

Planning Application Number P/2008/0288

# Planning Permit

PLANNING AND BUILDING (JERSEY) LAW 2002

## 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 LAND<sup>1</sup> under Article 19 of the Planning and Building (Jersey) Law 2002.

Outline application to reinstate destroyed or damaged accommodation/buildings within a residential curtilage. Detailed proposals for the re-organisation of established haulage, waste management and recycling processing facility in Field 712. Introduction of associated landscaping and planting to provide screening. The creation of a separate commercial vehicle access from Le Mont Fallu.

To be carried out at:

**Broadlands, Le Mont Fallu, St. Peter.**

## 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:** 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

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comprehensive Environmental Impact Assessment and associated documents was also a material consideration. The findings of the EIA and associated mitigation measures have led the Department to the conclusion that the proposed development will not have an unreasonable impact upon the amenities of nearby neighbours or on the character and appearance of this Countryside location. As such, the development is considered to be compliant with policies G2 and C6 of the Island Plan. The facility is also considered to be in the Island's interest as a major infrastructure provider.

In particular, the Department has paid full and due consideration to the concerns raised by Jersey Airport. However, with the requirement for a Bird Hazard Management Plan, and adherence to several Aerodrome Safeguarding Guidelines, the Department is satisfied that the proposals will not unreasonably affect the safety of the airport.

The residential element of the proposal, although within the Airport Public Safety Zone, does not represent the establishment of a new residential use on the site. It represents the re-instatement of residential accommodation lost in a fire in 2008 and is not, therefore, considered to represent a departure from the policies of the Island Plan.

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 site shall be laid out exactly in accordance with the approved 'Masterplan' and all works and processes shall be carried out in accordance with the detailed descriptions presented in the supporting documentation. The stated Mitigation Measures, as embodied in the Environmental Impact

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Statement, supporting documents and plans, including the Noise and Dust Action Plans, unless required otherwise by any of the following conditions, shall be implemented in accordance with a schedule of works, timings and on-going monitoring / remediation to be agreed in writing by the Minister. Variance will only be permitted with the express written approval of the Minister.

2. Approval of the details of the siting, design, external appearance and all external materials of the proposed re-instated residential element, means of access thereto and landscaping of the site - hereinafter called the Reserved Matters - shall be obtained by planning application to the Minister for Planning and Environment within 3 years of the date of this permission. The residential element shall not exceed a built floor area of 2,630 sq.m and shall be of a traditional architecture with appropriate landscaping. The Minister herewith reserves the right to impose further conditions upon any such planning application as may be approved.

3. The Reserved Matters shall incorporate all such measures to ensure the following internal noise levels in respect of noise ingress:-

Bedrooms; internal noise should not be greater than 30 dB (A)L Aeq, 16hrs (23.00-0700 hrs). Living Rooms; internal noise should not be greater than 35 dB (A)L Aeq, 16hrs (07.00-23.00 hrs). Kitchens; internal noise should not be greater than 45 dB (A)L Aeq, 16hrs (07.00-23.00 hrs).

The applicant shall supply evidence to the Minister for Planning and Environment that these levels have been achieved while the commercial site was in full and normal operation, prior to first occupation of the residential accommodation.

4. With the exception of dust carts which are permitted to leave the site from 04:30 Mondays to Saturdays, including Bank Holidays, all other commercial activity hereby permitted shall only be carried between the hours of 07:30 to 18:00, Monday to Friday and 08:00 to 13:00 Saturdays and not at all on Sundays and Bank Holidays.

5. The site shall not be used for the servicing or maintenance of any vehicle, plant or equipment which is not directly related to the operation of this commercial site.

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6. No spray painting shall take place on the site.
7. The site shall not receive, store or process any food or other putrescible waste or household waste and the site shall not be open to members of the public for the purposes of depositing waste.
8. The 'Eco-mix' cement plant shall operate according to the procedures outlined in the Environmental Statement and, unless otherwise agreed in writing by the Department, output shall not exceed 35 cubic metres per week.
9. Details of the siting, height, means of support and luminosity of all external lights shall be submitted to and approved by the Department and all lights will be so aimed / focussed as to prevent light spillage beyond the site boundaries (including vertically) and shall only be illuminated between the hours of 06:30 and 19:00 unless otherwise agreed in writing by the Department.
10. The construction and operation of the commercial facility shall, where practicably possible, comply with the requirements of the Safeguarding of Aerodromes Advice Note Nos 1, 2, 3 & 5 (August 2006) as issued by the Airport Operators Association & General Aviation Awareness Council. In this respect, a Bird Hazard Management Plan shall be submitted to and approved by the Department within 3 months of the date of this permission.
11. The development hereby approved shall not be commenced until there has been submitted to and approved in writing by the Department, a further scheme of landscaping which will show full respect for the countryside character of the locality as well as the need to preserve, enhance and strengthen the bio-diversity of the area while not encouraging birds to flock or roost within the site. A five year maintenance schedule for the planting shall be submitted to the Department and shall be adhered to for the duration of the schedule.
12. Any ground contamination found during the construction of the commercial or residential facility shall be cleared and disposed of in a manner to be agreed in writing by the Department. Following substantial completion of the development, whether contamination is found or otherwise, a Completion Report shall be submitted to the Minister for Planning and Environment, in accordance with Supplementary Planning Guidance Planning Advice Note No. 2- 'Development of Potentially Contaminated Land'.

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13. A work of art shall be delivered in accordance with the advice of an appointed Approved Art Advisor and a Percentage for Art Statement which shall be submitted to and approved by the Minister for Planning and Environment. The work of art must be agreed and installed prior to the first use/occupation of the development hereby approved unless otherwise agreed in writing. For the purposes of compliance with this Condition, it will be permissible to split the contribution such that the commercial and residential elements are regarded separately, but with each to contribute a minimum of 75pence per square foot of gross floor area as defined by the Minister.

### **Reason(s):**

1. In order to ensure that the required mitigation measures are implemented satisfactorily as the development, hereby approved, would not have been approved without such measures which are considered essential.
2. No details having been submitted, all matters regarding the residential element are reserved for future consideration. The rural location of the site warrants a traditional and sympathetic approach to the architecture of the new dwellings.
3. In order to ensure that residents of the proposed dwellings are not subjected to unreasonable levels of noise nuisance in accordance with the provisions of Policy G2 of the Island Plan.
4. In order to prevent any unreasonable disamenity to nearby residents in accordance with Policy G2 of the Island Plan.
5. For the avoidance of doubt to prevent the site from becoming a general commercial yard, which would not be considered to be appropriate to this rural setting.
6. In order to prevent any noise or odour nuisance to nearby residents, in accordance with Policy G2 of the Island Plan.
8. In order to ensure that the Eco-mix plant operates in a manner that the Minister has assessed this element by.
9. In order to prevent light pollution, in accordance with policies G2 and G20 of the Island Plan.

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10. In order to prevent or minimise any possible danger or disruption to the operation of the Jersey Airport and associated aircraft movements and passenger safety, in accordance with policies G2 and TT34 of the Island Plan.
11. In the interests of the character and appearance of the rural setting, in accordance with policies G2 and C6 of the Island Plan.
12. To ensure compliance with the provisions of SPG Planning Advice Note No2 - Development of Potentially Contaminated Land.
13. So as to accord with the provisions of Island Plan policy BE12.

### FOR YOUR INFORMATION:

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

A: Existing Site Plan

P:EIA Report: to accompany revised planning application for Broadlands (dated Septemeber 2010). This document includes the approved Dust and Noise Action Plans and Landscape Brief Plan.

Q: Environmental Impact Assessment in 2 Volumes (dated 28 October 2009). Please note that unless otherwise stated, all plans contained within this EIA are superseded by Document 'P'. The plans are left within as the EIA may refer to them in the text.

R: EIA Non-Technical Summary (dated 9 November 2009) - as may be susperseded in part by the provisions of Document 'P'.

S:Site Investigation; Report No. 870-02, (dated September 2010).

**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.**

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**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.**

08/12/2010

Signed

for Director

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Planning and Environment Department  
**Planning and Building Services**

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St Helier, Jersey, JE2 4US  
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Planning Application Number P/2013/1508

## **Reserved Matters DECISION NOTICE**

**PLANNING AND BUILDING (JERSEY) LAW 2002**

### **IMPORTANT NOTICE**

This notice gives permission under Article 19 of the Planning and Building (Jersey) Law 2002, as amended. 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 and Environment, having considered your application hereby APPROVES THE MATTERS RESERVED BY PLANNING PERMISSION P/2008/0288 under Article 19 of the Planning and Building (Jersey) Law 2002.

Reserved matters for P/2008/0288: Re-instatement of residential accommodation, comprising of 26 No. dwellings, to replace 32 dwelling units previously destroyed by fire.

To be carried out at:

**Broadlands, Le Mont Fallu, St. Peter, JE3 7EF.**

### **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:** 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.

In this instance, it has to be noted that the proposed development benefits from an Outline Planning Permission and that this permission

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**relates solely to the matters of siting, design, form and means of access. All these matters are considered to be acceptable and to be within the parametres set by the policies of the Island Plan.**

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 original decision date (as extended), 16/7/2013, this permission shall cease to be valid.

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

### Conditions

1. Prior to the first occupation of the dwellings hereby approved, the access road from the site onto Mont Fallu shall be surfaced and sealed to the satisfaction of the Minister and shall, thereafter, be maintained in a sound and clean condition.

2. Notwithstanding the submitted plans, a complete schedule of all external materials (including finished colours) and surfacing, precise siting, finishes and, method of opening & reveal depths, all wall & roofing materials, new windows, external doors, lighting and rainwater goods shall be submitted to and approved by the Department and such schedule shall thereafter adhered to unless otherwise agreed by the Department. The schedule shall include physical samples of all external materials to be used.

3. Prior to the commencement of development, a comprehensive Demolition and Construction and Environmental Management Plan shall be submitted to and approved in writing by the Department. Such plan shall include details of security fencing, storage of plant and machinery, methods of preventing wind-blown debris, means of preventing contamination of the ground and water from fuel spillage etc. and measures for preventing

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disturbance to wildlife.

The Plan should also include the following:

- a) a demonstration of compliance with best practice in relation to noise and vibration control and control of dust and emissions.
- b) details of a publicized complaints procedure, including office hours and out of hours contact details.
- c) specified hours of working.
- d) details of any proposed crushing / sorting of waste material on site.

The approved plan shall be adhered to at all times unless specific written authority is given to deviate from the plan.

4. Details of the proposed re-use of polystyrene packaging within the site shall be submitted to and approved by the Minister prior to any such use.

5. Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order, 2011, no alterations, additions, extensions, fences, walls, sheds, or other structures shall be installed, affixed or erected on any part of the site or building therein without the prior written approval of the Department.

6. Details of all external lighting, including lighting of the buildings, driveway and security lighting shall be submitted to and approved in writing by the Minister for Planning and Environment and such details shall include measures to prevent unnecessary light pollution and distraction / annoyance to aircraft.

7. Prior to the commencement of landscaping, full details of a scheme of planting which will not encourage bird roosting shall be submitted to and approved by the Minister for Planning and Environment. Such scheme must

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be implemented in the next available planting season after completion of the development approved.

8. Prior to the commencement of development, a thorough investigative study shall be carried out by a competent person to establish the extent of any ground contamination and potential risk to human health and the wider environment, including risks during and after the construction phase. In the event that contamination is found to be likely then suitable mitigation measures shall be submitted to and approved by the Minister and such measures as identified shall be implemented before the dwelling is first occupied.

### Reasons

1. In the interests of providing and maintaining a suitable access to the residential site and to prevent the transference of any mud or loose material onto Mont Fallu in the interests of road safety in accordance with Policy GD1 of the Jersey Island Plan, 2011.
2. In order that these matters can be given considered assessment in accordance with Policies GD1 and GD7 of the Jersey Island Plan, 2011.
3. To ensure that all works and processes seek to negate the risk of any pollution or disturbance in accordance with Policy GD1 and NR1 of the Jersey Island Plan, 2011.
4. In order that these matters can be given considered assessment in accordance with THE relevant Policies of the Jersey Island Plan, 2011.
6. In order to prevent light pollution and danger to aircraft in accordance with the relevant policies of the Jersey Island Plan 2011.

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7. In order to ensure that the site is adequately landscaped and that the scheme does not result in hazard to aircraft as a result of bird strike.
  
8. In the interests of preventing harm to human health and the wider environment in accordance with the relevant policies of the Jersey Island Plan, 2011.

The approved plans can be viewed on the Planning Register at [www.gov.je/planning](http://www.gov.je/planning)

### FOR YOUR INFORMATION:

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

Location Plan  
Existing Site & Context DP0904/112  
Existing Site DP0904/113  
Proposed Site Plan DP0904/114  
Proposed Building A DP0904/115  
Proposed Building A DP0904/116  
Proposed Building A DP0904/117  
Proposed Building B DP0904/118  
Proposed Building B DP0904/119  
Proposed Building C DP0904/120  
Proposed Building C DP0904/121  
Proposed Building D DP0904/122  
Proposed Building D & E DP0904/123  
Proposed Building D & E DP0904/124  
Proposed Ground Cut & Fill DP0904/125  
Proposed Lighting Plan DP0904/126  
Proposed Access Arrangement DP0904/127  
Proposed Landscape Site Plan 1608/001 P1  
Planning Statement  
Transport Statement  
Non-Technical Summary  
Design Statement

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Crime Impact Statement  
Environmental Impact Statement

**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.**

23/01/2014 Signed

for Director