

Public Ministerial Meeting

Date: 01 August 2014

Venue: Church House, Town Church, St Helier

Start Time: 09.30

Special Notes:

Members of the public are entitled to attend the meeting to observe.

Item No	Application No, Recommendation & Case Officer	Application Address	Description of Work
---------	---	---------------------	---------------------

09.30 - Planning Applications

1.	P/2011/0813 Officer Recommendation: APPROVAL CJ	L'Industrie, La Rue de Samares, St. Clement.	Demolish existing sheds. Construct 9 No. dwellings. Model Available.
----	---	--	--

Meeting Ends (10.30 Approx.)

**Department of the Environment
Planning and Building Services**

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508
Fax: +44 (0)1534 445528

**Department of the Environment
Report for Ministerial Meeting**

This application was deferred at a Ministerial Meeting on 6th September 2013 for a period of 6 months to enable further information to be submitted by the applicant to address the Supplementary Planning Guidance on the Protection of Employment Land.

- | | |
|-----------------------------------|--|
| 1. Application Number | P/2011/0813 |
| 2. Site Address | L`Industrie, La Rue de Samares, St. Clement. |
| 3. Applicant | Mr N Vibert |
| 4. Description | Demolish existing sheds. Construct 9 No. dwellings. Model Available. |
| 5. Type | Major Application |
| 6. Date Validated | 14/06/2011 |
| 7. Zones & Constraints | Built-Up Area
Green Zone
Eastern Cycle Route Corridor |

Summary	<p>The application has been with the Department for some considerable time and it is only within the last 6 months that a robust marketing has been undertaken to demonstrate that the existing sheds on the site are no longer viable for an employment use.</p> <p>Now that this exercise has been successfully undertaken, the site is within the Built-up Area and having regard to all relevant planning considerations, the Department believes that the level of development proposed, and the siting of the various buildings, is not unreasonable given the location and zoning of the site and the need to ensure that the Built Up Area is developed efficiently and to its highest reasonable density.</p>
Department Recommendation	APPROVE, subject to conditions and the successful completion of a Planning Obligation Agreement

8. Site Description & Existing Use	Existing rendered and steel clad sheds previously used for storage purposes and now empty.
9. Proposed Development	Demolition of existing sheds and the construct 9 No. dwellings comprising 6no. 3 bed units and 3no. 4 bed units. The erection of new electricity sub-station and the formation of a new vehicular access through site to serve agricultural field to the east of the site.
10. Relevant Planning History	<p>The application has been with the Department since June 2011. and was originally due for determination at the Planning Applications Panel in October 2011 but was deferred at the request of the applicant in order to submit a case to justify the loss of employment land; to enable further consideration to be given to the 2002 and 2011 Island Plan boundaries and to discuss the issues of design etc.</p> <p>The application was subsequently considered by the Planning Applications Panel on 21st June 2012, where members indicated that they wished to approve the application contrary to officer recommendation.</p> <p>As a consequence, the application was 'called-in' by the Minister and subsequently considered at a Ministerial Meeting on 4th September 2012 where it was again deferred to enable further information to be submitted by the applicant to address the Supplementary Planning Guidance (SPG) on the Protection of Employment Land and in particular possible alternative employment uses for the site.</p> <p>Finally, the application was deferred for a third time at a Ministerial Meeting on 6th September 2013 for a period of 6 months so that the applicant could finally address the requirements of the SPG by undertaking a robust marketing strategy.</p> <p>2011 – PA/2011/0091 – Demolish existing packing sheds. Construct 11no. dwellings. Negative pre-application advice given as part of the site was indicated to be within the Green Zone in the emerging 2011 Island Plan.</p> <p>2011 - P/2011/0079 - Change of use of existing shed into 4 No. separate storage units. Approved 9.6.11 for temporary period of three years.</p> <p>2009 – P/2009/1760 – Change of use from agricultural store to sport and leisure facility. Approved. 17.6.10</p> <p>2007 – P/2007/0090 – Renewal of permit P/2002/3137 for the change of use from agricultural packing and storage shed to commercial. Approved 25.4.07.</p> <p>2004 – SP/2004/2565 – Construct one storey extension to north of existing storage/warehouse</p>

2004 – P/2004/2279 – Demolition of glasshouse and construction of 9no. 3 bedroom and 1no. 2 bedroom houses. Approved. 14.1.05. (North of L'industrie and now constructed).

2004 – P/2004/0901 – Sub-division of storage shed to two separate occupancies and blocking up of 5no. internal windows and 2no. internal doors. Approved 29.6.04

2004 – P/2004/0874 – Demolition of glasshouse and construction of residential development. Refused. 15.10.04. (North of L'Industrie)

1. Form and scale of development not in keeping with the existing character and pattern of development in the area.

2002 – P/2002/3137 – Change of use from agricultural packing and storage to commercial. Approved. 14.1.04

Principle of sub-division of building into 4no. commercial units accepted by Sub-Committee.

2000 – 802 – Demolish greenhouse and erect polytunnels. Approved 28.9.00

1995 - 802 – Erect 6no. portacabins for farm workers. Approved. 10.10.95

1995 – 802 – Construct loading bay. Approved. 24.3.85

1988 – 802 – Replacement glasshouses. Approved. 27.1.88

1985 – 802 –Packing Shed. Approved. 25.4.85

1984 – 802 – Construct 2no. glasshouses. Approved. 27.6.84

1980 – 802 – Lean to extension to existing agricultural packing shed to form machinery store. Approved. 26.6.80.

1973 – 802 – Conversion of 1st floor of outbuilding to provide 2 staff flats and farm workers accommodation. Approved 16.2.74

1968 – 802 – Construction of greenhouse. Approved. 4.8.68

11. Consultations

Parish in its letter dated 9.7.11 states “The Roads Committee has a serious concern relating exclusively to the disposal of surface water. The stream referred to in the application discharges into Rue de Samares and then into drainage ditches on the opposite side of the road. These ditches are in private ownership and are not properly maintained despite requests from the Parish. As a result, significant flooding occurs in Rue de Samares during periods of rain and should the proposed development occur and

the stream continues on its present course, this flooding will become more frequent and more intense. It is essential therefore that if The Minister is minded to approve the application, that an alternative and effective method of disposal of the surface water is found.”

Drainage section of TTS in its letter dated 22.6.11 states “There is a public foul sewer available in La Rue de Samares that has the capacity for the proposal. There is no public surface water sewer available as indicated on the application form and it is noted from the Ross Gower drawing 4173/01, that hard paved areas will utilise permeable paving which is highly recommended in reducing the run-off from the site. We also note that run-off from the dwellings and some road gullies will discharge to the private stream/culvert on the southern boundary. This already drains fields to the east and also Clos des Serres to the north but the full extent of the drained areas is not known. This private stream crosses under Rue de Samares and into a private surface water that drains the parish road and then crosses the parish road to flood on high levels of rainfall. Although the proposed development will be a reduction in the amount of surface water run-off reaching this system, it is recommended that the developer of this site works with the Parish and owners of Sefton Close to alleviate the flooding problem on Rue de Samares.

Health Protection Team of H&SS in its letter dated 23.6.11 states “The Department has no requirements or conditions to make and no objections to the proposal.”

Land Controls and Agricultural Development Section of DoE in its letter dated 22.6.11 states “As there is a known requirement for agricultural sheds the normal protocol of advertising should be followed. If there is no agricultural interest after this process, there would be no objection.”

Natural Environment Section of DoE in its letter dated 1.7.11 states “Whilst there is no evidence at present that there are bats on site, the applicant should be aware of the risk of contravening the terms of the Wildlife Law.”

Environmental Protection Section of DoE in its letter dated 15.7.11 states “Any asbestos identified on site should be dealt with in accordance with the provisions of the Waste Management (Jersey) Law 2005. The applicant/developer should ensure the oil tank is decommissioned in an appropriate manner so as not to cause any risk to the wider environment of spillages or soil contamination.”

Applicant’s Drainage Engineers in their letter dated 28.7.11 states “The existing site results in a discharge of rainwater to the brook along the southern end of the site of 30.4 l/s. The proposed development will result in a discharge to the brook of 24.7 l/s, some 19% less than existing.”

All consultations are attached with the background papers

12. Representations The application was advertised on site and in the local newspaper. A total of eight letters of objection have been received. The grounds of objection are as follows:

- Rue de Samares has a ongoing problem with surface water flooding in the area of the development when there is heavy rainfall;
- Some traffic calming measures should be introduced to ensure the extra traffic does not lead to greater risk for road users and pedestrians;
- No agreement in place with the developers to remove the existing southern boundary hedgerow and replace with a new wall;
- The proposed granite boundary wall to the southern boundary would block an existing access;
- Rue de Samares is overbuilt and doesn't have the infrastructure to support this level of development, and
- Units 8 and 9 go beyond the 2011 Island Plan boundary into Green Zone land which if approved would set a precedent for future applications.

The Minister for Economic Development (Senator Alan McLean) has also written to the Applicant's Advocate by letter dated 1.2.12 to confirm that it would be difficult to be supportive generally in respect of the development proposals in that to lose this industrial space, or to seek to find alternative sites in the locality to develop alternative industrial units to replace L'Industrie could have negative future impact.

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

13. Planning Assessment

a) Overarching policy constraints

SP 1	Spatial Strategy
SP 2	Efficient Use of Resources
SP 6	Reducing Dependence on the Car
SP 7	Better by Design
GD 1	General Development Considerations
GD 3	Density of Development
GD 4	Planning Obligations
GD 7	Design Quality
GD 8	Percentage for Art
E 1	Protection of Employment Land
H 4	Housing Mix
H 6	Housing Development within the Built-Up Area
NE 7	Green Zone
TT 3	Cycle Routes

TT 4	Cycle Parking
TT 8	Access to Public Transport
NR 7	Renewable Energy in New Developments
WM 1	Waste Minimisation and New Development
LWM 2	Foul Sewerage Facilities
LWM 3	Surface water drainage facilities

SP 1 Spatial Strategy

The policy sets out that development will be concentrated in the Island's Built-Up Area and, in particular, within the Town of St Helier.

This application is within the Built-Up Area.

SP 2 Efficient Use of Resources

The policy sets out that development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and patterns of sustainable development. In particular the proposed spatial distribution of new development should be designed to limit carbon emissions.

This location is considered to be appropriate for new residential development.

SP 6 Reducing Dependence on the Car

The policy requires applications to demonstrate that they will reduce dependence on the private car by providing for more environmentally friendly modes of transport.

The site provides parking in accordance with the Minister's parking standards. However, at the same time, it is located within 320 metres of one of the principal bus routes on the island (No. 1), with frequent buses to and from St. Helier.

SP 7 Better by Design

The policy confirms that all development must be of a high quality design that maintains and enhances the character and appearance of the area in which it is located.

Overall, this is considered to be a well-designed scheme which is mindful of its context. This issue is discussed in more detail in the later sections of this report.

GD 1 General Development Considerations

The policy states that development proposals will not be permitted unless the proposal contributes towards a more sustainable form and pattern of development, does not seriously harm the natural and historic environment, does not seriously harm the amenities of neighbouring uses, contributes or does not detract from the Island's economy, contributes to reducing the dependence on the car, and is of a high quality of design.

The key considerations from this Policy will be reviewed in the later sections of this Report.

GD 3 Density of Development

In order to contribute towards a more sustainable approach to the development and redevelopment of land, the Minister will require that the '*highest reasonable density*' is achieved for all developments, commensurate with good design, adequate amenity space and parking (bearing in mind the potential for reducing the need for car ownership by the creation of car pooling schemes and other methods) and without unreasonable impact on adjoining properties.

The Department is satisfied with the quantum of development proposed given the site's location and context.

GD 4 Planning Obligations

Where, as a direct consequence of a proposed development, additional infrastructure or amenities are required, the Minister for Planning and Environment will negotiate the provision of appropriate facilities with the developer through the use of planning obligations, where it is necessary and appropriate to do so.

In this instance, an agreement will need to be put in place to secure a contribution of £1000 per dwelling towards the Eastern Cycle Route provision and to ensure the 'swap back' of land involving the Green Zone/Built-up Area zonings in this location.

GD 7 Design Quality

The policy requires that a high quality of design that respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and built context will be sought in all developments.

The issues relevant to this assessment are considered in the later sections of this report.

GD 8 Percentage for Art

For residential schemes above a certain threshold, the policy states that the Minister will encourage the contribution of a percentage of design and development costs to the provision of public art. The proposed development meets that threshold.

A Public Art statement has been submitted together with a description of the work.

E 1 Protection of Employment Land

The policy states that there is a presumption against the loss of land currently in employment use as supported by Strategic Policy SP 5 (Economic growth and diversification).

Since September 2013, the site has been actively marketed in line

with the requirements of the SPG to assess the potential availability of the units and the site as a whole for employment purposes.

H 4 Housing Mix

The applicants have undertaken an extensive marketing regime in accordance with the requirements of the Adopted SPG and have satisfactorily demonstrated that the site is not suitable for a similar storage use or any other employment related use.

Developments are expected to contribute a variety of types and sizes of homes, relative to the latest published evidence of need.

The most recent data on the island's housing needs is 'Jersey's Housing Assessment 2013 to 2015', which was published by the SoJ Statistics Unit in November 2012.

This housing needs survey provides a detailed picture of supply and demand within the island arising from the stated intentions of Jersey households in mid-2012.

Amongst its key findings, the report highlights that, there is a potential shortfall of more than 1,000 units in the owner-occupier sector; there are large potential shortfalls of 2- and 3-bedroom properties in this sector, and a potential surplus of larger sized properties.

The proposed development would provide housing in line with this requirement.

H 6 Housing Development within the Built-Up Area

The policy states that proposals for new dwellings will be permitted, provided developments accord with the Standards for housing as set out in Supplementary Planning Guidance.

The development is in the Built-Up Area, and the unit sizes are generally in accordance with the required standards.

The Standards in relation to car parking and amenity space are considered later in this Report.

NE 7 Green Zone

The area will be given a high level of protection and there will be a general presumption against all forms of new development or whatever purpose. It is recognised however that within this zone there are many buildings and established uses and that to preclude all forms of development would be unreasonable. Some forms of development are exempted from this provided that a proposal would not detract from, or unreasonably harm the character of the area and the distinctiveness of the landscape character of this zone.

The boundary of the Built-Up area and the Green Zone (formerly

Countryside Zone) was amended from the location shown on the 2002 Island Plan Proposals Map to a new position tighter to the Built-Up Area as now indicated on the Proposals Map of the 2011 Island Plan.

As a consequence of this, the residential development proposal does not fall wholly within the Built-Up area boundary, with part of Plot 8; virtually all of Plot 9; part of the new site access to the adjoining agricultural field and the vast majority of the proposed electricity sub-station being located within the Green Zone where there is a general presumption against all forms of development for whatever purpose.

However, a number of discussions have been had with the applicant's agents in respect of the 'swap back' of Green Zone/Built-up Area land in this location in order to provide a more uniform arrangement making best use of the location of buildings/hardstanding areas on the ground etc. Whilst this was always an area of concern previously, now that the outstanding policy issue of employment land has been addressed, this can be actively pursued by way of a Planning Obligation Agreement.

TT 3 Cycle Routes

Applications for large new developments (including residential) in the Eastern Cycle Route network area, will be assessed to determine their potential to contribute towards the further development of the Eastern Cycle Route network and may be required to contribute directly through the provision of a section of cycle path, or to enter into an agreement to make an appropriate financial contribution to the development or enhancement of the network.

In previous similar residential schemes in this zone (such as the redevelopment of the Potteries site in Gorey Village), developers have contributed at a rate of £1000 per unit.

TT 4 Cycle Parking

The policy requires cycle parking provision in all new residential developments.

The proposed garages are large enough to accommodate bicycles.

TT 8 Access to Public Transport

The policy seeks to ensure that where bus services are low or infrequent in relation to the scale or nature of development proposals, that the developer will be expected to support the provision of an appropriate service.

In this instance, the site is located within 320 metres of one of the island's primary route networks with good access to a frequent bus service.

WM 1 Waste Minimisation and New Development

The Minister will encourage the minimisation of waste generated as part of construction activity and an increase in recycling, re-use and recovery of resources. Major developments will only be permitted where measures are taken to minimise the waste arising and to recycle, re-use and recover as much as possible of generated waste materials, and opportunities are taken to maximise on-site management of waste. Where inert waste generated cannot be re-used on site, it should be diverted for recycling with a licensed contractor.

A Waste Management Plan has been included with the application which identifies the potential for most of the demolition waste to be recycled and re-used.

LWM 2 Foul Sewerage Facilities

The policy provides that development which results in the discharge of sewerage effluent will not be permitted unless it provides a system of foul drainage that connects to the mains foul sewer.

The development will connect to the mains foul sewer network.

LWM 3 Surface water drainage facilities

The policy states that the Minister will expect proposals for new development and redevelopment to incorporate Sustainable Drainage Systems (SuDs) into the overall design wherever practicable. Applicants will be required to ensure that surface water run-off is managed as close to its source as possible.

It is anticipated that surface water will be drained on site. Further information on this will be sought by way of condition.

b) Scale Form, Siting & Design

Two storey semi-detached and detached dwellings with attached garages. 5no. units will front Rue de Samares, with garden and parking to the rear courtyard. The remaining dwellings will front onto the courtyard in a separate row behind the road frontage properties.

The development will comprise two storey pitched roof coloured painted render; granite faced and tiled dwellings with attached pitched roof garages. Details include Jersey verges, lead finish curved dormer windows, rendered quoins, slate roof porches, chimneys, Upvc gutters and rainwater pipes. One metre high brick capped granite faced road side walling with granite pillars and timber entrance gates.

The proposed sub-station building will be a pale green coloured kiosk type cabinet on a concrete base, surrounded by an acoustic timber fence barrier with gates.

c) Impact on the

The proposed development seeks to remove some existing sheds

Landscape/Street	and replace with two storey pitched roof dwellings. It is considered that the nature of this development will not have an adverse impact on the street scene.
d) Impact on Neighbours	Whilst a number of neighbours have raised technical and boundary issues, the proposed development will not result in any amenity or privacy issues.
e) Access, Car Parking & Highways Considerations	<p>Access to be off Rue de Samares. Each dwelling will have a minimum of 2no. car parking spaces. The site will have 4no. visitor spaces. A turning area will be provided within the site courtyard.</p> <p>The parking, access and turning arrangements are considered to be acceptable.</p>
f) Foul Sewage & Surface Water Disposal	The site is connected to mains foul drainage. Drainage calculations have been produced to demonstrate that the surface water will drain to the existing brook at a rate of 19% less than currently exists with the industrial sheds/hard standing on site. Precise details of the proposed drainage arrangements can be controlled by condition.
g) Landscaping	A landscaping scheme has been submitted as part of the submission. In principle, the details are acceptable although further planting would be required to strengthen the scheme for the benefit of the site.
h) Planning Obligations	In this instance, an agreement will need to be put in place to secure a contribution of £1000 per dwelling towards the Eastern Cycle Route provision and to ensure the 'swap back' of land involving the Green Zone/Built-up Area zonings in this location.
i) Other Matters	<p>No archaeological issues have been identified.</p> <p>A Waste Management Plan has been submitted indicating that the vast majority of materials from the demolished buildings will either be re-used on site or recycled as aggregates, with the remainder sold; incinerated or sent to landfill.</p> <p>There are no site contamination issues.</p> <p>The homes will be built to 'Lifetime Home' standards. The homes will be designed to achieve the minimum 'very good' BREEAM-ECOHOME rating to minimise CO2 emissions.</p> <p>A Public Art statement has been submitted together with a description of the work.</p>

14. Conclusion

The extensive marketing exercise has confirmed that the sheds on site are no longer viable for any employment uses. Accordingly, when judged on its own particular merits, the erection of 9no. dwellings within this location is considered to be acceptable.

The eastern site boundary will need to be formalised by way of a Planning Obligation Agreement given that there are some discrepancies on the ground between the original 2002 Island Plan boundary, the 2011 Island Plan boundary and what currently demarks the site on the ground from the adjoining agricultural field.

The site boundaries will be formalised and the adjoining field will benefit with the further return of a parcel of the existing site back to agricultural land.

15. Department Recommendation

It is recommended that the Minister for Planning and Environment endorse the APPROVAL of the application, subject to the applicant's entering into a suitable planning obligation agreement, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following;

1. A financial contribution of £9,000 towards the development / enhancement of the Eastern Cycle Route;
2. The 'swap back' of land between the current 2011 Island Plan boundary, the 2002 Island Plan boundary and the Green Zone.

It is recommended that the Director (Development Control) be authorised to GRANT planning permission under powers delegated to him subject to conditions and reasons set out below and also subject to the completion of the planning obligation agreement referred to above.

Alternatively, in the event that a suitable planning obligation is not agreed within six months of his being authorised in accordance with this recommendation, the Director (Development Control) be authorised to REFUSE the grant of planning permission.

16. Conditions

1. Prior to the commencement of any development on site, a Demolition / Construction Environmental Management Plan (D/CEMP) shall be submitted to, and agreed in writing by, the Minister for Planning and Environment. The CEMP shall thereafter be implemented in full until the completion of the development and any variations agreed in writing by the Minister prior to such work commencing. The Plan shall include an implementation programme of mitigation measures to minimise any adverse effects of the proposal, and shall include, but is not limited to;

- a) a demonstration of best practice in relation to noise and vibration control; and control of dust and

emissions (such as noise and vibration, air, land and water pollution);

- b) details of a publicised complaints procedure, including office hours and out-of-hours contact numbers;
- c) specified hours of working (to include that work which would result in noise being heard outside the application boundary occurs only between 8am and 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no noisy working outside these times, and no noisy work on Bank or Public Holidays);
- d) details of any proposed crushing / sorting of waste material on site; and
- e) details of the proposed management of traffic and pedestrians (to include for vehicle wheel washing).

REASON: In the interests of protecting the amenities of the area generally and to accord with Policy GD 1 of the Jersey Island Plan 2011.

2. Notwithstanding the indications on the approved plans, prior to the commencement of any development on site, full details (including samples) 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 to be thereafter implemented prior to first occupation and maintained in perpetuity.

REASON: To ensure a high quality of design and in accordance with Policies SP 7 and GD 7 of the Jersey Island Plan 2011.

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 landscaping scheme 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.

As part of this landscaping scheme, it is expected that particular attention shall be paid to the eastern boundary between the application site and the adjoining field. In this area, the planting must ensure that a high level of amenity is achieved.

REASON: 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 Jersey Island Plan 2011.

4. All planting and other operations comprised in the landscaping scheme hereby approved shall be completed within the first available planting season following approval.

REASON: To ensure the benefits of the landscape scheme are not delayed, in the interests of the amenities of the area and to ensure a high quality of design in accordance with Policies SP 7 and GD 7 of the Jersey Island Plan 2011.

5. Any trees or plants planted in accordance with the approved landscaping scheme, which within a period of five years from the planting taking place; die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Minister for Planning and Environment gives written consent to a variation of the scheme.

REASON: To mitigate against the potential failure of trees and plants, and the extent to which that failure might threaten the success of the landscaping scheme, in accordance with Policies GD 1 & NE 4 of the Jersey Island Plan 2011.

6. A Percentage for Art contribution shall be delivered on site as part of the development to the value of 0.75% of the costs of construction. Precise details relating to the exact form which the contribution will take, must be submitted to, and approved in writing by, the Minister for Planning and Environment, prior to the commencement of the development hereby approved. Thereafter, the approved work of art must be installed prior to the first use /occupation of any part of the development hereby approved.

REASON: In accordance with the provisions of Policy GD 8 of the Jersey Island Plan 2011.

7. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Minister for Planning and Environment. The approved scheme shall be implemented in full before the development is first brought into use and shall be retained and maintained as such.

REASON: To ensure satisfactory drainage arrangements and to avoid flooding in accordance with the requirements of Policies GD 1, LWM 2 and LWM 3 of the Adopted Island Plan 2011.

8. Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011 (or any order revoking and re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Minister for Planning and Environment.

- Extension to the dwelling (to include a conservatory);
- Free standing buildings within the curtilages of the dwelling;
- Addition or alteration to the roof;
- Erection of a porch, and
- Any windows or dormer windows.

REASON: To enable the Minister for Planning and Environment to control the development and so safeguard the character and visual amenities of the area and to ensure that adequate private amenity space is retained within the curtilage of the dwelling in compliance with the requirements of Policy GD 1 of the Adopted Island Plan 2011.

9. The garages to all the dwellings shall not be used for any purpose other than those incidental to the enjoyment of a dwelling house but not including use as living accommodation.

REASON: To safeguard the residential character of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid congestion of adjoining streets by parked vehicles in accordance with the requirements of Policy GD 1 of the Adopted Island Plan 2011.

17. Reason for Approval

The proposed development is considered to be acceptable having considered all of the material considerations raised. In particular, the development has been assessed against Policies GD , GD 7, BE 6 and H 6 of the 2011 Island Plan in which the principles of residential development are acceptable in the Built-Up Area subject to criteria such as the suitability of the site to accommodate development without adversely impacting on amenities of both local residents and the area in general and with suitable access, parking and drainage arrangements available. In this case, the erection of residential development is regarded as acceptable

because the design, siting and appearance of the dwellings are acceptable: they can be accommodated on the site without adversely impacting on the amenities of adjoining neighbours; the development makes best use of previously developed land in accordance with the principles of sustainability and the development can provide suitable drainage and parking arrangements.

In addition, the representations raised to the development on the grounds of drainage problems, traffic calming measures; boundary retention, the blocking off of an existing access; Rue de Samares is overbuilt and doesn't have the infrastructure to support this level of development, and Units 8 and 9 go beyond the 2011 Island Plan boundary into Green Zone land which if approved would set a precedent for future applications have all been assessed.

However, it is considered that the proposal accords with the terms of Policy GD 1 of the 2011 Island Plan in that it does not have an unreasonable impact on the amenities of local residents or the character of the area in general.

18. Background Papers

1:2500 Location Plan

6no. consultation responses

8no. letters of objection

1no. letter from Minister for Economic Development

Minutes from 4.9.12 and 6.9.13 Ministerial Meetings.