5.

# The National Trust for Jersey



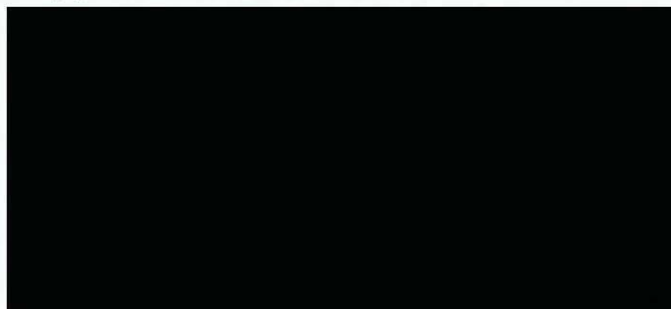
- 2 -

This Application is also in contravention of the Island's Spatial Policies which underpin sustainable development for the Island. These Policies are key considerations. SP1 and SP6 require development to be concentrated within the Island's Built up Area to reduce the Island's dependence on the car for transport.

In view of the Policies of the Island Plan the Trust is strongly against the approval of this Application.

Yours sincerely

Sue Kerley (Mrs)  
Development Applications Committee



Ref MD/dp1319

29<sup>th</sup> August 2013

For the attention: Lawrence Davies

Department of Planning and Building Services  
South Hill  
St Helier  
JE2 4US

P & B Services

06 SEP 2013

RECEIVED

Dear Sirs

Re: DP1319 'Wabbi' - Beau Rivage, La Rue de La Pulente, La Pulente, St Brelade  
Planning Application Reference - P/2013/1037

With reference to the above, and further to receipt of comments from The National Trust for Jersey, received through the Planning Portal, we would on behalf of our clients provide the following response:-

We would correct the author writing on behalf of The National Trust for Jersey as it appears that there is a **misunderstanding** of the principles of this application.

The application proposals for 'Wabbi' as noted on the submission application form are the – **"relocation of an existing A-H accommodation licence from existing unit of accommodation to a replacement unit of accommodation built as a single storey 'Garden Room' set in to landscaping alongside the existing external swimming pool and terrace."** This involves the demolition of existing buildings including garages and stores and the reduction in footprint of existing approved but currently un-built accommodation for Beau Rivage. This application **does not** encompass the creation of a completely 'new' unit of accommodation on the site; it simply **relocates** one that already exists.

It is accepted that the current existing Beau Rivage and separate Wabbi dwelling units are within the Coastal National Park (CNP). We accept that the CNP under Policy NE6 is given a high level of protection; however the policy also notes exceptions to policy and acknowledges in clause 2.65 **"that Jersey's Coastal National Park is a living landscape, with many buildings and land uses within it."** this clause also notes that there may be the opportunity to secure character restoration **"by allowing exceptions to the presumption against new developments to be made where it is clear that a redevelopment of existing buildings or land uses might provide an opportunity to repair or reduce the damage caused to the landscape character by existing buildings and uses."**

As the landscape character of the site was considered to be a fundamental part of the design ethos and design proposal for the new building, further extended to the wider site environs, the holistic approach taken in this application needs to be considered in the context of the surrounding landscape both built and natural.

It is important to note that the 'Beau Rivage' site is not an isolated site set in the sand dunes of St Ouen's Bay, rather it is an existing dwelling set in a sizeable cluster of existing residential properties that effectively establish the micro-village of La Pulente. Whilst the importance of the natural landscape and the objectives to protect and enhance this landscape is acknowledged through positive land management, as set out within the Coastal National Park, it is noted that the policies accept the existing conditions and constraints imposed by an existing 'living landscape'. La Pulente is a prime example of that living landscape, an enclave of built form in the current Coastal National Park. Recent applications that have been approved throughout La Pulente, where existing development has been expanded/extended and further additional

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new accommodation created, has, set precedent to the acknowledgement by the department of La Pulente as an established built enclave and has accepted the principle of a 'living landscape'.

We fundamentally disagree with the author's statement, it is not considered that this application could "seriously damage the CNP because it is two storey high and will be visible from the beach". The author's comments are considered inaccurate and totally misrepresentative, firstly the application proposals only effectively present a single storey building above ground, the remaining lower ground floor is completely concealed below existing external ground levels. Effectively as a single storey structure presented above ground integrated into the landscaping, it is almost entirely concealed from view from the public road that surrounds the application site. In fact existing mature perimeter landscaping already present significantly limits any key views into site from the public road presently. The remaining open area around the existing parking alongside the road, is proposed with additional key planting, will provide further screening rendering the majority of the site invisible from the public realm. This new planted 'screen' informed by ecological assessments will serve to provide environmental gains supporting potential wildlife biodiversity.

The level of the Beach at Pulente is significantly lower than that of the road, La Route de la Pulente, extracting from Digimap Survey there is circa 15 metres in level difference between the road and the beach, (please refer application drawing - site location plan dp1319 100 which illustrates the Digimap survey information), and as such the existing sea defence wall and sloping ground topography significantly restricts any view of the site at all from the Beach, it will therefore not be "highly visible from the beach" as intimated, and as such not considered to have any impact in relation to GD5.

We do not accept the authors' intimation that this application is "in contravention of the Islands Spatial Policies which underpin sustainable development for the Island". We acknowledge that Policy SP1 Spatial strategy aims to concentrate development in town, but it also encompasses development outside of St Helier, - **"Planning permission will only be given for development: 1. Appropriate to the coast or countryside"**. We do not consider that the proposals encompassed within this application to relocate an existing unit of accommodation already present on site to have any impact on Policy SP6. We would present a case that in actual fact the creation/utilisation of accommodation on existing domestic dwelling sites where appropriate, to provide for second generation/assisted living provides a long term sustainable form of development, which actually reduces the overall dependence on the car. Accommodating relatives on site in semi-independent/assisted/supervisory accommodation is considered to provide a sustainable long term solution to the future needs of the Jersey Housing Market fulfilling a defined and well documented and growing social need. The application is considered in line with Policy SP2, provides efficient use of land resource, and further in acknowledgment of Policy SP7 in relation to the quality of design, maintains and enhances the character and appearance of the area.

It is considered that the reduction in mass of existing garages and outbuildings, the consolidation and reduction in mass of the main house and the sensitive integration of the relocated interdependent accommodation into the natural existing topography of the site, coupled with the proposed landscape improvements, including the naturalisation of the linear roadside parking, general intensification of the natural planted landscaping all serve to protect the natural quality and character of the site. These measures provide an improved setting for the existing building, actively enhancing the quality of the landscape character of the site and area, serving to protect and enhance positive land management within a "living landscape" in full acknowledgement of the intentions of Policy NE 6 Coastal National Park.

We trust you find the above to be in order and as a balanced response to the comments received, but should you have any queries or require any further information at this time, please do not hesitate to contact us.

Kind Regards

Yours faithfully

**Mark Dennis**  
Director

For and on behalf of **designplusarchitects** limited

CC Client Copy  
KE Planning – Stephanie Steedman

Ref MD/dp1319

04<sup>th</sup> September 2013

**For the attention: Lawrence Davies**

Department of Planning and Building Services  
South Hill  
St Helier  
JE2 4US

Dear Sirs

**Re: DP1319 'Wabbi- Beau Rivage, La Rue de La Pulente, La Pulente, St Brelade  
Planning Application Reference – P/2013/1037**

With reference to the above, and further to receipt of comments from The Department of the Environment/Natural Environment, received through the Planning Portal, we would on behalf of our clients provide the following response:-

It is accepted that the site lies within the St Ouen's bay Planning Framework and as such it is acknowledged that the site is located in a sensitive area in terms of landscape and ecological qualities. We note the department's recommendations for an ecological assessment to be carried out on site in order to identify and address potential impacts to green lizards, slow worms, common toads and other protected species. Our client's understand their obligations under the Wildlife Law, and as such are more than happy to arrange the appropriate ecological survey works as required in due course. We would anticipate that this request will be identified as a condition of the potential Planning Permit and as such can be provided as required at the appropriate time.

We would acknowledge the comments raised on the requirements of the Conservation of Wildlife (Jersey) Law 2000, ('Wildlife Law') and would confirm on behalf of our clients, that any and all such actions will be taken as required during the construction phase of the works to ensure full accordance with the requirements of the Law. All workers will be informed of the potential for wildlife on site at the commencement of construction works and advised of their responsibilities under the relevant Laws.

In respect of receipt of comments from Environmental Health received through the planning Portal, we would on behalf of our client note that Environmental Health has no objection to the proposed development.

We trust you find the above to be in order, but should you have any queries or require any further information at this time, please do not hesitate to contact us.

Kind Regards

Yours faithfully

**Mark Dennis**  
Director

For and on behalf of **designplusarchitects** limited

CC Client Copy / KE Planning – Stephanie Steedman

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