

Decision Notice



PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2014/1012

IMPORTANT NOTICE

This notice gives permission under Article 19 of the Planning and Building (Jersey) Law 2002, as amended. In accordance with Article 24(i) of the Law the grant of this permission enures (except insofar as the permission otherwise provides) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

The development stated below may also require Building consent under Article 34, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407 who will be pleased to help.

The Minister for Planning & Environment, having considered your application hereby GRANTS PERMISSION TO DEVELOP LAND¹ under Article 19 of the Planning and Building (Jersey) Law 2002.

Construct 3 No. four bedroom dwellings and associated parking.

To be carried out at:

Field No. 142, La Rue Horman, Grouville.

PLEASE NOTE

This decision is purely permissive and in no way absolves the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve an applicant from the need to obtain the permission of the owner of the land to which a permission relates.

REASON FOR APPROVAL: Planning Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

The approved scheme is for the development of three new dwellings, together with associated car parking and new vehicle access, on Field 142 in Grouville. A new public footpath is also to be provided.

The site is located within the Built Up Area, on the edge of Gorey Village, in a location where the Island Plan seeks to focus and encourage the development of

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new dwellings. Under Policy GD 3, there is a requirement to ensure that the site is developed to its 'highest reasonable density'.

Two previous schemes, both for four new houses, have recently been refused on the grounds of overdevelopment (including impact on neighbours) and a lack of visitor parking.

Since then, the scheme has been redesigned, including a reduction in the number of units, and reorienting the development to face north-east.

The level of parking has also been increased, and the proposed scheme now satisfies the Minister for Planning and Environment's standards.

In all other respects, the application complies with the Minister's residential standards.

The overall design and appearance of the approved scheme is considered to be in keeping with the character of the area and is therefore acceptable.

The Panel is mindful at the continued concerns of a number of nearby residents and has taken the comments made into account. However, on balance, the Panel does not believe that the proposed development will unreasonably harm the residential amenity of neighbouring properties.

Subject to compliance with the following conditions and approved plan(s):

Standard Condition

- A. If the development hereby permitted has not commenced within five years of the decision date, this permission shall cease to be valid.

Reason: The Minister for Planning & Environment reserves the right to reconsider this proposal consequent on any future change of circumstances or policy.

Condition(s):

1. The development hereby approved shall be carried out entirely in accordance with the plans and documents permitted under this permit. No variations shall be made without the prior written approval of the Minister for Planning and Environment.
2. Notwithstanding condition no. 1 above, or any indication on any of the approved plans, prior to the commencement of the development hereby permitted, full

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details (including physical samples or high quality photographic evidence where appropriate) of all external materials to be used to construct the development, shall be submitted to, and approved in writing by, the Minister for Planning and Environment or an authorised officer.

3. Notwithstanding the details indicated within the approved plans, the development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by, the Minister for Planning and Environment, a scheme of landscaping which shall provide details of the following;
- a) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site and on adjoining land within the same ownership;
 - b) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them;
 - c) other landscape treatments to be carried out or features to be created, for example, any excavation works, surfacing treatments, or means of enclosure;
 - d) the measures to be taken to protect existing trees and shrubs; and,
 - e) the arrangements to be made for the maintenance of the landscaped areas.

All planting and other operations comprised in the approved landscaping scheme shall be carried out and completed in the first planting season following the completion of the development.

4. Prior to the first use / occupation of the development hereby approved, the visibility sight lines shown within approved plan PL-002 Rev. A, including those relating to the junction of Rue Horman and Chemin des Maltieres, must be provided. Everything within the visibility sight lines, including gates, walls, railings and plant growth is to be permanently restricted in height to 900mm above road level.

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Reason(s):

1. To ensure that the development is carried out and completed in accordance with the details approved by the Minister for Planning and Environment, under the provisions of Policy GD 1 of the 2011 Island Plan.
2. The execution of this development is considered to be critical to its success, and the Minister wishes to be assured as to the quality of these details, under the provisions of Policies GD 1 and GD 7 of the 2011 Island Plan.
3. To ensure that before development proceeds provision is made for a landscaping regime that will enhance the appearance of the development and help to assimilate it into the landscape, in accordance with Policies GD 1 and NE 4 of the 2011 Island Plan.
4. In the interests of highway safety, in accordance with Policy GD 1 of the 2011 Island Plan.

FOR YOUR INFORMATION:

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved.

01/2015/01	Design Statement: June 2014
PL-001	Topographical Survey
PL-002 Rev. A	Location Plan
PL-003	Site Layout
PL-004	Ground and First Floor Layouts
PL-005	Second Floor Layout
PL-006	Front and Side Elevations
PL-007	Rear and Side Elevations
PL-008	Street Elevations
PL-009	Site Sections
PL-010	Typical Section
	Visuals

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If written representations were made on this application this permission shall not have effect for a period of 28 days from the date of this notice, in order to allow for the lodging of any 'third party' appeal against the decision under Article 114 of the Law of the Planning and Building (Jersey) Law 2002.

If during this period a person appeals in accordance with Article 114 of the Law, the decision shall not have effect until either the appeal is withdrawn or is determined. When any such appeal is determined the decision shall have effect, if at all, in accordance with that determination.

xx/xx/xxxx

Signed

for Director

DRAFT

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SECOND SCHEDULE
Covenants with the Minister

The Owner covenants, agrees and undertakes with the Minister:

Commencement

- 1 Not to Commence the Development until the Owner has given to the Minister twenty-eight (28) days' notice in writing of its intention so to do

Eastern Cycle Route

- 2 To pay the Cycleway Contribution to the Treasurer of the States prior to the Commencement of the Development
- 3 Notwithstanding (1) above, not to Commence the Development until such time as the Cycleway Contribution has been paid to the Treasurer of the States.

Footway

- 4 Not to Commence the Development before the Pedestrian Footway Works Specification has been submitted to the Minister for his approval (in consultation with the TTS Minister) and has been approved by the Minister.
- 5 Not to Commence that part of the Development comprising the Pedestrian Footway Works until the Owner has given to the TTS Minister twenty-eight (28) days' notice in writing of his intention so to do such notice to include the following:
 - a. Confirmation of the boundary for the Pedestrian Footway Works.
 - b. Contact name / details for TTS Minister's inspector's information.
- 6 That the Owner will at its own expense undertake the Pedestrian Footway Works or carry out or cause to be carried out the Pedestrian Footway Works the whole in accordance with the approved Pedestrian Footway Works Specification.

- 7 To notify the TTS Minister's inspector in respect of each key activity as follows:
 - a. Start date 5 working days' prior notice.
 - b. Inspect formation 24hrs prior notice.
 - c. Kerb laying 24hrs prior notice.
 - d. Highways construction / reinstatements 24hrs prior notice
- 8 The TTS Minister's inspector shall have the right at all reasonable times during normal working hours (subject to reporting to the site manager upon arrival and complying with any reasonable requirements of the site manager concerning site safety) during the progress of the Pedestrian Footway Works to enter upon the Site to view the state and progress of the Development and the materials used and intended for use thereon.
- 9 The TTS Minister's inspector shall have a purely monitoring role on behalf of the TTS Minister and the approval, refusal, non-refusal or non-disapproval of anything by the TTS Minister's inspector shall not imply any responsibility on the Minister nor prevent the Minister from taking action whether under this Agreement or otherwise.
- 10 That on completion of the Pedestrian Footway Works the Owner shall provide to or procure via its architect for the Minister three sets of as built plans (in such media format as the Minister requires) and other information reasonably required by the Minister plus a further copy for the TTS Minister (for land survey and tying into the island co-ordinate system).
- 11 Not to Occupy or cause or permit to be Occupied the Development until such time as the Pedestrian Footway Works have been completed to the reasonable satisfaction of the Minister (in consultation with the TTS Minister).
- 12 That on completion of the Pedestrian Footway Works to notify the TTS Minister that the Owner considers that the Pedestrian Footway Works are ready and complete for transfer

- 13 On completion of the Pedestrian Footway Works the Owner shall cede and transfer and the Public shall take conveyance of the relevant free of all charges and encumbrances by contract to be passed before the Royal Court the Owner paying the proper and reasonable costs of and incidental to the said transfer (including all and any reasonable legal and professional costs)

Defects Period

- 14 To provide the TTS Minister with a defect liability period and/or guarantee of thirty six months ('the guarantee period') in respect of the Pedestrian Footway Works from the date of their cession to the Public
- 15 To assign novate or transfer (as the case may be) to the TTS Minister to the extent reasonably possible the benefit of any contractual warranties or guarantees enjoyed by the Owner for or covering any part or parts of any works carried out in accordance with this Agreement that are to be taken over by or on behalf of the Public
- 16 All documents relating to the Pedestrian Footway Works are to be kept by the Owner for the duration of guarantee period.
- 17 To provide on request at its own cost to the TTS Minister one (1) copy of any records or other data compiled or maintained by the Owner under the preceding paragraph.

THIRD SCHEDULE

Minister's Covenants

- 1 The Minister hereby covenants with the Owner to use all sums received by the Treasurer of the States from the Owner under the terms of this Agreement for the purposes specified in this Agreement for which they are to be paid or for such other planning purposes arising from the Development as the Minister shall in his discretion consider to be reasonably appropriate in the circumstances.
- 2 The Minister covenants with the Owner that he will procure or arrange that the Treasurer of the States will pay to the Owner such amount of any payment made by the Owner to the Treasurer of the States under this Agreement which has not been expended in accordance with the provisions of this Agreement within five years of the date of receipt by the Treasurer of the States of such payment.
- 3 To issue the Planning Permit to the Owner



	EXISTING LEVELS
	PROPOSED LEVELS
	BLOCK PAVING CON.
	450x450 PAVING ST.
	EXISTING TREE TO REMAIN
	EXISTING TREE TO REMOVE
	PROPOSED TREE
	PROPOSED SUBURBS
	PROPOSED LANE
	CLOSED ROAD THROTTLE
	KERB

NOTES:

DO NOT SCALE OFF THIS DRAWING.
ALL DIMENSIONS SHOULD BE CHECKED PRIOR TO COMMENCEMENT ON SITE AND ANY DISCREPANCIES NOTED SHOULD BE BROUGHT TO ANLIER'S ATTENTION IMMEDIATELY.
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATION ISSUED FOR CONSTRUCTION.

DISCUSSION

REV	DATE
A	22.07.14
B	06.10.14

VISITOR CAR PARKING SPACE RELOCATED TO THE WEST. FOOTPATH KERBS CONTINUOUS & KERB ADDED BETWEEN FOOTPATH & VISITOR SPACE, ALL IN ACCORDANCE WITH ITS COMMENTS. KERB ADDED TO LEGEND. DIMS ADDED TO EAST ELEVATION
PAVEMENT HATCH ADDED

Antler Homes

Fox House
Rue des Pres
St Saviour
Jersey
Channel Islands

JOB TITLE	DATE	SCALE	DWG NO.	JY039
Field 142, Gorey	June 14	1:2000A3	PL-002	
DRAWING TITLE	REV			
Site Layout	B			

PROPOSED COVERAGE	
NEW BUILD	
AREAS ARE NETT INTERNAL (EXCLUDING GARG)	
PLOT NO.	TOTAL
1	
2	
3	

ACCOMMODATION SCHEDULE		
NEW BUILD		
PLOT NO.	TYPE	SIZE
1	4 BEDROOM	131
2	4 BEDROOM	131
3	4 BEDROOM	131

PARKING	
STANDARD AREA 3	
5 PERSONS VISITOR - 1 SPACE PER TWO DWELLING	3 SPACES
REQUIRED:	9 SPACES 1 VISITOR TO SPACES
PROVIDED:	10 SPACES

AMENITY	AREA (sqm)
STANDARD: - 50sqm PER DWELLING	
PROVIDED:	
PLANT NO.	
1	88.00
2	81.00
3	121.00

Signed on behalf of the Minister:

[Redacted Signature]

Name and Position: *ANDREW SCATE CEO DEPT ENVIRONMENT*

in the presence of

[Redacted Signature]

Name and Position: *JOHN NICHOLSON*

this *1st* day of *DECEMBER* 2014

Signed on behalf of Antler Property C.I. Limited

[Redacted Signature]

Name and Position: *JAMIE LE FUR MANAGING DIRECTOR*

in the presence of

[Redacted Signature]

Name and Position: *Katharine Jane Marshall (nee Cox)*

English Solicitor
Ogier
Ogier House
The Esplanade
St Helier
Jersey
JE4 9WG

this *25th* day of *November* 2014