

PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)

**Appeal under Article 108 against a decision made under Article 19 to
refuse planning permission**

REPORT TO THE MINISTER FOR THE ENVIRONMENT

made under Article 115(5)
by D A Hainsworth LL.B(Hons) FRSA Solicitor
the inspector nominated under Article 113(2) from the list of persons appointed
under Article 107

Appellants:

The Parish of St Helier

Application reference number and date:

P/2014/1708 dated 19 September 2014

Decision Notice date:

20 August 2015

Site address:

Maison De Ville, Upper Clarendon Road, St Helier JE2 3ZL

Development proposed:

"Demolish existing buildings. Construct 60 place day nursery and 28 No. care
apartments. Create new vehicular access."

Inspector's site visit date:

10 May 2016

Hearing dates:

11 and 13 May 2016

Introduction

1. This is an appeal by the applicants against the refusal by the Planning Applications Committee to grant planning permission for the development described above. The Committee's decision was unanimous. The Department of the Environment had recommended that the application be approved, subject to standard conditions and sixteen further conditions and to the applicants entering into a suitable planning obligation relating to (a) a financial contribution towards a bus shelter, (b) a restriction on the occupation of the apartments to persons over the age of 55 and (c) a possible requirement for a new surface water sewer.

2. The reasons given for the refusal of planning permission are as follows:

- “1. The site lies adjacent to existing potential Listed Buildings known as Victoria Crescent and a potential Listed Place Victoria Crescent Communal Garden. Whilst the Spatial Strategy of the Adopted Island Plan, 2011 (Revised 2014) supports the principle of increasing densities within the Built Up Area, Policies SP4 and HE1 seek to protect the Island's natural and historic environment. Given the increase in scale and mass of built form the development is considered to have an unreasonable impact on the identified heritage assets, in that the architectural, historic interest and character of the potential listed Buildings and potential Listed Place and their settings, is not preserved or enhanced, contrary to Policies SP4, HE1 and GD1 of the Adopted Island Plan, 2011 (Revised 2014).
2. The scale and bulk of the scheme represents an over-development of the site by reference to the built form being in close proximity to boundaries, resulting in an overbearing impact on neighbours, in particular to the north, (which is also in close proximity to the kitchen extractor units) causing unreasonable harm to their amenities. The scale and form also result in the unacceptable loss of natural features without appropriate measures for landscaping which fail to maintain and strengthen the landscape setting, consequently the scheme is not considered to contribute positively to the character of the area designated as Green Backdrop Zone. The scheme is therefore considered contrary to Policies SP4, SP7, BE4, GD1 and GD7 of the Adopted Island Plan, 2011 (Revised 2014). [NB: The reference to Policy BE4 should be to Policy BE 3 Green Backdrop Zone.]
3. The car parking provided for the development is considered to be deficient in relation to quantum (with reference to adopted Standards in PPN3) and layout (with reference to the need for columns within the basement which are not shown on the drawings). Therefore, the applicant has failed to demonstrate that the proposal provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking, with the result that the traffic safety and management of the development would fall below acceptable standards. As such, the proposal fails to accord with PPN3 and Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).”

Description of the site and its surroundings

3. Maison de Ville is a large former care home, which closed in 2013. The site slopes quite steeply from north to south. The building is on different levels and is predominantly three-storey, with single-storey elements and a smaller fourth storey in a central position.
4. The site has roads on three sides. Victoria Crescent on the west side is a private road with residents' parking facilities. It connects to Upper Clarendon Road, which is a residential two-way street between the site and Rouge Bouillon, with on-street parking limited to restricted parking bays. On the east side, La Pouquelaye is a relatively steep, narrow one-way street where parking is not permitted; it provides a through route for traffic going northwards from Rouge Bouillon. The unmade road on the south side of the

site has been acquired by the appellants; it is level and wide enough to provide a road link between La Pouquelaye and Upper Clarendon Road, although it is not available for use by through traffic at present.

5. Residential properties adjoin the northern boundary of the site, the nearest of which is Meru; the Listed Buildings of Victoria Crescent are beyond these to the north west. To the west, the upper part of the site faces the Victoria Crescent Communal Garden, a Listed Place and protected open space on the opposite side of the road, with the lower part of the site facing the house, The Elms. There are two houses on the south side of the unmade road, L'Écosse and L'Étage, both of which I understand have been converted into flats. To the east, the entrance to Janvrin School is on the opposite side of La Pouquelaye and large-scale residential redevelopment is underway at the former Jersey College for Girls site to the south of the entrance.
6. The main garden area of Maison de Ville is the level open space on its south side between the building and the unmade road. There are some trees on the site. Only the lime tree in the south-west corner of the site is a protected tree.

Details of the proposed development

7. The existing building would be demolished and replaced by a new building, the bulk of which would be five storeys high, with in addition a raised atrium section in the middle and a basement car park. There would be lower-level sections on the south side. The new building would be about the same height at its highest part as the highest point of the existing building, but it would be much more bulky than the existing building, particularly at its upper levels, and it would cover a greater area of the site, particularly on the south side of the site. The lime tree and the garden space around it would remain but the rest of the existing garden area on the south side of the site would be built upon. There would be a small amount of new landscaping.
8. The new building would incorporate twenty-eight one- and two-bedroom care apartments and a sixty-place day nursery. The apartments are intended for occupation by elderly persons, for whom care provision would be available when needed. Communal facilities for residents would include the basement car park, a shared space under the atrium, an outdoor terrace and a lounge/restaurant. The nursery would be located on the south side of the development, on the lower levels, where it would have a play area on an outdoor terrace. The catering and servicing arrangements for the apartments and the nursery would be organised jointly.
9. The main pedestrian entrance to the apartments would be on La Pouquelaye, where a pull-in bay would be provided for an ambulance/shuttle bus. The unmade road on the south side of the site would be surfaced and pavements would be constructed, and it would be opened up to link La Pouquelaye with Upper Clarendon Road. It would provide access to the residents' basement car park; the pedestrian entrance to the nursery would be here; and parking spaces and dropping-off points would be provided alongside this road. The appellants propose to use their regulatory powers to make the road a one-way street in the direction of Upper Clarendon Road and to prohibit its use by drivers not requiring access to the proposed development or to other premises adjoining the road.

The case for the appellants

10. The appellants confirm that the apartments will provide extra-care housing, which will give the occupiers the opportunity to live independently in their own home with care facilities on hand if and when they are needed. They indicate that the nursery will provide daytime child-care facilities that are needed in the area. They state that the development is part of their comprehensive strategy for care and nursery facilities and that it accords with Island strategic aims and policies. They maintain that the Committee paid insufficient regard to the many factors favourable to the development and to other policies in the Island Plan, particularly Policies SP 1, SP 2 and SP 6, Policy GD 3, Policies H 6 and H 7 and Policy SCO 1.
11. In response to the reasons given for refusing planning permission, the appellants make the following principal points: -

Reason 1. The Committee's analysis of the site and its surroundings is flawed and the physical relationship between the development and the heritage assets has been misunderstood. The Communal Garden does not provide the visual setting for Victoria Crescent and there will be a visual separation between the development and the Listed Buildings. The design of the building is compatible with the Listed Buildings and has been accepted by the Jersey Architecture Commission.

Reason 2. The development complies with the strategic policies in the Island Plan that identify St Helier as the focus for new residential development and require the delivery of higher densities. The development satisfies the criteria for residential care accommodation and nursery provision and will be in a sustainable location. The scale of the development will be similar to others, in particular the development taking place on the nearby former Jersey College for Girls site. The development will not have an unreasonable impact on neighbouring properties. The lime tree will be retained and there are no other existing natural features worthy of retention. A landscaping plan will be submitted for approval.

Reason 3. The Transport Statement and the Travel Plan submitted by the appellants demonstrate that parking provision will be more than adequate and will meet current planning requirements. The access arrangements will be safe and in accordance with highway authority standards. Columns will be required in the basement car parking area but drivers will still be able to park and manoeuvre safely and in accordance with parking space layout standards. The arrangements to be made in relation to the unmade road will improve highway safety. Traffic issues beyond the site, although raised by objectors, are not matters raised in the reasons for refusal.

The case for the Department of the Environment

12. The Department refer to their report and to the discussion that took place at the meeting of the Committee on 23 July 2015, when the report was considered and representations were heard from the appellants' advisers and objectors. They state that the minutes of the meeting record that the Committee's decision was based principally on the effect of the development on the Green Backdrop Zone arising from the proposal to build up to the site boundaries, on the effect of the development on heritage assets and the character of the area, on the impact on neighbouring properties, which the

Committee considered to be unreasonable due to the overbearing nature of the development, and on car parking issues.

13. The Department point out that the matters that caused the Committee concern were matters of judgement as to the weight to be attached to the various considerations that have arisen and the application of the planning policies. They state that the Committee were fully aware of the strategic policies in the Island Plan, but their decision took into account all the relevant considerations, including the detailed issues arising from the particular development proposed.
14. The Department also indicate that the parking proposals are relatively complicated. They point out that the demand for parking spaces will be dependent on the characteristics of the occupiers of the flats and that the management of traffic will depend on the effectiveness of the arrangements to be made by the appellants for the management of traffic associated with the nursery. They maintain that there are uncertainties about both these matters.

Representations made by others

15. Objections have been received from nearby residents and others both at the application stage and the appeal stage. The objections are similar to the concerns raised by the Committee and are reflected in the reasons for refusal. In addition, residents have raised concerns about traffic conditions and road safety on nearby roads.
16. The Jersey Architecture Commission have carried out design reviews. The Commission's conclusions fall short of endorsing the scheme as a whole, although they have stated that the development now proposed represents a significant improvement in the project from the time when they first considered it. My reading of the notes of the Commission's meetings is that they would like some further detailed design work to be undertaken and that their concerns about landscape setting and residential amenity have not been fully resolved.

The policy framework

17. In view of the large number of policies referred to by the parties and the appellants' contention that the Committee paid insufficient regard to some policies, I have set out below the relevant details of all the policies referred to and commented on their application to the proposed development.

Policy SP 1 Spatial strategy

This policy states that development will be concentrated within the Island's Built-up Area, as defined on the Proposals Map, and, in particular, within the town of St Helier.

Comment: The development would comply with this policy, since the site is within the defined Built-up Area and within St Helier.

Policy SP 2 Efficient use of resources

This policy indicates that development should make the most efficient and effective use of land and buildings to help deliver a more sustainable form

and pattern of development. In particular it indicates that new development should secure the highest viable resource efficiency in terms of the re-use of existing land and buildings and the density of development.

Comment: The development would re-use an existing developed site, making full use of the available land at a high level of density. Whether this would make the development "sustainable" depends upon the extent to which other important environmental concerns might be compromised in this location by developing the site in the manner and to the extent proposed.

Policy SP 4 Protecting the natural and historic environment

This policy indicates that a high priority will be given to the protection of the Island's natural and historic environment and its heritage assets. It indicates that these will be key material considerations in the determination of planning applications.

Comment: As the policy indicates, the extent to which the development would achieve this priority is a key material consideration.

Policy SP 6 Reducing dependence on the car

This policy states that housing and education proposals must be able to demonstrate that they will reduce dependence on the private car and, in particular, that they will not give rise to an unacceptable increase in vehicular traffic or parking on the public highway and will provide a safe environment for pedestrians and cyclists.

Comment: The appellants have submitted a Transport Statement and a Travel Plan indicating how this policy would in their opinion be complied with. The extent to which it would be is in dispute, to the extent indicated in the Committee's third reason for refusal and to the wider extent indicated in the representations made by neighbouring residents.

Policy SP 7 Better by design

This policy states that all development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located. It sets out the various components that will be assessed to ensure that the development proposed makes a positive contribution to urban design objectives.

The various components include appearance, density, scale, landscaping and architectural detail. The urban design objectives include local character and sense of place and quality of the public realm.

Comment: The appellants have submitted design statements in support of their proposals, but the extent to which this policy would be complied with is in dispute.

Policy GD 1 General development considerations

This policy states that development proposals will not be permitted unless a list of criteria is met. The terms of the policy are cross-referenced with other policies to which the parties have referred.

Comment: It is generally accepted that Criterion 1.a. (that the development would replace a building that is not capable of being repaired or refurbished) would be met. It is disputed that the development would meet Criteria 3.a. and 3.b.; these state that development should not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents. Compliance with Criterion 5.c. is also in dispute: this indicates that development should provide a satisfactory means of access, manoeuvring space and parking space.

GD 3 Density of development

This policy states that the highest reasonable density should be achieved for all developments, commensurate with good design, adequate amenity space and parking and without unreasonable impact on adjoining properties.

Comment: The development would achieve a high density; the concern is whether this level of density would be achieved in a way that is compatible with the matters listed in the policy. There is a dispute about this between the appellants on the one hand and the Committee and nearby residents on the other hand.

Policy GD 7 Design quality

This policy states that a high quality of design that respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and the built context will be sought in all developments. It states that where the design of proposed development does not adequately address and appropriately respond to a list of criteria, it will not be permitted. These criteria include scale, form, massing, orientation, siting and density of the development; inward and outward views; the relationship to existing buildings; the degree to which the design reflects or complements the style and traditions of local buildings; the use and maintenance of landscape to enhance new development; and the incorporation of existing site features into the development.

Comment: The extent to which the development would achieve these objectives is in dispute.

Policy HE 1 Protecting Listed buildings and places

This policy states that there will be a presumption in favour of the preservation of the settings of Listed Buildings and Listed Places and that proposals which do not preserve or enhance their settings will not be approved.

Comment: This policy is relevant to the effect the development would have on the settings of the Listed Buildings in Victoria Crescent to the north-west of the site and the Listed Place, Victoria Crescent Communal Garden, which is opposite the west side of the site. There is a dispute about its effect.

Policy BE 3 Green Backdrop Zone

This policy states that within the Green Backdrop Zone development will only be permitted where 1. the landscape remains the dominant element in the scene and where the proposed development is not visually prominent or

obtrusive in the landscape setting, 2. it retains the existing trees and landscape features and 3. it presents satisfactory proposals for new planting which serve to maintain and strengthen the landscape setting and character of the area.

Comment: This policy applies to the development since the site is in the Green Backdrop Zone. Paragraph 4.93 of the Island Plan states that much of the setting of St Helier consists of hill slopes with low-density residential development set amongst private gardens or natural landscaping providing a green drop to the urban environment. It states that this setting is important for the character of the area and for the enjoyment of views from within the built environment. Paragraph 4.95 acknowledges that greater resolve in the application of the policy is needed than has been applied in the past and that greater attention is needed to the requirements for new and enhanced landscaping as an integral element of development proposals in the Zone.

Policy H 6 Housing development within the Built-up Area

This policy states that new dwellings will be permitted within the Built-up Area, provided they meet the required housing standards.

Comment: The apartments would meet these standards.

Policy H 7 Sheltered housing, lifelong dwellings for over-55s and housing to meet special requirements

This policy indicates that proposals for lifelong dwellings for over-55s will be permitted provided that the development meets a local area, parish or Island-wide need, the development is sited within the Built-up Area and the development complies with other policies of the Island Plan.

Comment: There is no dispute that the apartments would comply with the provisions of Policy H 7 if the development would comply with other policies.

Policy SCO 1 Educational facilities

This policy states that proposals for additional educational facilities will be permitted within the Built-up Area.

Comment: The nursery would comply with this policy.

Inspector's assessments

18. I have assessed the advantages and disadvantages of the development, having regard to the policies, the character of the site and its surroundings and the details of the development proposed.
19. The development would be an important part of the strategic programmes that have been adopted by the appellants to meet assessed needs for extra-care housing and nursery facilities in St Helier. It would be sited in the Built-up Area, in a suitable location for the provision of housing and educational facilities generally. The location is on the whole accessible without the use of the car (but less so for persons who have mobility concerns) and is reasonably close to all the services and amenities available in the town.

20. The appellants own the site and there are no planning reasons to oppose the demolition of the existing building. They have bought the unmade road and have control over it both as owners and highway authority. There appear to be no impediments to the development commencing once planning permission has been granted, subject to agreement on any planning obligations that may be needed and to compliance with planning pre-conditions.
21. The development would make the fullest use of the available land and do so at a high density of residential development. Its bulk and height would be compatible with the re-development that is taking place on the nearby former Jersey College for Girls site. The elevational treatment of the building would reflect some of the character of the Listed Buildings in Victoria Crescent, whereas the existing building does not. The Department's recommended planning conditions would allow further consideration to be given to the Jersey Architecture Commission's reservations about some details of the design.
22. The development would clearly have a more significant impact on the site and its surroundings than the present development, as a result of its greater bulk and more-extensive site coverage. These factors give rise to significant concerns about the effect the development would have on heritage assets, on the character and appearance of the area and on the amenities of nearby residents. I have dealt with these concerns in paragraphs 23 to 35 below.

The effect of the development on heritage assets

23. The Listed Buildings in Victoria Crescent, along with Victoria Crescent Communal Garden (the Listed Place with which the Crescent is visually and historically associated), have long been recognised as making an important contribution to Jersey's heritage. The preservation of their settings is therefore an important consideration in this appeal.
24. I understand the term 'setting' in this context to mean the surroundings in which these heritage assets are experienced. These surroundings at present include Maison de Ville and a variety of nearby residential properties.
25. Maison de Ville is a prominent building in the street scene. It does not, however, have a substantial visual association with the Listed Buildings in Victoria Crescent for four reasons. Firstly, it is on lower ground; secondly, it is separated from the Listed Buildings by unlisted buildings and an area of garden; thirdly, the road rises and bends sharply between Maison de Ville and the Listed Buildings; and fourthly there is a line of large roadside trees on the inside of the bend. These trees also provide a visual barrier between Maison de Ville and the Communal Garden.
26. These factors would not change significantly as a result of the proposals. The development would still be on lower ground and the separation distance would be maintained. The increase in site coverage that would take place would mainly be further to the south. The road alignment and the line of trees would be unaltered. Although the elevation of the new building facing the road here would look considerably more bulky than Maison de Ville, it would be about the same height at its highest part as the highest point of Maison de Ville.
27. In the circumstances I have described, I do not consider that the development would adversely affect the setting of the Listed Buildings in Victoria Crescent or the setting of Victoria Crescent Communal Garden.

The effect of the development on the character and appearance of the area

28. As previously indicated, the increase in site coverage would be mainly on the south side of the site. Here, the lime tree and the garden space around it would remain but the rest of the existing garden area would be built upon. The amount of new soft landscaping that could be provided would be minimal, since there would be little undeveloped space left around the site for planting.
29. This garden area is the most significant area of green space around the existing building. It enhances the appearance of the building and maintains a pleasing gap between it and L'Écosse and L'Étage, both of which have little space around them and none at all on the elevations abutting the unmade road. The lower-level sections of the development would be close to the opposite edge of this road and along almost its full length; compared to the existing building, the upper part of the development here would be closer to the road, higher overall and much wider.
30. As a result of the drawbacks I have identified in paragraphs 28 and 29, the development would not in my view comply with Policies SP 7, GD 7 and BE 3. It would not maintain or enhance the character and appearance of the area in which it would be located, contrary to Policy SP 7. The design quality called for by Policy GD 7 would not be achieved in relation to (i) the built context and existing buildings, (ii) the incorporation of existing site features into the development and (iii) the use of landscaping. And insufficient account would be taken of the principles set out in Policy BE 3 for the protection of the Green Backdrop Zone.

The effect of the development on the amenities of nearby residents

31. The nearest residents are the occupiers of Meru, L'Écosse, L'Étage and The Elms, whose locations are described in paragraph 5 above, with further details of L'Écosse and L'Étage in paragraph 29.
32. The appellants have focussed attention on Meru during the preparation of the project. The elevation near to Meru would have more mass than the existing building, but it would not be near enough to be overbearing. However, Meru's garden would lose some sunlight in winter. Overlooking would not occur since all the windows on this elevation would be obscure-glazed bathroom windows. The building's extraction system would be here, but it would be sufficiently far away from Meru and equipment would be installed to control noise and smells emanating from it. Overall, there would be some reduction in the standard of amenity that the occupiers of Meru currently enjoy, but in my view the harm would not be "unreasonable" within the meaning of Policy GD 1.
33. The outlook from the front of The Elms would be affected by the south-western parts of the development. The most obvious parts would be the lower-level sections, since the outlook towards the higher part of the building would be at an angle and would be partly obscured by the lime tree. The distance between The Elms and the development would not be unusual for a built-up area. As with Meru, there would be some reduction overall in the standard of amenity that the occupiers of The Elms currently enjoy, but I do not consider that the harm would be "unreasonable" within the meaning of Policy GD 1.

34. The effect on L'Écosse and L'Étage would in my opinion be much more significant, because of the factors I have set out in paragraph 29. In addition, L'Étage has several principal windows on its ground and first floors that would face the south side of the development at a short distance across the road. L'Écosse also has windows in similar positions.
35. In my view, this part of the development would have an overbearing impact on both L'Écosse and L'Étage and have a significant impact on the outlook from the facing windows of both properties. I assess the harm to the amenities of the occupiers of these properties as being "unreasonable" within the meaning of Policy GD 1.
36. I turn now to the parking and traffic considerations.

Parking and traffic considerations

37. The Committee's third reason for refusal refers to the car-parking provision being "deficient in relation to quantum (with reference to adopted Standards in PPN3) and layout (with reference to the need for columns within the basement which are not shown on the drawings)".
38. As to the latter, I recorded in paragraph 11 above the appellants' assertion that "Columns will be required in the basement car parking area but drivers will still be able to park and manoeuvre safely and in accordance with parking space layout standards". I am satisfied from the technical information available to me that this assertion is correct.
39. As to the former, the development proposed is "Construct 60 place day nursery and 28 No. care apartments". The appellants have clarified that the occupation of the apartments is intended to be limited to persons who have an assessed need for care. This is a more restricted use than the 'over 55' limitation referred to in the Department's recommendation (see paragraph 1 above) and it can be put into effect by planning conditions and/or a planning obligation. I have assessed the demand for parking space on this basis, taking into account current parking policies and standards, and on the assumption that, by and large, occupiers with an assessed need for care would be less likely to be car drivers than the over-55s in general.
40. It is apparent from the information provided by the appellants, supported by the Transport Statement and the Travel Plan, that the total number of parking spaces to be provided for the development would be sufficient on a quantum basis to meet current parking policies and standards. The issue is how the spaces would be allocated between occupiers of the apartments, nursery clientele, visitors and staff. To my mind, this is primarily an ongoing management issue for the operators of the development to deal with. The appellants are well-equipped to do this because of their knowledge and experience. If it were considered appropriate, a planning obligation could be entered into in relation to this matter, but there are no detailed heads of terms before me.
41. I turn now to the concerns raised by residents about traffic conditions and road safety on nearby roads, which the Committee did not refer to in their decision. The Department, however, commented on these concerns in their report to the Committee and the Committee considered the report and heard oral submissions from residents before making their decision. The appellants

have since confirmed that they will make up the road linking La Pouquelaye and Upper Clarendon Road and use their regulatory powers to designate it a one-way street in the direction of Upper Clarendon Road and prohibit its use by drivers not requiring access to the development or other premises adjoining the road.

42. I appreciate the residents' concerns about the additional traffic that is likely to be generated by the development and other development in the vicinity, and the effect this could have on vehicular and pedestrian movements in Upper Clarendon Road and La Pouquelaye and at the junctions with Rouge Bouillon. Some improvements have already been planned and I expect the situation to be kept under review in the future. The development itself should not give rise to traffic movements that would not be satisfactorily accommodated on nearby roads, given the likely amount of traffic and the measures to be taken to control traffic on the link road, but there would be concentrations of traffic at the beginning and end of nursery sessions. The residents' concerns would in my view be adequately addressed by the planned improvements, by the enforcement of the traffic controls on the link road and by the implementation of the Travel Plan, with any changes that are needed, and the incorporation of the Travel Plan into the planning control system by planning conditions and/or a planning obligation.

Inspector's conclusions

43. I have carefully assessed the considerations that have arisen in this appeal. My view is that, on balance, the advantages of the development which I have set out above would be outweighed by the disadvantages I have identified in relation to the particular proposals put forward for approval. I have reached this view because of the importance the Island Plan attaches to the policies protecting the character and appearance of the area, the Green Backdrop Zone and residential amenities.
44. However, the weight to be attached to the considerations that arise is a matter for the decision-maker. Should the Minister be minded to allow the appeal and grant planning permission, it has been agreed by the parties that the planning conditions recommended by the Department in their report to the Committee should be imposed. Before this could occur though it would, in my opinion, be necessary for the appellants to enter into suitable planning obligations relating to the matters I have referred to in paragraphs 1, 39, 40 and 42 above. However, the details of these potential obligations have not at the present time been sufficiently documented.

Inspector's recommendations

45. I recommend that, in exercise of the power contained in Article 116 of the Planning and Building (Jersey) Law 2002 (as amended), the appeal should be dismissed.

Dated 5 July 2016

D.A.Hainsworth
Inspector