

Bel Royal Hearing
(17th July 2006)

**CASE OFFICER'S REPORT
ON
THE REVISED APPLICATION
(P/2004/2247)**

July 2006

File reference: P/2004/2247

Officer Report

Site Address	Fields 848, 851, 853, 854, 861, 862A & 863A, Bel Royal, St. Lawrence
Applicant	Bel Royal Jersey Ltd
Description	Category 'A' Housing Development to provide 140 homes, including road widening, drainage infrastructure, public amenity space and community building. AMENDED PLANS: Revised Category 'A' Housing Development to provide homes, road widening and improvement, drainage infrastructure, public amenity space and a community building.
Type	Planning
Date Validated	28/09/05 – Revised Application 02/12/05 - Further amended plans submitted for treatment of western boundary. 16/12/05 – Amended Technical Reports submitted to support application. 05/05/06 – Amended 'Design Statement' and document on proposed design revisions submitted.
Zones	Built-up Area; Site to be zoned for Category 'A' Housing; Important Open Space; Land for Recreation.
Policies	Primarily IP Policy H2

EXECUTIVE SUMMARY / CONCLUSION

The planning process associated with this particular revised application has been long and complex and many matters have arisen through the extensive consultation process. As such, it warrants a comprehensive report so that the Minister can be fully apprised of the relevant planning issues. It is hoped that this executive summary will give him an overview of the key considerations and provide a suitable context in which to address the details set out in the main bulk of the report.

The site is the largest of those zoned by the States in the Island Plan for Category 'A' housing purposes, following a comprehensive evaluation and selection process, involving extensive public consultation. It has been deemed suitable for the purpose and complies with the spatial strategy in the Island Plan (*see Appendix 1 – Location Plan*).

The revised scheme proposes the development of 71 first time buyer homes, 58 Social Rented homes (including 7 'lifetime units' – fully accessible homes that would allow for assisted living), which conforms to the tenure split requirements in the Island Plan. In addition there are proposals for a small-scale community building, a village green, a children's play area, an area for teenagers, a very large Public Amenity Area, extensive drainage infrastructure (including a surface water pumping station) and highway improvements to St. Peters Valley Road (*see Appendix 2 – Site Layout*).

The scheme's design concept evolved initially following discussions with this Department and has been modified considerably on a number of occasions as a result of former Committees' previous deliberations and extensive public consultation. The current revised proposals are for a reduced number of homes (129) compared with the original application for 140 homes, which was effectively withdrawn. The revisions are basically in accordance with the sketch scheme which was shown to the former Committee on 4th August 2005. As required by the former Committee in response to the original application (*see Appendix 3*), it is considered that the revised scheme (as modified throughout the application process):

- responds reasonably to the former Committee's previously expressed concerns about imported fill; the massive scale of the originally proposed 'acoustic berm' and the degree to which Field 853 (adjacent to the Perquage) is developed / retained as a buffer;
- satisfactorily addresses most of the recommendations set out in the 'Planning Appraisal Report' for the original application. (N.B. where there are matters outstanding they can be addressed by planning conditions or planning obligations);
- addresses environmental and traffic concerns raised by Health Protection and Transport and Technical Services.

There are a number of significant changes from the original application, which are addressed in this report, although the essential layout concept and character of the original scheme has been largely retained. Most recently, a report on architectural design revisions has been submitted by the applicant to address concerns raised by the Minister, who has been keen to promote his 'design principles' (version 3) and achieve more local relevance, as far as is practical and reasonable at such a late stage in the planning process.

It is held that the proposals, as modified, are thoughtful and imaginative and are now generally in accord with the Island Plan and the approved development brief. They also conform to many of the fundamental principles of good design as espoused by the DETR and CABE, among others (i.e. as included in the former Committee's emerging draft Supplementary Guidance Note on the Design of New Homes) (*see Appendix 4 – Planning Appraisal Report*).

The scheme is predominantly comprised of 2 storey terraced family housing, although scattered throughout the proposed development there are 7 x 2½ storey and 7 x 3 storey homes. The buildings are configured in an interesting and relatively innovative layout, which reflects some of the basic

urban design principles (as opposed to architectural design principles) adopted in the Duchy of Cornwall development at Poundbury in Dorchester. The layout comprises an almost continuous street façade (uninterrupted by parking bays or garages) around a central loop road and cars are parked within internal courtyards. There is an attempt to reinforce the distinction between public and private space with most building facades built along the back-of-pavement line, and the scheme generally allows for good levels of surveillance of the private and public realms. The alignment of the streets and other traffic calming measures should help to ensure that vehicle speeds are kept low.

An imaginative landscaping scheme / framework prepared by Michael Felton Ltd is being proposed as an integral element of the overall design and this will help to ensure attractive, high quality external spaces. Existing trees are to be retained where possible and where removed, they will be replaced on a 2.5 to 1 basis. The landscaping proposals for the Amenity Area are aimed at enhancing the existing landscape character / wetland meadow environment, minimising disturbance, improving its ecological value (through habitat enhancement), screening unsightly buildings to the east and softening the impact of the new development. It is proposed to supplement existing raised tracks with new paths which will connect the housing area with Le Perquage and the beach.

In view of the above, the Department considers that the current revised application should create an attractive, distinctive and good quality development, which will successfully integrate into the surrounding area and provide a pleasant, safe and secure place in which to live. However, it is recognised that there are a number of reserved / detailed planning matters which will need to be the subject of planning conditions and planning obligation agreements.

Of course, it must also be recognised that this application has been highly politicised. Many local residents and their political representatives remain concerned (directly and indirectly) about the size of the proposed development and have a number of other concerns, notably in relation to drainage and flooding; noise; traffic; education; and potential social problems. These concerns effectively mirror those expressed in relation to the original application. The Department is of the opinion that the main areas of outstanding concern have been / will be appropriately and satisfactorily addressed by the applicant in producing and supporting these significantly reduced and modified proposals; by the planning authority's requirements; and by the recommended planning conditions and obligations. It is accepted, however, that this will not always be to the satisfaction of local residents who remain opposed to the proposed development, nor is it reflective of the views of the majority of States Members.

The number and density of new homes was the subject of a proposition (P.48/2006) brought to the States by the Constable of St. Lawrence (*see Appendices 4A and 4B – Proposition and Ministers comments*). This requested the Minister to bring forward an amendment to the Island Plan to the effect that the site will accommodate a maximum of 97 homes and was supported by the Assembly following a debate on 4th July 2006. However, the Planning Authority has a duty to determine the application on the policies in place when the application was submitted. The Department maintains that there are no planning grounds for requiring a further reduction in homes to some arbitrary figure and it is considered that to do so would be unreasonable and open to challenge. The Island Plan only gives an indicative yield and accepts that the actual yield will be determined through the development brief process. The current proposals represent a significant reduction from the original scheme (to meet legitimate planning requirements) and the proposed number of homes and density conform to the requirements of the brief. Furthermore, throughout the protracted planning process since the approval of the brief, the former Committees gave a consistent steer that the final yield of homes must be determined by an acceptable design and layout that meets the planning requirements.

The risk of flooding and the need for appropriate flood mitigation measures have been recognised from the outset and the issue is addressed in the Island Plan and the Development Brief. The revised application includes proposals for on-site attenuation in order to ensure that the discharge rate of surface water from the housing site to the watercourse will not exceed the existing run-off from the fields. It also makes provision for a new pumping station (to be designed by Transport and Technical

Services), which will significantly reduce the risk of fluvial flooding to existing properties in the area to the south of the site, whilst maintaining the ecological character of the wetland / marsh to the south of the housing site. The proposals have been informed by an expert independent study by Peter Brett Associates and the local knowledge and experience of Ross-Gower Associates. The basic principles of the drainage proposals have been agreed with Transport and Technical Services drainage engineers. As well as creating substantially less flood risk to existing properties (a significant public gain) the revised scheme will also mean there is no substantive risk to the proposed new homes.

Concerns expressed by Jersey Steel and Health Protection about the potential noise impact on future residents from Jersey Steel's activities have been particularly difficult to resolve. The applicant's consultants believe that proposed on-site mitigation measures, involving planted bunds, garage blocks and increased distances between the proposed homes and Jersey Steel, will ensure an acceptable noise climate for future residents, which complies with Health Protection's original specification and UK planning guidance. Health Protection does not accept these conclusions and eventually employed its own noise consultants, who subsequently recommended that the applicants fund the installation of automatic roller shutter doors on Jersey Steel's building. Health Protection has agreed that the doors will overcome outstanding concerns of noise nuisance and the applicants have agreed to fund them.

The increase in traffic associated with the proposed development and other sites in the west of the Island has been another ground for objection. In evaluating and selecting the site, the potential traffic implications were weighed in the balance with all the other material planning considerations. This also needs to be seen in an Island wide context, in that most of the Island's main roads have little spare capacity and if the number of new homes is to increase it is necessary to pursue effective strategic transport policies through the 'Sustainable Travel and Transport Plan'. Yes, without mitigation, the proposed development will introduce a significant amount of traffic onto the St. Peter's Valley Road system, but not to the exaggerated extent claimed by many residents (say 80 trips during the morning peak hour using St. Peter's Valley and St. Aubin's Road). To assess the extent of this potential increase in traffic, the applicant has been required to appoint consultants to undertake a traffic modelling exercise. The resultant report argues, among other things, that the traffic impact of the proposed development of 129 homes will be negligible compared to a theoretical development of 97 homes, as indicated in the Island Plan; that the proposals include benefits in the form of footpaths, cycle path links and bus shelters which encourage feasible alternatives to car use; and that any negative traffic impact would be offset by the potential benefits. The traffic engineers at Transport and Technical Services have assessed the findings and taken account of the likely generation from other Category 'A' sites in St. Ouen and St. Peter. They conclude that the network can accommodate projected increases in trips during off-peak times. They also suggest that (without mitigation) the likely increase in peak hour congestion at the junctions at the northern and southern ends of Rue du Galet could be "*very significant*" and "*less significant*" respectively. However, they argue that this is likely to result in longer peak periods, rather than noticeably more congestion in the present peaks. In their response, the traffic engineers also emphasise the importance of encouraging more sustainable forms of transport and reiterate the advantages of the site in this respect (e.g. proximity of primary school, other facilities, bus routes, cycle routes). To conclude, the traffic engineers have recommended that the applicant funds two additional peak hour buses (potentially the equivalent of 60 car trips) over a five year period and this can be dealt with by planning obligation.

Clearly, the availability of school places in a particular area is a planning factor which must be taken into account in determining the application. When the original application for 140 homes was submitted, the Education Department concluded that Bel Royal and Les Quennevais schools should be able to accommodate the likely generation of extra children seeking entry to them. However, the situation has since changed and the Education Department is now advising that there are capacity problems with both schools and that they will not be able to accommodate the estimated demand for places generated by the revised scheme for 129 homes. On balance, it is not considered that the current school capacity situation and the associated traffic implications are sufficient to warrant refusal of the application or its reduction in size by 32 homes. This conclusion has been reached having regard to, among other things: the limited number of pupils who will not have their first

choice of school; the relatively small difference in the numbers of such pupils compared with a theoretical scheme for 97 homes; the availability of some primary school places in other schools in the west of the Island and at First Tower; the existing spare capacity at Haute Vallee and Grainville; the likely numbers of pupils having to travel to First Tower and beyond and their likely method of travel; the essentially temporary nature of the school capacity situation; the likelihood of falling school rolls in the near future; the fact that families might be living in these homes for 100 years or so; and the other means available to the Minister for Education, Sport and Leisure for ensuring full-time education for school aged children (e.g. altering school catchment areas).

It is accepted that there is a genuine perception / fear among some residents that youths from the proposed development will engage in antisocial behaviour. However, arguments by some concerned residents that the proposals will give rise to unacceptable social problems are unsubstantiated. The Department does not accept that the youths from this development will be pre-disposed to antisocial behaviour. It is believed that the development of affordable homes such as those proposed will go a considerable way to overcoming poverty, hardship and other social problems, as emphasised in reports by the 'Coordinating Committee for the Eradication of Poverty'. More specifically, it is argued that the proposed development will play an important part in reducing social problems and promoting social well-being by providing:

- affordable rental and first-time buyer family homes for a cross section of people, with adequate internal living space, garden space and privacy;
- a good quality, healthy, comfortable and attractive environment;
- a safe environment that takes account of 'Secure by Design' / crime prevention principles;
- social facilities including: a village green, children's and teenagers' play / recreational facilities, a community building, a large public amenity area; and
- homes on a site that is accessible to certain local facilities, public transport and the main cycle route to town.

In making his decision the Minister must carefully weigh all the material planning factors, including all the advantages and disadvantages of the scheme, having regard to the Island Plan, the requirements of the development brief, the steers given by former Committees and the representations of local residents and their representatives and the relevant views expressed in the recent States debate on P.48/2006.

The Department considers that the scheme is acceptable in planning terms and meets the terms of the development brief. If approved, the scheme should be of great assistance in helping to achieve the States' objectives of ensuring that all Islanders have access to good quality, affordable homes. There are numerous other positive community benefits / planning gains (in addition to the provision of affordable first-time buyer and social rented homes) including: road improvements; new facilities for public transport users, cyclists and pedestrians; a new public amenity area / park; and flood mitigation measures. In the circumstances and on balance, it is held that the positive benefits of the scheme outweigh any remaining concerns.

RECOMMENDATION

That the Minister for Planning and the Environment resolves to grant planning consent, subject to the planning conditions set out in this report and to achieving legal agreement on planning obligations, as identified in this report.

Prepared by: Roger Corfield
Principal Planner

Date: 12th July 2006

Endorsed by:

Date:

MAIN REPORT

<p>Site Description</p>	<p>The proposed gross housing site area measures approximately 22 verges (9.7 acres) and is relatively unrestricted in size and shape. It is located to the south of Sandybrook in the coastal plain area at the foot of St. Peter's Valley. The site comprises a patchwork of small fields which have principally been used for the production of outdoor tomatoes, early potatoes and cauliflowers. The northernmost part of the area includes an overgrown and long disused field and a small orchard garden and the westernmost field (F.853) is often waterlogged. The highest part of the site is 15m aOD and the land falls steadily towards the south-west corner by some 7.5m.</p> <p>The housing area effectively nestles below the south coast escarpment and above the wetland / marsh area immediately to the south, which incorporates the remainder of the application site. The southern part of the site measures approximately 22¼ verges (9.9 acres), is low lying and is subject to periodic flooding during wet periods, particularly when heavy rainfall coincides with high tides.</p> <p>Le Perquage footpath and brook runs the extent of the application site along the western boundary, leading from Sandybrook to the coast.</p> <p>In its wider context, the site forms part of a large open area, which also includes Goose Green Marsh and Le Marais de St. Pierre, and this is essentially rural in character. However, it is enclosed by sprawling development, which occupies the higher peripheral land. This extends in a continuous belt along the shoreline from Beaumont to Bel Royal and straddles La Rue du Craslin and the lower sections of La Route de Beaumont and La Vallee de St. Pierre. Although the origins of this development date back to the 19th and early 20th centuries, the majority is post war and there has been a significant amount of recent infill.</p> <p>There are a number of community facilities in the immediate area and within easy walking distance, including: the shopping area at Sandybrook (currently with no convenience / general purpose store); Sandybrook Day Care Centre; the beach; Bel Royal School; and two main bus corridors. Furthermore, the site is only 1/3 mile from Beaumont and 2 miles from town.</p>
<p>Planning History</p>	<p>The planning history associated with this proposal is long and tortuous and is set out in <i>Appendix 5</i>. Key dates include:</p> <ul style="list-style-type: none"> • July 2002 – Site zoned for Category A homes; • March 2003 - Draft Development Brief agreed by PEC as basis for consultation; • December 2003 – draft brief and initial scheme for 150 homes were subject of a public exhibition; • January 2004 – first Public Meeting; • February 2004 - E&PS Committee presented with detailed report on the public response and a detailed appraisal of the initial scheme; • May 2004 - Planning Sub-Committee approved an amended development brief; agreed numerous detailed officer recommendations in relation to the development; gave a political steer on certain key issues; and invited a formal application subject to various conditions and provisos and on the strict understanding that the developer would first hold a 'technical seminar' with local residents; • October 2004 - Technical Seminar held with selected residents; • November 2004 - planning application for <i>inter alia</i> 140 homes; • November 2004 - second Public Meeting; • March 2005 - former Committee received interim up-date on application. Applicant subsequently advised that its proposals for importing large volumes of fill material and for a huge 'acoustic berm' adjacent to Le Perquage were wholly unacceptable. Committee also indicated that there should be no houses built on Field 853. • August 2005 - former Committee formally considered the Planning Application and sketch proposals for a reduced scheme of 129 homes. In effect (if not in deed) the Committee refused the original application and decided to ask the applicant if it

	<p>wished to withdraw the application in the light of the revised scheme. The Committee advised that it expected any new application to:</p> <ul style="list-style-type: none"> - satisfactorily address its previous concerns about the importation of fill material, the ‘acoustic berm’ and the nature of development in Field 853; - meet the 50 or so recommendations set out in this Department’s Planning Appraisal report; and - resolve to its satisfaction the outstanding environmental and traffic concerns highlighted by Health Protection, PSD (Highways) and potentially the Environment Department; <ul style="list-style-type: none"> • September 2005 - current revised application submitted; • October 2005 - third public meeting (and a manned exhibition); • December 2005 - amended layout plans submitted (including the introduction of garages and re-shaped acoustic bunding along the western edge of the proposed housing) & revised noise assessment reports; • January 2006 - Health Protection expresses continuing concerns about likely noise impacts from Jersey Steel on future residents and appointed its own UK firm of noise consultants to review the position. In effect, the revised application was held in abeyance at this point; • 21st February 2006 - applicant’s legal advisers write to the Department expressing concerns and frustration that (i) the application was being held in abeyance pending Health Protection’s review of noise issue; and (ii) matters were being belatedly raised about house numbers, density, parking and garage provision and the external design of the homes. The letter explains among other things that the applicants “<i>now require the Department to take immediate steps to consider the planning application and to issue a decision in relation to the application within 2 months...</i>”; • 6th March 2006 - Department receives report of Health Protection’s noise consultants which suggests a possible solution (i.e. that the developer approaches Jersey Steel and offers to fund the installation of automatic roller shutter doors for the two sets of doors at the premises which face east); • 10th March 2006 – Applicant’s lawyers advised that the Department expects the application to be dealt with within two months; • 17th March 2006 – Health Protection provides clarification of its position on the noise issue; • 17th March 2006 – Meeting between Minister, officers and local political representatives to address outstanding concerns; • 31st March 2006 - Applicant agrees in principle to fund additional noise mitigation (roller shutter doors) at Jersey Steel; • 20th April 2006 – Proposition lodged by Constable calling on Minister to bring forward an amendment to the Island Plan to the effect that the site will accommodate a maximum of 97 homes with 1.5 acres of public open space (P.48/2006); • 8th May 2006 – Comments of Minister on Proposition presented to the States; • 8th June 2006 – Planning Applications Panel gave preliminary consideration to the application informally; • 4th July 2006 – Minister for P&E informs the States that he is to decide the application; • 4th July 2006 – States Debate on P.48/2006 (<i>Pour 35; Contre 6; Abstentions 9; Ill 1; Declared an Interest 2</i>).
Revisions	<p>The most significant changes from the original application include:</p> <ul style="list-style-type: none"> • A reduction from 140 to 129 homes; • The removal of homes from most of Field 853 and the enlargement of the buffer area adjacent Le Perquage; • The relocation of the community hall to a more prominent, secure and accessible location to the east of the site, where it may also serve the teenager play area, the relocated children’s play area and users of the proposed ‘amenity area’; • Alterations to improve the internal layouts of certain home types and meet space standards;

	<ul style="list-style-type: none"> • Amendments to garden areas to comply with minimum standards in all cases; • Further layout modifications to reduce overlooking of Le Perquage Flats; • The introduction of a ‘cut and fill’ regime for earthworks to ensure the proposed homes at the western end of the site are not put at risk of flooding, and to avoid the need to import substantial volumes of fill material; • A detailed external lighting scheme; • A reworking of the noise modelling associated with Jersey Steel and a revised approach to noise mitigation, involving increasing the distance between the homes and the noise source, the introduction of garage blocks and more natural planted banks, and an agreement by the applicant to fund the installation of roller shutter doors to the Jersey Steel building; • Modified parking arrangements to ensure all the groups of homes are adequately served and comply with stated requirements; • Modifications to improve security and address ‘secure by design’ principles, notably in relation to reducing potential escape routes for would-be criminals; • Additional traffic analysis and a revised ‘Transport Assessment’ in response to concerns from PSD (Highways) regarding the original modelling, and an agreement by the applicant to fund two additional peak hour buses over a 5 year period; • Proposals to modify the external / elevational treatment of the homes to more readily reflect (as far as possible at a late stage in the process) their relevance to Jersey, in line with the Minister’s published Design Principles.
<p>Consultation</p>	<p>Housing</p> <p>Very supportive of the proposals in the original application, which “<i>will make a significant contribution to meeting IP objectives for the provision of Category ‘A’ Housing</i>”. They said the original plans met the objectives set out in the development brief and would “<i>offer an attractive new housing estate for both first-time buyers and those seeking social rented housing</i>”. At that time, they raised a couple of points of detail on individual house plans, which have subsequently been addressed.</p> <p>In response to the revised application the Housing department has simply advised that “<i>in the event of the creation of any units of dwelling accommodation upon the land, such accommodation shall be occupied by persons qualifying under Regulations 1(1)(a)-(h) who are bone-fide first-time buyers</i>”.</p> <p>Parish of St. Lawrence</p> <p>In response to the original application for 140 homes, the Parish confirmed there were major concerns relating to Education, Flooding, Social Problems and Traffic and said they would all be exacerbated by the volume of houses proposed. It also highlighted the variance in numbers of homes quoted in IP and the numbers proposed and said that numbers should be significantly reduced to near the original number, “<i>or the matter should be referred back to States for reconsideration</i>”.</p> <p>No separate formal written comments have been submitted by the Parish specifically in response to the current revised application. However the Constable is one of the signatories to a report by local political representatives (<i>see ‘Representations’ and Appendix 21</i>) and lodged a proposition seeking to reduce the site yield to a maximum of 97 homes, which was supported by the States Assembly.</p> <p>Parish of St. Peter</p> <p>No formal written comments have been forthcoming.</p> <p>Transport and Technical Services (Drainage) (see Appendix 6)</p> <p>Surface Water</p> <p>It confirms that:</p> <ul style="list-style-type: none"> • The basic principles for disposal of surface water from development, as submitted, are already agreed with the developer (including construction of an off-site surface water pumping station and on-site attenuation tanks). • petrol/oil interceptors will be required.

- details of the actual drainage proposals need to be submitted and agreed, including detailed site layouts and calculations for sizing of sewers, as well as details of the Hydro-Break or similar flow control units (N.B. since replaced by a surface water attenuation tank system with an associated private pumping arrangement) proposed to control the discharge of water to the watercourse.
- The developer is responsible for funding the construction of the pumping station and rising main, including TTS design and contract management fees and the provision of a potable water supply and suitable electricity supply to the site.
- Monies for the various stages of design and construction shall be forwarded to TTS prior to any work on each stage commencing.
- In addition, on commissioning the station, the developer will be required to pay a commuted sum to cover the cost of maintaining the station for a period of 15 years and a commuted sum for the replacement of pumps at the end of this period.

Many of the above requirements will need to be covered by a Planning Obligation Agreement entered into with the developer.

Foul

It confirms that:

- The basic principles for disposal of foul water, as submitted, are already agreed with the developer and that this requires the construction of an on-site pumping station.
- The foul pumping station (as opposed to the sewer network) will be adopted by the Public and will need to be designed and constructed to TTS's specification and constructed by one of TTS's approved contractors.
- Funding requirements for the construction, design and management fees and commuted sums will apply in the same way as they do for the surface water pumping station.
- The developer will be required to cede the pumping station and the compound to the States and pay for all costs associated with the land transfer.
- The station must have direct access to the estate roads.
- The developer will be responsible for providing a potable water supply and a suitable electrical supply to the site.
- The rising main from the station must be connected to the 27" foul sewer adjacent to the sea wall.
- The proposed storage volume of 63,000 litres should be provided in a separate storage sump and not include the volume of the wet-well.

Once again, many of these requirements will need to be included in a Planning Obligation Agreement.

Transport and Technical Services (Highways) (*see Appendix 7*)

Access Arrangements

It confirms that the junction layout arrangements (including the extended footpath along the Valley Road, the footpath links to Sandybrook and Le Perquage, the pedestrian refuge and the visibility splays) are generally in accordance with its requirements. However, it will still need to approve detailed drawings, in due course, to ensure an acceptable vertical and horizontal road alignment.

On a more detailed level, it:

- suggests that the proposed pedestrian refuge be sited further south to encourage pedestrians to make use of it;
- has previously recommended that provision be made for a bus shelter along the eastbound lane of the Valley Road;
- considers that the scheme does not provide for a safe position to wait for a northbound bus.

Pathways

It has reiterated its earlier recommendation that the path link to Le Perquage needs to be a

3m wide shared cycle route/footpath.

Impact on General Road Network

It has previously:

- agreed that a Traffic Impact Assessment (TIA) is important to accurately quantify the traffic generation for the proposal, the effect that new trips will have on the road network, and its sensitivity to the higher number of units;
- advised the applicant's consultant (PBA) on the TIA requirements;
- expressed a number of concerns about the accuracy of the original TIA and suggested that some remodelling work was needed;
- advised the former Committee, in any event, not to accept a development of 140 homes (as previously applied for), because of the increase in traffic onto the existing road network, the limited capacity of the network and the likely noticeable increase in levels of congestion.

In its latest response, it:

- confirms the revised traffic modelling work has been carried out to its satisfaction;
- is satisfied that the expected number of trips from the proposed development (and other approved Cat. A developments at Rue des Cosnet, St. Ouen and St. Peter's Village) can be accommodated without difficulty at off-peak times by the St. Peter's Valley road network;
- notes that the figures (for peak times) show *"very significant increases in congestion at the St. Aubin's Rd / Rue du Galet junction, and less significant increases at the Victoria Avenue / Rue du Galet Junction"*;
- notes PBA's contention that bulk of the traffic increase would occur with a 97 unit scenario and that the relative difference with a scheme for 129 units is small;
- estimates there could be an additional 50 vehicle trips using St. Peter's Valley and St. Aubin's Road during the morning peak hour, as a consequence of the approved Category A developments in St. Ouen and St. Peter, which would, therefore, be added to the 80 trips from the proposed scheme;
- points out that this will make PBA's predicted congestion levels worse, but suggests *"in reality this is likely to mean a longer peak period, rather than noticeably more congestion over the same length of time in the peak period"*;
- concludes that traffic congestion will be *"noticeably worse at busy times"*, because there is little or no spare capacity at peak times at the key junctions at both ends of Rue du Galet;
- suggests that *"it is not possible to say that 97 units is acceptable and 129 is not, as both can be accommodated off-peak and neither can be accommodated during peak times"*;
- points to strong arguments in favour of the site, which were recognised during the site evaluation and selection process. Namely, that future residents would have options to make journeys by means other than the private car, due to links with an *"excellent cycle route"*, proximity to a school and other facilities (i.e. within walking distance) and the availability of several nearby bus routes;
- highlights the imperative of encouraging more sustainable modes of transport to achieve low trip rates, in accordance with strategic policies in the Island Plan (Policy TT1) and the 'Sustainable Transport Policy'.

Recommendation

In recognition of the above and given that the bus service in the area has little or no spare capacity, it recommends that the developer be asked to contribute funding for the provision of additional buses (i.e. 2 buses in the morning and evening peak periods over 5 years, at a cost of £120,000). These buses would have a theoretical capacity of 80 people, which is potentially the equivalent of 60 private cars.

Crime Reduction Unit (States of Jersey Police)

(see Appendix 8)

It has previously offered comments on the design approach in response to the original

application, as follows:

Footpaths

It raised concern about the degree of permeability and recommended a reduction in the tracks and paths through the development and links to Le Perquage Walk, to reduce the number of escape routes or points of entry that could be used by criminals.

Community Activity

It was supportive of the provision made for community activity, but suggested relocating the Community Building to increase natural surveillance. It also suggested omission of the track to south of the Amenity Area Car Parking, its replacement with more planting to east of Teenage Recreation Facility and a reduction of planting to the west to improve natural surveillance. It recommended boundary fencing for the children's play area and replacement of the originally proposed pond close to this area with a safer feature.

Parking

It was concerned about the lack of private parking spaces. *"Although proposed courtyard parking is more secure than on road parking, it still increases the chances of car crime"*. It recommended re-positioning of dwellings to incorporate in-curtilage parking for residents.

With the exception of parking, these original comments have been largely addressed. In response to the revised application, there were no further specific comments on design and layout. However, the unit is now suggesting that CCTV systems be provided (at the developer's expense) around the estate, which they *"suspect in the fullness of time has the potential to become a trouble spot like any other estate"*. The aim being to act as a deterrent, help manage incidents and provide the necessary evidence in prosecutions.

They are also suggesting that the developer meets the cost of providing a 'TETRA' radio site repeater to afford emergency services (including the Honorary Police) extended radio communication coverage to the area for operational reasons.

Education (see Appendices 9, 9A and 9B)

See comments on education under planning issues.

No insurmountable problems were raised by the Education Department in relation to the original application for 140 homes and the potential impact on the capacity of the relevant primary and secondary schools. However, the education position has changed since and the Education Department has recently commented that both Bel Royal School and Les Quennevais School are very unlikely to be able to accommodate the number of extra pupils generated by the development of 129 homes. It argues that the development would force approximately 18 children to take a place in a school other than Les Quennevais and 42 children to attend a school other than Bel Royal, with perhaps half that number travelling into the town area.

Health and Social Services (Occupational Therapy)

Its comments in relation to the original application were generally supportive of the proposed 'Lifetime Units', which are designed to meet 'Lifetime Homes' standards.

Environment Department

There have been no formal comments submitted.

Health and Social Services (Health Protection)

Correspondence with Health Protection about the development of this site extends far beyond the current application and has been particularly tortuous and complex. A chronological account is given in *Appendix 10*.

Initially, in response to the original application, Health Protection set out reasons why it thought the site was not suitable for Category 'A' Housing, even though it had expressed no

objections and indeed had stated it had “*no comment*” to make at the feasibility stage (prior to rezoning). The reasons given at that time related *inter alia* to noise from Jersey Steel, drainage and traffic, although it later agreed to review its initial comments, once the ‘noise impact report’ and other outstanding environmental health related information was available.

The first Noise Assessment report for the original application did not meet Health Protection’s specification, which required the appointment of a suitably qualified noise consultant to;

- *determine the noise sources likely to affect the proposed development in order of impact;*
- *assess the background noise levels L90(A) (1 Hour) dB day 07.00-23.00 and night and compare to PPG24 at the proposed development;*
- *provide suitable noise mitigation measures with anticipated noise reductions for not only the sources, but also the receivers;*
- *provide a noise map for the area showing both the main sources of noise with LAeq levels, but also the background levels in the form of contours (e.g. background levels/points - sources).*

The second version of the Noise Assessment related to the applicant’s revised sketch proposals for 129 homes (prior to formal submission of the revised application). In response, Health Protection called into question the noise measures used and the proposed mitigation measures and suggested that a 3m bank with a 2m fence on top be placed on the western side of Le Perquage. As a consequence, the applicants were directed to liaise directly with Health Protection, which in follow up correspondence on the noise issue:

- reiterated its concerns about the proposed mitigation measures;
- advised that the barrier should be constructed as close to Jersey Steel as possible and that “*this may mean the client having to consider buying some of Jersey Steel’s land*”;
- advised about the frequency and possible consequences of noise from Jersey Steel;
- advised about their department’s obligations under law;
- argued the case for prevention being better than cure.

The revised application included the earlier acoustic assessment report and a new report assessing the effectiveness of 5 options for acoustic wall barriers outside Jersey Steel’s doors, with and without a bund on the application site.

In a lengthy initial response to the revised application (*Appendix 11*), Health Protection:

1. questioned the length of the noise wall on Jersey Steel site, called for it to be positioned 14-15m from Jersey Steel’s doors (to allow for access) and recommended that the earth bund on the application site be provided in addition to help reduce noise levels.
2. sought confirmation that the noise measurements were representative of the noise produced by Jersey Steel; called for the LAMax parameter to be used to model the impulse noise from Jersey Steel (as opposed to the LAeq levels referred to in its specification) to indicate whether the noise barriers are sufficient and where double glazing is required; and requested plans showing the elevation of the proposed barrier in relation to the housing.
3. recommended that the gardens of block 18, nearest Jersey Steel are handed so the houses act as a noise barrier.
4. recommended that garages be provided.
5. required a construction site management plan.
6. recommended that a dedicated wheel wash facility and other measures are provided to minimise mud on the highway etc.
7. recommended no more than 30 vehicle movements of fill material per day.
8. required that contractors and sub-contractors follow their department’s guidance for minimising noise and dust vibration.
9. recommended that the contractors liaise with local residents regarding the work, time scales, compensation measures etc to minimise complaints.
10. (i) required that pumping station machinery does not cause noise or vibration nuisance to neighbouring property; and required information explaining what

	<p>measures are proposed to minimise noise, dust, vibration during site preparation and construction phases of the pumping stations including vehicle movements.</p> <p>(ii) recommended the provision of a bus stop and a retail unit on the application site.</p> <p>(iii) recommended the homes are designed to prevent ingress of dampness from the very high water table in the area.</p> <p>(iv) recommended that no contaminated material be brought to the site and suggested that to achieve this, sampling and analysis may be required.</p> <p>(v) recommended that the homes are designed to prevent any ingress of marsh gas from the area.</p> <p>(vi) required cross sections through the site (as opposed to elevations).</p> <p>The Department’s response to the points raised is included in Appendix 12 and the points raised are addressed in the issues section of this report.</p> <p>Health Protection also commented on the latest amended revised scheme (i.e. which includes garages and reshaped acoustic bunding along the western edge of the site), the revised acoustic assessment report and the new acoustic assessment report based on maximum noise levels (Appendix 13). It reiterated that it had concerns about the application (including noise); explained how it must satisfy itself that the proposed noise mitigation measures will prevent noise complaints and not diminish the quality of life of future residents; and argued that it may have to take legal action against Jersey Steel, if complaints are received, which it suggests could result in legal action against the States.</p> <p>It confirmed that, in order to safeguard its position, it had referred the applicant’s noise reports to an independent UK firm of noise consultants. It went on to:</p> <ul style="list-style-type: none"> • question the effectiveness of the garage blocks for noise mitigation purposes; • make its case for requesting an acoustic assessment based on maximum noise levels; • suggest that the proposed homes in the maximum noise level assessment exposed to levels between 5 and 10dB above the background are likely to result in complaints; • suggest other mitigation measures it would expect to see (e.g. layout changes so that all habitable rooms and gardens are facing away from the noise source as far as possible; and a glazing and ventilation specification for habitable rooms). <p>Health Protection’s own noise consultants have since responded and their report concentrates on finding a solution to the noise issue (<i>see Appendix 14</i>). They recommend that the developer approaches Jersey Steel and offers to meet the cost of noise mitigation measures involving the installation of high speed roller doors for the doors which face east.</p> <p>As a consequence, Health Protection was asked to clarify its position on the noise issue and their consultant’s suggested solution. In its response, among other things, it states <i>“the provision of the suggested mitigation, aligned with filling holes in the structural façade nearest the development, will we believe provide the necessary additional acoustic reassurance to overcome the outstanding concerns of noise nuisance” (see Appendix 14A)</i>. However, it does state that <i>“what has not been considered is any occupational problem within the Jersey Steel’s premises from noise and potential heat build up in Summer”</i>.</p>
Representation	<p>Yes. As with virtually all the H2 sites, the planning process has been highly politicised and there has been considerable resistance from existing residents from the outset.</p> <p>The original application attracted 39 individual letters of representation from local residents, over 370 signed copies of a standard letter of appeal (effectively a petition) and various other letters sent directly to States Members and the JEP.</p> <p>There remains significant local opposition to the proposals and 170+ letters of representation in relation to the current revised application have been submitted. Clearly, proper consideration must be given to all concerns / objections raised by local residents, where they are founded on valid planning reasons that can be substantiated. However, the weight of local opposition to the application is not in itself a material ground for refusing planning</p>

	<p>permission.</p> <p>A summary of the submissions is included in <i>Appendix 15</i> and the individual letters are available for viewing on request. The outstanding concerns of residents are similar to those raised about the original application and relate primarily to:</p> <ol style="list-style-type: none"> 1. Need for Homes 2. Suitability of Site for Housing 3. General levels of development in the area 4. The size of the proposed development (from which many of the other concerns stem); 5. The density of the development; 6. Flooding and Surface Water Drainage; 7. Foul Drainage; 8. Impact on traffic; 9. Inadequate Parking provision and no garages; 10. Inadequate vehicular access point; 11. Capacity of Bel Royal Primary School; 12. Capacity of Les Quennevais Secondary School; 13. Social Repercussions; 14. Importation of fill material 15. Impact on the character of the area / local wildlife/environment; 16. Noise from Jersey Steel, Noise Mitigation and Impact on Le Perquage; 17. Impact on the amenities of Le Perquage Flats; 18. Impact on the outlook of properties to the north east; 19. Design and Layout; 20. Noise and disturbance; 21. Management and maintenance of public areas and facilities; 22. Integrity of Consultation Process <p>In addition, there were concerns expressed verbally at the Public Meeting on the revised application (<i>see Appendices 16 and 17</i>) and there have been letters of representation (<i>see Appendices 18, 19 and 20</i>) from:</p> <ol style="list-style-type: none"> (i) the ‘National Trust for Jersey’, suggesting the design resembles a typical 1970’s development, full of cul-de-sacs and uninspiring with trees which appear to be in car parking areas. It is also concerned about the impact of traffic on the main roads. (ii) Two tenants of Le Marais de St. Pierre (landowners of the Jersey Steel site), who are upset at not being informed about proposals to erect a sound barrier on the site. (iii) Jersey Steel Co. (1935) Ltd., who are concerned about the prospect of receiving regular complaints about noise from their factory. They question the reliance placed in the noise assessment on data collected on one day, point to erroneous information about their normal working hours and query why they have not been contacted by the applicant or their noise consultants with regard to the above and especially the proposal to erect a sound barrier on their site. <p>More recently, on 17th March 2006, an 18 page report prepared by local political representatives was tabled at a meeting with the Minister (<i>see Appendix 21</i>). This report rehearses / reiterates many of the issues and concerns already raised and offers little in the way of new material information. This was followed up with a Proposition lodged by the Constable of St. Lawrence, which sought to achieve a reduction in the number of homes developed to a maximum of 97 homes.</p>
<p>Planning Issues</p>	<p>The principle of developing this land for Category ‘A’ housing has already been approved by the States of Jersey in the Island Plan 2002.</p> <p>An extensive public consultation exercise has been carried out, including a public exhibition, three public meetings with local residents and a ‘technical seminar’ with selected residents who had previously submitted written representations (<i>see Planning History</i>).</p> <p>The earliest consultations related to a larger scheme comprising 150 homes and the</p>

responses were reported to the former Environment and Public Services Committee, before the development brief was subsequently approved and an application invited.

The original application was for a lesser scheme of 140 homes in a broadly similar layout. In addition to reduced housing numbers, there were other changes in response to matters raised previously by local residents; officers and the Committee (*see Appendix 22*).

The current revised scheme for *inter alia* 129 homes is conceptually similar to its predecessor and attempts to retain the essential character of the design proposals, although it includes further significant changes in response to other matters raised by local residents, planning officers, consultees, the former Committee and the current Minister (*see 'Revisions'*).

Notwithstanding the above, it is clear that local residents have a number of outstanding concerns and these serve to highlight many of the numerous planning issues surrounding the proposal, which are addressed below (*and also in the detailed Planning Appraisal Report*).

Need for Category 'A' Homes – Is it still there?

Some local residents have questioned the need for the proposed homes, given the large amount of property which is regularly advertised for sale and rental in the JEP.

The Island Plan includes requirements for new homes for Island residents for the first five years of the Plan (up to the end of 2006) and sets out how these requirements are to be met, including the release of land specifically for Category A Housing purposes. These requirements were established following a comprehensive study, written up in a report prepared by the Statistics Unit entitled "Evaluation of Jersey's Medium-Term Housing Requirements", January 2002.

The first review of housing land availability situation carried out on behalf of the former Housing and Environment and Public Services Committees (Planning for Homes 2004) recognised the impressive performance in meeting identified requirements for new homes, but concluded that "*meeting the identified needs for social rented and first-time buyer homes up to the end of 2006 is heavily dependent on the delivery of homes on land zoned under Policy H2 of the Island Plan, in an appropriate time frame and at land efficient densities.*"

A more recent housing requirements survey completed by the Statistics Unit in February 2005, effectively rolled forward estimates of required new homes up to the end of 2009. This indicated a requirement for some 2000 new homes in the 'qualified sector' over the following 5 years, mostly in the owner occupied tenure group (N.B. On the basis of 'Nil Net Migration' and the former '15 Year Rule' remaining in place).

The latest, Planning for Homes 2005, recognises the general healthiness of the housing land availability situation. It concludes that the outstanding commitments for the supply of Category A homes for the period up to the end of 2009 should match potential requirements and that, with the exception of sheltered homes, there is no need to release additional land for the purpose. It does not conclude that there are grounds for de-zoning Category A sites, let alone those with the greatest potential to provide homes.

Two other points which are relevant in addressing the first-time buyer position are:

- the applicant's own list of potential buyers, which was revealed at the most recent public meeting to be of the order of 200 households; and
- the view of several estate agents, reported in Planning for Homes 2005 (a year ago), that first-time buyers have a preference for buying houses, that they have been waiting for the sites zoned in the Island Plan to come forward.

What has been the Parish contribution to housing those in need and should other sites be considered elsewhere?

In the words of a former Parish Constable, "*most parishioners understand and appreciate*

St. Lawrence must accept its share of new development if the Island is to fulfil its proper responsibilities to house those in need.” There are those who oppose the development of this site and others have made the suggestion that sites for three smaller developments be located in the Parish.

Although there have been a number of private housing schemes in St. Lawrence since the current Island Plan was adopted, the parish has contributed relatively few new Category A homes in recent years. Leaving aside what may have happened historically, in the 10 years between 1993 and 2003 the only Category A Housing completed in the Parish was for 12 elderly persons’ homes at the rear of the Arsenal, although last year 17 social rented flats were constructed for the Jersey Homes Trust at La Folie Estate. This compares unfavourably with most parishes and only Trinity, St. Peter and St. Ouen had fewer completions.

The site in question is one of eleven rezoned for Category A housing by the States in the Island Plan following extensive public consultation, which, as alluded to earlier, coincidentally led to the de-selection of another nearby site in St. Lawrence on grounds of fairness and equity.

Given that the States has zoned the land in question for Category A Housing in the best interests of the community and the a development brief has been approved in accordance with the requirements IP Policy H6, the applicant and anyone else has a very clear indication of the manner in which the land is expected to be used. Furthermore, the applicant is entitled to a decision on his application.

Whilst there may or may not be other sites in the Parish considered suitable for rezoning for Category A housing purposes at some point in the future, these are not reasonable grounds for not determining the current application on its merits.

It should be noted that no other sites in the Parish have been earmarked for future consideration in the Plan (e.g. policies H3 and H4) and that there can be no guarantees that any alternative sites which might be identified would not also be opposed by local residents.

Is the site Suitable for Development?

Yes. There is no such thing as a perfect housing site and each site option will have its advantages and disadvantages. The site in question was selected after a rigorous and comprehensive evaluation and selection process involving numerous other sites (described on pages 8.14 and 8.15 of the Island Plan) and following extensive public consultation at the draft plan stage.

The numerous advantages identified during the site feasibility and evaluation stages included:

- the position of the site on the edge of the existing built-up area and the opportunity for successful integration with that area;
- the opportunity to access the site from a main distributor road;
- availability of nearby bus routes and an excellent cycle track to town and the opportunities for using travel modes other than the car;
- the nestling of the site below the south coast escarpment and the potential for development without adversely impacting on the wider landscape;
- the site’s relatively unrestricted size and shape;
- its limited agricultural status of the land;
- the generally favourable ground conditions over most of the site;
- the reasonable proximity to Beaumont and St. Helier;
- close proximity to a primary school and other community facilities including the beach, café and shopping precinct at Sandybrook (more recently replaced by a shop selling art materials);
- the opportunity to create a new public amenity area / country park / ecological wetland for the benefit of proposed residents and the wider existing community which could act as a focus at the heart of the sprawling peripheral developments

- around the marsh;
- the opportunity for funding the construction of a new surface water pumping station at the lower end of the Perquage watercourse;
- the opportunity to provide other community facilities;
- the potential for improvements to the St. Peter's Valley Road (road widening / realignment, footpaths, pedestrian crossing);
- the predicted availability of primary school places by 2006 (N.B. this situation has since changed);
- the fact that all the required services could be provided (albeit that drainage costs would be relatively high);
- the absence of restrictive covenants which might inhibit development;
- the absence of any adverse/prohibitive comments from consultees (N.B. including Health and Social Services at that time).
- the site's availability.

In a recent report by local political representatives suggests that recent changes in the vicinity (e.g. the closure of the hairdresser, laundry and corner shop at Sandybrook and the Britannia Pub) make the site less attractive. However, there are many other things listed above which indicate the suitability of the site. Furthermore, it is quite possible that the use of the retail unit at Sandybrook could change again to some other form of shop/s at some point in the future (N.B. In planning terms a shop is a shop is a shop).

Has the area had too much development already?

It is certainly true to say that there has been a significant amount of housing development in the general area along the bottom of St. Peter's Valley Road and St. Aubin's Road in recent times, including:

- Magnolia Hotel site – 44 apartments
- Millbrook Crescent (adj. Millbrook Manor / opposite Coronation Park) – 22 apartments
- La Vallee Mews (Britannia Car Park site) – 9 cottages
- Sunwaye Gardens (Bel Royal Gardens) – net 3 houses
- La Grande Aumont (former Coralie Hotel) – 48 flats
- Catholic Church – 15 homes
- White Heather Hotel (Rue de Haut) – 10 houses soon to start?
- La Follie Estate -17 houses

This is primarily part of the normal market led development / regeneration process in the built-up area. The bulk of the new homes result from the redevelopment of outworn commercial properties. However, some advantage has been taken of the opportunities presented by the extended built-up area boundary which was redefined by the current Island Plan.

Although the amount of recent development is significant, it has taken place in an already highly developed and predominantly residential area and this is not considered sufficient grounds for not developing the site in question.

Is the density of the development too high and are there too many proposed new homes?

No. There is considerable opposition to the number of homes proposed for the site, which many argue will lead to problems in relation to traffic, primary school capacity, drainage and flooding, social disorder and environmental impact. These issues are dealt with individually in this report. Many residents and current States Members also consider that the scale of the proposed development is against the spirit of the Island Plan guidelines and others consider the yield of new homes should be much lower than those guidelines.

The current scheme of 129 new homes is a reduction of 11 from the first application and a reduction of 21 from the original proposal that was first presented to the Public in December 2003. It proposes 32 more homes than the estimated theoretical potential yield of homes

included in the Plan. This theoretical estimate, produced in the absence of a design layout, is based on 10% of the residential part of the site being used for public open space and the remainder being developed at a density of 70hra (i.e. the sort of density that had recently been associated with more conventional estate developments throughout the Island).

The Island Plan makes it clear in relation to the calculation that *“the figures are only an indication of yield for the site, because the mix of size and type of homes will be determined through the development brief process for each site...”*. There is also a commitment in the Plan to determine the actual yield through the development brief process. Policy H2 makes it clear that development permission will not be granted until a development brief covering a whole range of planning requirements as set out in Policy H6 (including density) has been approved. Policy H7 also outlines the planning authority’s aims to optimise the efficient use of land and calls for a review of the guidelines for housing density.

The approved development brief promotes a sustainable approach to the provision of Category A housing and includes various commitments which have a bearing on numbers, including commitments to:

- Give the brief substantial weight and to normally only grant planning permission when the proposals are within its guidelines;
- provide an efficient and effective use of land by supporting and encouraging schemes which assist in achieving higher density than the more typical family housing densities on peripheral green field sites (65-70hra), subject to other requirements of the brief (not least because in Jersey land is a scarce and finite resource and using it efficiently can help save further land from development);
- the density of the new development being *“the highest consistent with maintaining high standards of design, space about buildings and privacy, appropriate to the type of accommodation provided and the general surroundings”*. (N.B. The brief also confirms that the theoretical yields in the Island Plan are entirely notional and that, having regard to various site factors, the density of development on the site will be *“around or slightly above 70hra.”*); and
- the belief that an appropriate density should properly emerge from a design-led process that seeks to best accommodate the factors set out in the brief.

Prior to approving the Brief, the former Planning Sub-Committee considered objections to housing numbers and density. It had some serious concerns about the number of homes then being proposed (then 150), but anticipated that these would be reduced to meet various specified planning requirements (e.g. related to garden sizes, length of terraces, freeing up of more congested parts of development, the need for adequate car parking, the need for an adequate visual and noise buffer to Le Perquage, the need to avoid waterlogged land adjacent Le Perquage, avoiding prejudice to neighbouring properties etc.) and to comply with the development brief. The Sub-Committee was asked for a political steer on the issue. It was conscious that any limitation on numbers should be firmly based on planning grounds and agreed that it would not specify the number of homes which was deemed acceptable on the site. Indeed, it decided that **the final yield must be determined by an acceptable design and layout that meets its planning requirements, not some pre-determined number, which would rightly be open to challenge**. This stance was later reiterated by the former E&PS Committee when deciding upon the original application (*see Appendix 4*) and conveyed to the applicant.

The proposed gross residential density based on the total developable area set aside for housing (and excluding the visitor car park and teenage amenity area) is approximately 60hra. The net residential density as normally calculated (i.e. excluding the buffer strips and the teenage amenity area from the developable area) is approximately 69hra. Furthermore, if the net density is calculated as suggested in the IP (i.e. also excluding the proposed village green and children’s play area from the developable area) it only rises to approximately 71hra.

The number of proposed homes over and above the theoretical estimate in the Island Plan is in part because the IP consultants originally envisaged that the northern part of the site would be retained as a landscape buffer zone.

A density of 69 to 71/hra is not excessive, is in accord with that used in the Island Plan, meets the requirements of the development brief, reflects that of other H2 sites and earlier peripheral developments (*see Appendix 23*) and is comfortably within the density range of 60-100/hra suggested in the emerging draft SPG1 for development sites in this area (i.e. where they are to be mostly used for houses and where there is an average general requirement for 2 parking spaces per unit).

It is important in any event to recognise that density standards are a crude tool which should only be used for general guidelines. It has never been the intention that they be rigidly and dogmatically applied. It is possible to provide a good successful living environment at higher densities with good design and a poor living environment at any density and it can be seen from the Planning Appraisal in *Appendix 3* that there is much to commend the scheme. The design and layout generally serves to demonstrate that the land is being used efficiently, but in a manner which will create a good quality, healthy and attractive environment for future occupants. The exact density and yield of the scheme is best determined by how the scheme meets the planning requirements set out in the development brief and what the implications are for other material matters relating to drainage, traffic, education, social issues, the local environment etc.

In a nutshell, the current proposals for 129 homes generally conform to the requirements of the brief (including density guidance); acknowledge the consistent steers given by former committees; and represent the culmination of a very long planning process which has seen the number of proposed homes reduce significantly from 150 homes for a range of planning reasons. It is held that there are no reasonable planning grounds for requiring the number of units or the density to be further reduced to some arbitrary figure. This would be inconsistent with the indications given in the brief and, it is considered, would be unreasonable having regard to all the circumstances of the case.

It is interesting to note that a similar issue arose for the other larger site rezoned under Island Plan Policy H2 at Mont a l'Abbe. That site was approved for 123 homes, against a theoretical yield indication in the Plan of 91 dwellings.

Is the Density Calculation Accurate?

A recent report by local political representatives tries to cast doubt on the density calculations for the proposed development. It cites case law specifically in relation to Morley House, where density calculations were deemed to be misleading by the Royal Court because they took no account of two small rooms in the proposed homes (a study under 90sq. ft. and a kitchen under 70 sq. ft.). They argue that all rooms (especially kitchens) should be included as habitable rooms in the density calculations and that if so the density would rise to 81/hra.

This is extremely misleading. None of the proposed homes include a study. Furthermore, for years, for the purposes of density calculations, habitable rooms have included living rooms, dining rooms, studies, bedrooms, kitchens (over 90 sq. ft.) and most other rooms over 70 sq. ft. Under normal circumstances, it has long been recognised that 3-bedroom Category 'A' houses will usually have 5 habitable rooms (i.e. 3 bedrooms, a living room and a dining room); and a two bedroom house will usually have 4 habitable rooms etc. (see Planning Policy Note No.5).

All the proposed house types either have kitchen diner rooms or lounge diner rooms. For the Department's density calculations each living and dining area and none of the kitchen areas have been counted as separate habitable rooms.

On review, it is clear that the kitchen area in the 9 no. type 'D' units exceeds 90sq. ft. (i.e. approx. 91.6sq. ft.). Clearly, this is minimally above the limit and should technically be counted as a habitable room, although the room size could easily be reduced without affecting the overall size of the home, the nature of the development, or the density calculation.

In any event, if these 9 kitchens are included in the density calculations, the net residential density would increase from between 69-71/hra to 70-72/hra, and would therefore be of little significance.

Can the Development Brief be changed to include new requirements for less development etc.?

In a recent paper, local political representatives argue that the 'disclaimer' attached to the development brief allows the Minister the opportunity to change the planning authority's requirements. The disclaimer is as follows:

"It is important to note that this document is not binding in itself. Any information supplied in this brief does not in any way absolve an applicant from satisfying himself that all necessary information on the requirements of the various authorities and organisations is correct at the time. Neither does it restrict the Environment and Public Services Committee from amending or varying such information contained in the brief, before a planning application is determined".

The development brief was approved as long ago as May 2004 and has remained the guiding framework for the development of the site ever since, setting out the planning authority's expectations for the site. The document makes it clear that the authority will give substantial weight to the development brief and that planning approval will normally only be granted when proposals are within the guidelines and constraints of the brief. Anyone reading the brief (including the applicant and the Department) would expect that proposals which comply with it would be granted permission. Since May 2004 the applicants have placed reliance on the brief as they are entitled to and the Department has measured various schemes against it. The first application was submitted in November 2004 and the revised application on 29th September 2005, some sixteen months and seven months ago respectively.

It is held that any proposal to vary the terms of the brief at this late hour, to for example require a reduced number of homes would be unreasonable, given that there has been no overriding material change in circumstances; there is no question of any planning problems with the proposed buildings; and the proposed density is not excessive and reflects densities on other rezoned sites.

Tenure Mix... Is it right?

Yes. The proposed indicative mix of social rented and first time buyer homes complies with the requirements of IP Policy H1. This will need to be agreed with the eventual social housing provider, but would, in any event, be guaranteed by conditions and planning obligation agreements attached to any forthcoming consent.

Layout and Place Making. How does it shape up?

From the outset and ever since, former Committees have been keen to improve the design quality of Category A housing developments on land zoned for the purpose in the Island Plan. To this end, the development briefs for this and the other sites make reference to emerging new guidance on design principles and standards for new residential development. This draft guidance is intended to expand upon and supplement the broad strategic policies contained in the Island Plan. The proposed design and layout for the site is in general accordance with the guidance, which is currently undergoing scrutiny.

The layout concept is similar in a number of ways to that of the award winning development at Poundbury on the western edge of Dorchester. There too, the architects have employed ideas such as continuous facades uninterrupted by drives and garages, car parking within internal courtyards, facades built on or close to the back-of- pavement line, high quality landscaping and good levels of surveillance over private and public realms.

The scheme (with the recommended amendments) takes on board many of the fundamental principles of good design, as promoted by the DETR, Cabe and others, in that:

- It will create a place with its own identity;

- It generally makes a clear distinction between 'public' and 'private' areas;
- It includes attractive landscaped public areas;
- It will be relatively easy to get to and move through;
- It has a clear image, which is easy to understand;
- Within the limits of the rezoning, the scheme provides a variety of accommodation types.

In general terms, the layout (subject to recommended amendments) should serve to:

- Help facilitate social interaction;
- Allow good surveillance over public areas;
- Help create a pleasant and secure environment;
- Help create an environment with more priority given to pedestrians;
- Provide homes which immediately give onto private gardens and attractive public areas;
- Allow for a proportion of homes to benefit directly from solar heat gain;
- Avoid undue prejudice to adjacent properties.

Is the external design of the homes acceptable?

At the outset of this project, the external design (form, elevational treatment, material, colours) of the homes was recognised primarily as the preserve of the architect. The development brief avoided unnecessary prescription or detail on such matters, and the relevant requirements related to housing types and sizes, and included:

- using a family of forms;
- simple treatment of external facades;
- careful attention to the detailing of building elements; and
- a limited range of wall and roof materials.

Clearly, the external design of buildings is a priority consideration for the new Minister who has instigated a design review in order to achieve more local relevance, albeit recognising that it is a late stage in the planning process. To this end, the resultant work has achieved some significant improvements to the block elevations. These now look to take more cues from Victorian terraced housing built for worker's families, which are common in St. Helier and First Tower. The proposed homes do not attempt to replicate this earlier domestic housing design and might best be described as a transformation of that design which looks to balance local character and originality.

The design revisions are shown in a supplementary document dated May 2006 and include *inter alia* the introduction / employment of:

FORM

- typical terraced forms;
- steeper roofs (40 degrees);

DETAIL

- clipped eaves and verges;
- cement coping at verges;
- more vertically proportioned windows;
- deeper window reveals;
- windows on gable ends;
- some window surrounds, lintels and sill details;
- plinth features;
- low front garden walls with railings for the blocks fronting the northern part of the loop road and other blocks along the southern and eastern development boundary;
- feature granite walls (with traditional details such as vertical curves and railings) at the entrance to the site and where the existing lane and trees are to be incorporated into the scheme;
- the Parish Crest (if acceptable to the Parish) or some other appropriate feature to be incorporated in the railings design.

N.B. there are also proposed alterations to the parapetted element of the Type 'E' units (including a low balustrade / handrail, render bands and scribing);

MATERIALS

- painted render walls (using earth colours);
- use of natural slate for the roofs;
- use of granite for feature walls.

N.B. It is also proposed to remove the eternit cladding and small porches/hoods over front doors where originally proposed. However, the Planning Application's Panel favoured retention of the hoods and this requirement is covered by condition.

The design treatment for gable ends has not been agreed and will be conditioned as a reserved matter.

The applicant is not prepared to consider the introduction of false chimneys where there is no functional need, simply for their visual / aesthetic qualities. Nor is this supported by the Department.

Has sufficient emphasis been placed on sustainability in design?

The development tries to encourage a sustainable approach to design, especially in areas such as energy efficiency and water conservation. A recent paper by local political representatives argues that only a minimal attempt has been made at addressing sustainability issues.

It is difficult to insist upon many sustainability measures at this time, in the absence of published planning policies with firm requirements. However, this is likely to change when the Island Plan is reviewed and supplementary guidance is eventually issued on the design of new homes. In the interim the Department can only encourage such measures and those relevant to the scheme include:

- The southerly orientation of most of the homes allowing for passive solar gain;
- Hot water units in the roofs of each home to allow for easy connection of solar hot water heating panels at a later date;
- The use of compact building forms (terraces) with low external wall to floor ratios;
- Rainwater harvesting through water butts for each home;
- Thermal insulation (to be covered by the Building Byelaws);
- Various measures to encourage use of sustainable transport modes (walking, cycling, bus travel);
- Extensive landscaping to enhance the character and ecological value of the marsh area;
- Retention of mature trees where possible and extensive new tree planting;
- Provision of open space and community facilities and the creation of a good quality and safe environment for people to live in.

Will the proposed development increase the risk of flooding?

No. Perhaps understandably, there remains considerable concern among local residents about the potential increased risk of flooding in the area and many are not convinced by, or do not trust the proposed mitigation measures (i.e. attenuation tanks for the housing site and a proposed new surface water pumping station).

From the outset, the Committee of the day recognised that flooding risk (& how it might be affected by climate change) is a material planning consideration that needs to be addressed both in relation to site selection and as part of the development control function. Consultations took place with the former PSD (Drainage Section) accordingly, which in turn established the need for flood relief measures as part of the overall development scheme. This is referred to in the Island Plan and also the approved Development Brief, which calls for the provision of a detailed report on flood risk and drainage issues by a suitably qualified independent consultant. It was a stated requirement that the flood risk report should

demonstrate that the proposed development would not be susceptible to future flooding and would not result in future flooding of existing property.

The applicant duly appointed Peter Brett Associates (PBA), an independent firm of consulting engineers to complete the work. The resultant PBA report was prepared by Paul Jenkin, an expert in flood risk management, in consultation with the former PSD (Drainage Section). The report addresses the existing flood risk, the impacts of the development proposals and the means of mitigation and takes on board UK Climate Change Forecasts.

It concludes / demonstrates that the development proposals will reduce the existing risk of fluvial flooding in the area, even when the impacts of climate change are considered. It is estimated that providing two surface water pumps with a combined capacity of approximately 1.0 cumecs would increase the threshold of flooding for the existing properties to the south from 1 in 180 years to 1 in 240 years if the climate remains as it is, and from 1 in 50 years to 1 in 65 years in the climate change scenario. Providing a third pump would increase the threshold of flooding to 1 in 90 years in the climate change scenario. The pumping station, therefore, will be a substantial benefit to the community, which will be constructed by the developer at no extra cost to the public.

The PBA report accompanying the application recommends that floor levels for the new homes are set at above 8.37 aOD at the downstream end of the housing site area and 9.01 aOD at the upstream end. This means the land that the proposed new houses are on would not be at risk of flooding during a 100 year event in the climate change scenario (I.e. what they suggest is the standard industry norm). However, they also confirm that, in fact, these levels would be above the 200 year plus climate change flood level.

The proposed surface water pumping station is being designed by Transport and Technical Services (Drainage). The specification for the pumping station (*see Appendix 24*) proposes the initial installation of 2 no. pumps with a maximum combined pumping capacity of up to 1000 l/s and allowance for a third pump, to allow for the Climate Change Scenario. Level detectors in the station will record any rising of water level in the station sump and activate the pumps as and when appropriate, which will discharge water through a rising main to the sea. The aim will be to keep the water level range in the marsh to between 6.0m aOD and 6.6m aOD in accord with PBA recommendations so as to maintain its ecological character whilst reducing the risk of flooding to adjacent properties.

The on-site sw attenuation system (including the storage area under the village green) is to be designed to ensure that the peak discharge rate from the housing site to the watercourse will not exceed the existing run-off from the fields (i.e. so that the existing situation will not deteriorate as a result of the new development). The details of the design will have to satisfy Transport and Technical Services drainage engineers.

In reality, if the application is approved subject to the recommended planning conditions and obligations, there will be no substantive risk to the proposed new homes and there will be substantially less risk to existing properties to the south of the site.

Should the specification for the attenuation tanks be increased?

A recent report by local political representatives argues that the specification for the attenuation tanks needs to be increased, from more than just dealing with a 1 in 10 year event, based on recent weather extremes of greater magnitude (e.g. storms of December 1999 and winter of 2000/2001) and to take account of water saturation in situations where there are consecutive days of continuous rain.

Transport and Technical Services (Drainage) have responded and do not believe that the specification for the attenuation tanks needs to be increased to deal with more than a 1 in 10 year event (*see Appendix 24A*).

The developer has stated that he will be designing the surface water drainage network in accordance with the standard design guide in the UK (WaterUK/WRC 'Sewers for Adoption' – 5th Edition) which is used in large part in the Island. TTS drainage engineers

argue that compliance with the guidance will ensure that, although the attenuation tank will be sized to accommodate a 1 in 10 year event, protection will actually be provided for a 1 in 30 year event (as recommended in the design guide). This is because the pipes and manhole chamber will be oversized and the additional volume can be utilised (when the volume of the attenuation tank is exceeded) to ensure all flows up to a 1 in 30 year event are contained below ground.

Can the findings of PBA on drainage and flooding be trusted?

Yes. PBA are independent consulting engineers involved in a wide range of engineering, environmental and transportation projects. Established in 1965 PBA is a partnership and, therefore, independent of shareholders and the stock market. The company works mostly in the UK, has some 500 staff and prides itself on honesty and integrity and the relationships built up with its clients, regulators and the community. The evidence suggests that the company and its lead consultant Paul Jenkin are suitably qualified and competent consultants who are able and obligated to give expert, objective and independent professional advice in relation to flood risk assessment and flood alleviation works. They are also fully aware of the reliance being placed on their advice.

Paul Jenkin's CV is included in *Appendix 25*. Although employed by the developer, he remains bound by a code of ethics as a Chartered Engineer, which does not allow him to knowingly advance the needs of his client's to the detriment of the environment or society.

It should also be recognised that in addition to Paul Jenkin, both the former PSD (Drainage Section) and Stephen Ross Gower (N.B. with 25 years of experience in designing drainage proposals locally) has been actively involved throughout the application process.

Should the development be scrapped on the basis of the recently expressed views of the UK Environment Agency and/or UK guidance on 'development and flood risk'?

No. A recent media article referring to comments by Deputy Mezbourian called for the development to be scrapped because the UK Environment Agency has said that planning authorities should not approve any new development on flood plains or in areas where flooding is a known risk. This call ignores the history of the site in relation to the flood risk issue, the detailed information provided in support of the application and the benefits which will arise for existing residents as a result of the proposed surface water pumping station.

A report was prepared for the Minister on this issue, which includes an analysis of current UK supplementary guidance on 'development and flood risk' and the proposed revisions which gave rise to the Environment Agency's comments (*see Appendix 26*). It concludes that there will be no substantive risk of flooding to the proposed new homes and significantly less risk to existing homes to the south of the site. The generalised comments of the Environment Agency offer no grounds for scrapping the scheme in question.

More recently, local political representatives have reiterated concerns about the acceptability of the site for development, in the light of existing UK supplementary guidance on 'development and flood risk' (PPG25) and, particularly, the draft guidance intended to replace it (PPS25). They ask that if the guidance were applicable to Jersey, would the site still be regarded as appropriate. The UK guidance looks to encourage development in lower risk areas by applying a 'sequential test' in site selection. The test only permits development in areas of flood risk where there are no suitable alternative sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding. These representations prompted the Minister to ask PBA whether, in the circumstances, they were happy that their advice remains appropriate.

Of course, the representations are hypothetical in that the site has already been zoned after a comprehensive site selection process; the UK guidance does not apply to Jersey; the new UK guidance is only in draft form; the drainage issues have been highlighted in the Island Plan and the development brief; and it is for the applicant to satisfy the identified requirements in relation to drainage and flood risk through the application process.

Notwithstanding this, PBA have responded to the Minister as follows:

“Both PPG25 and PPS25 advocate a sequential test to prioritise lower risk sites for development. The majority of the proposed site lies in the lowest risk category and would therefore be suitable for development. There is a smaller area which would be within the existing floodplain area which is to be raised as part of the development proposals. This will place all of the proposed development outside of the high risk zone. The proposed mitigation scheme will ‘compensate’ for this lost flood storage and also provide some reduction in flood risk to existing properties. Whilst the marshes are clearly at high risk of flooding the majority of the site is at low risk and would therefore be supported by both PPG25 and PPS25 in flood risk terms”.

How and when will the proposed SW drainage works be implemented?

Although the basic principles of the surface water drainage proposals for the controlled disposal of surface water from the development have been agreed with Transport and Technical Services drainage engineers, the applicant will still need to submit details for approval. This requirement will be the subject of a planning condition and will also be covered by the Building Byelaws. The detailed design work for the sw pumping station (to be undertaken by Transport and Technical Services) and its construction will be the subject of a contract with the developer. The funding of the construction work on the Pumping station and 15 year’s maintenance will be provided by the developer through a planning obligation.

There will be a condition on any permit that the flood mitigation measures are put in place and operational prior to the commencement of the housing development.

Why does the flooding assessment make use of data from a UK site? Does the standard modelling approach adequately reflect local conditions?

One resident and a present day Deputy have queried why a UK site has been used for computer modelling purposes in the PBA flooding risk assessment, as opposed to conducting and using a full hydrological survey of the Bel Royal catchment and obtaining more accurate site specific calculations. On a similar theme, another representation suggests that difficulties can arise from using a standard approach to modelling flood risk *“because it does not take account of local conditions”*. Following a recent meeting with local political representatives, the Minister has sought confirmation from PBA that they remain satisfied that the techniques employed to model flood risk are not defective and adequately reflect local conditions.

The flood model of the development area and its surroundings was developed using local rainfall data, replicating the volume of water entering the area, the volume of water leaving the area and the amount of water storage within the area. At the recent public meeting, PBA’s expert on drainage explained that the ‘Gillam Catchment’ in Cornwall was selected as an analogue catchment and used for modelling purposes, because of its close similarities with the ‘Bel Royal catchment’. He went on to explain that the standard handbook for flood estimation was used, under standard UK procedure, which allows for gauged catchments to be applied to other similar sites in order to obtain a hydrograph for a particular site.

In their reply to the Minister, PBA state:

1. *“The use of rainfall runoff modelling is a standard procedure for using catchment characteristics (size, slope, soil type etc) to produce a ‘Unit Hydrograph’ which gives the response of the catchment to a standard pulse of rainfall (usually 10mm). Local rainfall data (or statistically derived data where local data is not available) is then used to produce a design rainfall hyetograph (variation of rainfall with time) for the given return period 20yrs, 50yrs, 100yrs etc. The unit hydrograph and the rainfall hyetograph are ‘convoluted’ to produce a design flow hydrograph (variation of flow with time) for the catchment. Thus, rainfall runoff modelling has been used which is a standard practice throughout the world, but it has local rainfall data to ensure that it is representative of local conditions”.*
2. *“With regard to the modelling undertaken by PBA I am satisfied that it represents*

the most detailed appraisal of flooding which could be undertaken given the available data and the time available to undertake the analysis. The explanation above hopefully demonstrates that although a standard methodology has been used it has been tailored to local conditions”.

Why does the Flood Risk Analysis make use of average levels for tidal ranges rather than the top end of tidal ranges?

This question has been raised by local political representatives. PBA’s response is as follows:

“I think that the political representative may have misunderstood the nature of the tidal boundary conditions. We have used the tide levels provided by PSD which make allowance for surge. Although not fully qualified we have assumed this to be the ‘design tidal level’ which I have discussed with PSD in the past. This level has been adjusted to Ornanse Datum and applied to a harmonic boundary to give the full tidal cycle. We have adjusted the timing of the tidal event such that the peak of the tide coincides with the peak of the fluvial event to give a worst case.

It is noted that wave overtopping does occur in this location and it was never the intention to ignore this. However, with the data currently available it is difficult to quantify the volume of overtopping.

For the purpose of this analysis it is concluded that the development proposals will not affect the tidal levels or wave heights and as such the volume of wave overtopping will not change. Having said that, the construction of the surface water pumping station will allow this water to be returned to the sea thus reducing flood levels in the marshes relative to existing conditions.

Combined fluvial and tidal flooding problems are fiendishly complicated and introduce the inherent problem of joint probability. That is to say that by definition the probability of a 1 in 100 year fluvial event and an extreme tidal event and the synchronicity of peaks must exceed the individual probabilities of each single event.

Thus, using the combination of the above as a single event is by its nature precautionary”.

Who will maintain the surface water pumping station? What happens if it breaks down? Who will be responsible for future flooding of property?

Although the capital costs of the pumping station will be met by the developer, it will be handed over to Transport and Technical Services to own, manage, operate and maintain, and this will be covered by a Planning Obligation Agreement (POA). As part of the POA, the developer will be required to pay a commuted sum to Transport and Technical Services to cover the cost of both maintaining the station for a period of 15 years and replacing the pumps. Thereafter, the cost of maintenance will revert to the Public. This is typical of the arrangements usually made with the former PSD for pumping stations (*N.B. The maintenance cover reflects the fact that the pumping station provides for a significant public benefit to the area and not just the development. Where the developer is the only direct beneficiary the required commuted sum would be increased to cover a period of 20-30 years*).

There are standard maintenance measures for Transport and Technical Services’ surface water pumping stations and also failsafe measures in the event of breakdown. There will be duty / assist pumps installed, which would minimise the effect of any pump failure. All such stations are visited and checked regularly by trained Transport and Technical Services personnel, usually every other day, and maintenance is carried out as and when necessary. The proposed station will also have a telemetry link to the main control centre at Bellozanne Incinerator, which is manned 24 hours a day. Various alarm signals will be built into the telemetry link, which will warn of potential problems and will register at the main control centre in real time. Duty officers are on 24 hour standby and will be called out immediately in the event of a problem occurring. This leads the PBA ‘Statement on Flooding and

Drainage' to conclude that *"any potential failure or maintenance requirements could therefore be adequately managed"*.

As explained earlier, the pumping station will reduce the risk of flooding in the area, but it cannot completely remove all risk of flooding to existing properties in the future (N.B. No flood reduction scheme would ever completely eliminate flood risk). In this instance, the risk would be minimal. It would have to involve a total electrical power failure where none of the pumps can operate for a significant period of time (a rare event!) and this would have to coincide with heavy rainfall and tide-locked conditions. It should also be born in mind, however, that were this to occur, the risk of flooding existing properties would not be much more than it would be in a 'no scheme world', because of the attenuation measures planned for the housing development.

Who is held responsible for future flooding of existing properties will depend very much on the circumstances. The Solicitor General has previously given advice to the former Committee as to its potential liability in the event of such an occurrence. It would seem from that advice that the Minister could only be liable if proven to be negligent (e.g. it permits development on a site which cannot be drained to avoid flooding; or it permits development knowing there is another better method of drainage which would have avoided the flooding).

What about insurance for existing and proposed property owners?

Although the issue of insurance with regard to flood risk for existing properties has been flagged up by some residents, such concerns fail to acknowledge that the risk of flooding will be reduced as a result of the development. Nor do they acknowledge that if the sw pumping station fails, it would not pose a significant additional threat to existing properties than exists at present, given the nature of the sw drainage system designed for the housing site.

With regard to the proposed homes, the Association of British Insurers (ABI) currently recommends that any new properties that could be at risk of flooding should be constructed so that the floor levels are above a 1 in 200 year event, including allowance for 'climate change'.

Most of the proposed homes will be well in excess of this, or any predicted flood level. However, in its amended 'Flood Risk Report' PBA has confirmed that the proposed floor levels of the homes on the lowest part of the site *"would be a minimum of 150mm above the 200 year plus climate change flood level"*. The floor levels for all the new homes, therefore, exceed ABI guidance which has been agreed by a well known local insurance company, as follows:

"I can confirm that normal terms, other than for proposer history, convictions etc that you mention, would be offered in respect of the new build residential units on the proviso that the construction and associated work is undertaken in accordance with the measures proposed in the aforementioned report i.e. the floor levels exceed those specified as minimums and the water pumping system is installed to an adequate specification. All to exceed the ABI guideline limits".

Should the holding ponds be constructed up St. Peter's Valley first?

No. A number of requests for Capital Funding to construct impounding ponds up St. Peter's Valley have previously been made by the former PSD as part of the Capital Bid process, but funding has not been forthcoming. However, Transport and Technical Services engineers have confirmed that the construction of these impounding ponds is not the solution to reducing the risk of flooding in the marsh. Even if constructed, the flow of water arriving at the marsh will be the same. The main purpose of the impounding ponds would be *"to hold back as much as possible, the excess water that arrives at Sandybrook that currently can't get through the culvert there. This will reduce the risk of flooding at Sandybrook"*.

Is there a better location for the Pumping Station?

No. The most beneficial position for any such station is nearest to the outfall, as it only has

an effect on upstream areas. If, for example, the station was located adjacent to the proposed housing, all the marsh area to the south would have to be flooded before the water level would be sufficient to trigger the station pumps. The pumps would not impact, therefore, on the floodwaters downstream.

Originally, it had been proposed to site this at the bottom end of the marsh (Field 863A), but this would have required a much larger structure, similar in size to a house. More pressure and therefore more height would have been required to pump the water to sea. This alternative naturally drew opposition from those local residents whose aspects were most affected and who were worried about potential noise intrusion.

It is now proposed to construct the station in the public car park to the south of the Perquage Walk on the sea-side of La Route de la Haule. Its location on public land at the west end of the car park is the optimum location in the view of the Transport and Technical Services' Drainage Section. The pumps will be below ground and the only visible structure above ground will be the housing to accommodate the electrical control panels and telemetry monitoring for the pumps. This will be a flat roofed structure in the NW corner of the car park and measures approximately 3.5m x 5m x 2.9m high. It is end on to the road to reduce its visual impact and will, with its 'clearance zone' involve the loss of 3 or 4 existing parking spaces. The Parking Control Manager at TTS has indicated that the developers should pay a commuted sum of £8,000 to cover the permanent loss of 4 parking spaces and that there would be an additional charge for the loss of any spaces during construction. This can be addressed in the required planning obligation agreement.

It is recognised that the design of the pumping station will need to take account of the overtopping of the sea defences in the area due to wave action.

How can it be ensured that the construction of the SW pumping station and the operation of its machinery does not cause noise or vibration nuisance to neighbouring property?

As inferred above, the SW pumping station is being designed by Transport and Technical Services (Drainage) and is to be constructed entirely underground (with the exception of the electrical control equipment and telemetry monitoring). Transport and Technical Services has advised that once the station is commissioned, noise from it should not be discernable.

They have also previously advised that *"noise is an inevitable consequence of nearly all construction operations, but in common with our usual practice, measures will be incorporated in the contract, with guidance from the Health Protection Department as necessary, to ensure that noise generation is kept to a minimum during construction"*. This contract will deal with other issues such as vibration, dust and vehicle movements.

Will there be increased wear and tear on the brook running through 'Brookside'?

No. Transport and Technical Services' drainage engineers have indicated that this is not really an issue, because much the same volume of water will still be flowing through the brook, when one considers the overall catchment that feeds into the Perquage watercourse.

Who will maintain the Perquage Brook and the watercourse between it and Les Marais Avenue?

Although Transport and Technical Services do not own the Perquage watercourse, they do formally maintain it, in the sense that they aim to ensure a free flow of water is maintained. Accordingly, they will continue to regularly inspect the brook and the outfall for the foreseeable future. However, responsibility for maintaining the fabric of the watercourse (e.g. banks, channel) rests with the land owners. It has been established by the States of Jersey Law Officers that the other watercourse, which runs to Les Marais Avenue is the responsibility of the field owners immediately to the north. In the circumstances, it is reasonable to require the developer to arrange for that part of the watercourse which it owns and the ditches which feed it to be cleaned out as part of the POA.

In any event, the Minister for Transport and Technical Services has the power under Article 2 of the Drainage (Jersey) Law, 1962 to maintain a watercourse should it so desire. Furthermore, under Article 5, it can require the owner of the water course to undertake proper maintenance.

Will there be damage to the beach where the outfall issues from the pumping station?

Unlikely. There is some concern that a greater volume of water at more frequent intervals will result in a wider and deeper spread of water. However, the pumping station will predominantly operate during high tide periods when the outfall is tide-locked.

Have the cumulative effects of developments around the marsh been taken into account in addressing surface water drainage requirements?

Yes. The Deputy of St. Peter has previously raised this issue with the Department and made particular reference to the development of the L'Hermitage Hotel site. The L'Hermitage development is incorporating a number of very large attenuation tanks, which will restrict the maximum flow from the site to no more than what previously discharged into the watercourse to the west of the marsh from the property. In essence, the status quo is being maintained.

The application in question is adopting a similar principle with respect to the Perquage watercourse. However, as inferred above, it also includes a pumping station, which will minimise the flooding that currently occurs in the low lying fields adjacent to the Perquage.

Will the requirements of the 'Flood Risk Assessment' in relation to ground levels cause problems associated with the need for land fill?

They shouldn't. The floor levels recommended by the PBA 'Flood Risk and Drainage Issues Report', referred to earlier, will necessitate a significant amount of fill for the lower parts of the proposed housing site. Initially, for the original application, the intention was to import some 48,900m³ of fill material from several other development sites. This is comparable with the 50,000m³ of fill proposed at the 'Trinity Land Fill Site' and would have required in the region of 8,800 lorry loads.

Concerns about the nature and scale of the proposals for importing fill, led the previous Committee, during its interim consideration of the application, to conclude that the proposals were wholly unacceptable. The applicant's revised application obviates these concerns, by avoiding the development of homes on much of the lower ground and adopting a "cut and fill" approach across the site. This will effectively involve scraping material from the higher parts of the site and using it to raise the lower parts, in addition to creating acoustic mounds and capping bridle paths.

PBA's latest 'Waste Management Report' concludes that the required levels can be achieved by balancing the existing ground material on the site. Any permit would be conditional upon the submission of detailed figures and drawings which will demonstrate more accurately how equal ratios of cut and fill materials will be achieved.

There will effectively be no need to import fill material for general earthworks. Indeed, it will only be necessary to bring in fill (approx 6605m³) for engineering purposes as is normal for all housing developments (e.g. slab construction and strip footing for houses and sub-base materials for roads, footways, car parking and drainage trenches).

The cut and fill exercise and any material brought on site will be governed by the terms of the 'waste management report' (in relation to environmental controls etc) and any permit would be conditioned accordingly.

Is water being wasted? Why is the rain water being allowed to run to the sea?

The approved 'development brief' calls for water saving measures. No specific measures

feature in the application drawings, but the applicant has confirmed that, as recommended, water butts will be provided for all the homes to enable rainwater harvesting. This requirement would be the subject of condition attached to any forthcoming permit and should save a lot of expensively treated tap water from being used to irrigate gardens etc.

On a more general level, Jersey Water currently has two good extraction points in the catchment at Tesson and La Hague. Water is pumped from these points to the reservoirs at Val de la Mare, Queen's Valley and Handois. The company can take up to 4 million gallons per day. Indeed, it could take everything in Summer, but it recognises the need to retain a flow in the brook for environmental reasons. Jersey Water has no plans to increase the water take.

It should also be born in mind that when the reservoirs are full, the water in the valleys is not required for and cannot be stored for the public water supply. It will, therefore, flow to sea.

Will the foul drainage system in the area be able to cope with the increased load from the new development (and the cumulative impact of other developments), or will there be overloading and sewage spills?

The system is adequate. Some residents are concerned that the sewerage system will not be able to cope with the increased load from this development and others in the area (notably L'Hermitage development). They cite previous sewage spills that have occurred in the marsh.

The foul flow from the L'Hermitage development will discharge into the system feeding Beaumont Pumping Station and the flow from the application site in question will be into the gravity system leading from First Tower, downstream of the Beaumont Station. In its 'Statement on Flooding and Drainage', PBA confirm that this system "*has adequate capacity to cater for the additional flows*".

The previous problems occurred because the two systems were linked in such a way as to enable the build up of water level in the gravity system along the sea front to First Tower, resulting in 'back flow' under certain circumstances into the Beaumont System. This, combined with the ingress of surface water into the Beaumont System, resulted in the previous sewage spills during extreme rainfall.

Transport and Technical Services (Drainage) has confirmed that:

- It has carried out remedial works (e.g. removal of surface water from the Beaumont System and tide flaps at Beaumont outfall), which will prevent 'back flow' between the First Tower and Beaumont systems;
- There is now sufficient capacity in the Beaumont foul system to take additional flows from the proposed housing developments in the west of the Island;
- The discharge from the application site into the First Tower gravity system will not have any detrimental effect on the Beaumont system or the marsh.

The future management, operation and maintenance of the foul pumping station will be the responsibility of Transport and Technical Services, who will be gifted the station by the applicant under a clause of the POA. The applicant will also have to provide a commuted sum for maintenance and pump replacement.

As alluded to earlier, Transport and Technical Services (Drainage) has confirmed that the basic principles for the proposed disposal of foul water from the proposed development are as it has agreed with the applicant.

Other detailed queries on drainage

Local residents have raised a number of other specific queries in relation to drainage and flooding which have been forwarded to TTS drainage engineers for comment (*see Appendix 27*). These have been addressed comprehensively by TTS (*see Appendix 28*).

Will the development lead to social problems?

Whilst public safety and its perception is a material planning consideration, there is no objective evidence offered or substantive grounds made to suggest that young people who would grow up in the development would engage in anti-social behaviour. Indeed, it could be argued that the development of affordable homes will go a considerable way to solving social problems.

A major plank of the opposition to the proposals is that the scale of the proposed development and the number of family homes will lead to social problems for the existing and proposed residents (notably associated with the activities of large groups of youngsters) and that to avoid such problems no estate should be greater than about 45 homes. They suggested that this view is held by persons and bodies involved in the eradication of poverty programme. The fear of large gangs of youths, intimidation, vandalism, graffiti etc are common themes among objectors, notably since the issue was brought to prominence by a former Connetable at the second public meeting in November 2004. Some representations make comparisons are made with the social problems on large estates of the 1960's and early 1970's.

Whilst the fear of crime and antisocial behaviour are real concerns for local residents, as they are for the Island community as a whole, and can give rise to genuine anxieties, little evidence is offered in support of the above assertions. Interestingly, reports from the 'Coordinating Committee for the Eradication of Poverty' emphasise the important role of providing adequate housing in overcoming problems of poverty and hardship and other social problems, which can lead to under achievement at school, social dysfunction and/or crime. Indeed, its report on 'Housing and Poverty in Jersey' refers to adequate (i.e. affordable and suitable) housing as a basic human right and promotes significantly increasing the supply of homes, including the rezoning of green field sites. In support of this, it suggests increased housing density on brown field sites (e.g. previously developed land in town) can lead to social problems. It also points to anecdotal evidence of increasing numbers of young people leaving the Island in order to be able to afford to become owner-occupiers.

It can be argued that the proposed development will play an important part in reducing social problems in the Island and promoting social well-being. It can do so by providing:

- affordable rental and first-time buyer family homes with adequate internal living space, garden space and privacy;
- a good quality, healthy, comfortable and attractive environment (an environment where people can feel they belong);
- a safe environment that takes account of 'Secured by Design' / crime prevention principles;
- social facilities including: a village green, children's and teenagers' play/recreation areas, a community building and a large public amenity area;
- homes on a site that is accessible to certain local facilities, public transport and the main cycle route to town.

Comparisons made with failed estates of the 1960's and early 70's do not stand scrutiny. There are various examples in Jersey, but these bear no comparison to what is being proposed. One such example is the former Elysee Estate. The social problems associated with that estate stemmed principally from a combination of generally poor standard accommodation, a poor quality external environment, a very large number homes (185) comprised solely of States rental units crammed in at high density (100 hra), social exclusion and a paucity of amenity provision. During the same period in the UK problem social housing developments tended to be those comprising 1000 dwellings or more.

The fear of crime and anti-social behaviour by young people expressed by local residents is an increasingly commonly held view throughout the Island and young people often get labelled as trouble makers. In reality, most young people are generally law abiding and it is a minority whose behaviour causes problems. The reasons for this are no doubt complex and might include factors such as low income poor housing, a natural tendency to be hyperactive, poor parental supervision etc. Many of these problems and their causes will

need to be addressed on an Island-wide basis. However, there seems no reason to suppose that young people living in the proposed development will be especially disposed to undue anti-social behaviour. Of course, young people will always 'hang around' in groups, but the situation in this instance will be helped by a housing environment which meets recognised principles of good design, specifically addresses issues of crime prevention and provides recreational opportunities for young people, in addition to the relative proximity of the site to town.

It is anticipated that the proposed development will include a reasonable cross-section of people from all parts of the Island community. A good local example of a larger mixed development of first-time buyer and social rented homes is the Belle Vue development at Les Quennevais.....a development where there appears little evidence of social unrest.

The personal opinion proffered in the latest response from the Police that all estates have the potential to become trouble spots is addressed below.

Should planning obligations be used to secure funding for the provision of CCTV systems and TETRA radio repeaters at the site?

The Police are suggesting that "planning obligations" be used to secure money from the developer for the provision of CCTV cameras and Police/emergency services radio communication infrastructure (i.e. a TETRA radio repeater) in association with this application and another live Category A housing site at Field 40, St. Clement. No doubt a case can be made for the use of CCTV cameras in potential trouble spots in town centre and other urban centres, where crime rates are relatively high, as part of an integrated approach to crime prevention. However, their use in peripheral housing developments raises some fundamental and contentious strategic issues about the role of the State and the nature of policing. These issues go far beyond the processing of this application, and are far wider than the land use planning process. There could be many who would consider such measures to be intrusive and a restriction on personal freedom and, no doubt, it will lead some to recall George Orwell's 'Big Brother is watching you' slogan. In any event, the matter will probably require public debate.

With regard to the application in question, although personal safety and reducing the risk of crime are a material planning consideration, the recommended introduction of CCTV cameras is not considered to be reasonable or justifiable in planning terms, in that:

- It is based on an unsubstantiated and sweeping supposition that the development "*in the fullness of time has the potential to become a trouble spot like any other estate*";
- The development has been designed to create a safe environment and take into consideration 'secure by design' principles, specifically in order to reduce the risk of crime to persons and property, in consultation with the Police;
- Well designed spaces will always be the best form of crime deterrent;
- CCTV cameras are not considered necessary to make the development acceptable in planning terms;
- CCTV cameras would in effect be an admission of failure of the design process and would create a negative image, which would in turn, affect people's perception of the area;
- CCTV cameras would be regarded by many as an unnecessary intrusion into their personal lives as they and their families go about their everyday business in their own home environment;
- CCTV cameras have not been required on other Category A housing developments;
- The recommendation for CCTV cameras has come very late in what has been a protracted planning process for the site;
- Likely obligations should be made clear to the developer as early as possible in the planning process;
- There are numerous other commitments to planning obligations in association with the application;
- The recommendation for CCTV cameras would not meet all the identified 'tests' which determine whether an obligation is appropriate, under approved

supplementary guidance.

It should also be noted that, in any event, this will not be a priority location for Police monitoring activities and there would be operational restrictions in the levels of monitoring which could take place.

Some of the above points will also apply to the recommendation for the enhancement of Police communications, which is regarded essentially an operational matter for that body.

Implications for Road Traffic – will the development give rise to unacceptable traffic problems?

Residents are concerned that the development, combined with other developments in the west of the Island, will increase traffic congestion along the valley road (which they claim is already overloaded) to unreasonable / unacceptable levels. Some have estimated that the development will lead to a potential increase in peak hour traffic of between 200 and 250 vehicles (N.B. Figures which are over-simplistic and grossly exaggerated).

When inviting the application, having considered the earlier scheme for 150 homes, the former Planning Sub-Committee did have serious concerns about the increase in traffic which would occur. However, it also recognised that this is part of a wider problem facing the Island, given that most of Jersey's main roads have little spare capacity. At a general level, especially if the number of new homes on the Island is to increase, it is necessary to pursue and implement effective sustainable transport policies on an Island-wide basis, so as to reduce traffic generation rates. It is to this end, among others, that the former Environment and Public Services Committee was instrumental in formulating the 'Sustainable Travel and Transport Plan' - a draft strategy for public consultation.

Of course, the proposed development (and others in the west) will introduce a significant amount of traffic onto the Valley Road and a 'transport assessment' involving traffic modelling has been carried out by PBA to help assess the likely impact. As the road itself does have spare theoretical capacity, the critical aspect of the assessment relates to the junctions further east along La Route de St. Aubin at both ends of Rue du Galet, where the traffic impact would be greatest.

It could be argued, with regard to general traffic considerations that, as the land has already been deemed suitable per se for housing purposes and access is onto a Class A distributor road, it is not reasonable to inhibit otherwise sensible and desirable development simply because the States / highway authority has not acted to sufficiently improve the efficiency of the road network (i.e. either through road improvements and/or the implementation of a successful sustainable transport strategy). Taking this theme further and on the basis of their assessment, PBA conclude that the traffic impact of the proposed development of 129 homes will be negligible compared to a theoretical development of 97 homes, as indicated in the Island Plan. They also conclude that:

- Although the junction at the south end of Rue du Galet is currently operating at capacity during the AM peak period and close to capacity during the PM peak period, the proposals will result in little additional queuing;
- Although the junction at the north end of Rue du Galet is operating close to capacity during the AM and PM peak periods, the proposals will result in minimal additional queuing;
- The level of vehicular trip rate is likely to reduce as the demographics and travel patterns of the development change;
- The development provides some benefits in the form of footpaths and bus stop facilities, which offer feasible alternatives to car use;
- *“Any negative traffic impact that may occur will be offset against potential benefits to the wider area, the Island's need for housing and the potential to build upon the sustainable transport opportunities that are prevalent in this location.”*

Transport and Technical Services has previously advised that a development of 140 homes, as proposed in the original application, should not be accepted on traffic impact grounds.

In its response to the transport assessment (*see earlier and Appendix 7*), the Transport and Technical Services Department has taken into account the likely traffic generation from other sites in St. Ouen and St. Peter. It generally concludes that the St. Peter's Valley road network can accommodate the projected increase in trips during off-peak times. However, it also suggests that in peak hours the levels of congestion will increase / worsen at the junctions at the northern and southern ends of Rue du Galet. It describes the likely increases in congestion at the northern junction as "*very significant*" and at the southern junction as "*less significant*", but argues that this is likely to result in longer peak periods, rather than noticeably more congestion in the present peak periods.

Transport and Technical Services emphasises the importance of encouraging more sustainable forms of transport and reiterates the arguments in favour of the site in this respect and, particularly, the proximity of the school, other facilities, bus routes and cycle routes.

Having regard to the above and in recognition of the lack of spare capacity on the existing bus routes along the Valley Road, it recommends on balance that the developer funds two additional peak hour buses (potentially the equivalent of 60 car trips) over a five year period.

N.B. An agreement was reached between a former Parish Deputy and the former PSD to undertake a separate "holistic review" of the need for pedestrian crossings of various types linked to speed-limit controls along the Valley Road (i.e. extending from Bel Royal Corner to the junctions with Sandybrook Lane and Rue de la Blanche Pierre). It is understood that this review will be in connection with an initiative to provide safer routes to Bel Royal School and would be conducted as soon as resources are available.

Will there be a significant traffic impact on Rue Craslin?

Many residents argue that the development will significantly increase traffic in Rue du Craslin (Sandybrook Lane and Rue du Moulin).

This is already a busy and potentially dangerous road which is used as a rat-run during peak traffic periods. Furthermore, given the existing problems and the level of concern, no doubt a case can be made why the Highway Authority (the Parish of St. Peter) should undertake a traffic study, in consultation with local residents. The objectives of such a study could be to achieve a safer environment with less through traffic, whilst maintaining adequate accessibility to local properties.

However, the PBA 'Traffic Assessment' quantifies the expected additional traffic on Rue Craslin as a result of the proposed development and shows this to be low with a negligible impact. This is because the majority of generated traffic will be to and from the south of the site (St. Aubin's Road) and north and west bound traffic will have a number of routes available other than Rue du Craslin (e.g. Le Mont Fallu, further up the Valley Road, provides another alternative for those travelling west to the Airport or Les Quennevais).

Transport and Technical Services have also concluded that the small traffic increases quantified in the 'Traffic Assessment' "*should not be noticeable*".

Should a bus stop and retail unit be included within the development?

This has been recommended by Health Protection to promote sustainable transport and minimise the need for short car journeys.

The scheme will provide easy access to the bus routes along the St. Peter's Valley Road and planning obligation agreements will be used to fund the provision of bus shelters on inbound and outbound lanes to and from town. As alluded to above, it is also proposed to require the developer to fund two additional buses at peak times. This should all serve to promote sustainable transport in any event. The road layout in the housing development will allow buses to access the development site, but whether this happens will essentially be a decision for the bus operator, in consultation with the highway authorities and future residents.

The provision of a retail unit is not a requirement of the development brief and cannot reasonably be required at this late stage in the planning process.

Siting of Vehicular Entrance/Exit and Associated Works – is it appropriate?

Yes. The siting and arrangement of the proposed vehicle entry exit point (including the associated road widening works, the provision of a pavement extension to Rue de la Blanche Pierre, the installation of a pedestrian crossing refuge and visibility splays) is generally in accordance with Transport and Technical Services' requirements. There will be a requirement for more detailed drawings and a slight amendment to the siting of the proposed pedestrian refuge and these matters can be dealt with by conditions.

Originally, PSD's optimum location for the access was further to the west. However, in response to resident's concerns, the developers have acquired land to the east, which has enabled it to move the junction further from the Rue de La Blanche Pierre junction and allowed for the diversion and incorporation of the existing track.

The new footpath and crossing facilities (as modified) will be a major benefit to pedestrian movement and highway safety.

Should there be a footpath exit onto Sandybrook Lane?

Some residents have previously expressed concerns that the drive exit from Le Perquage Flats is already dangerous, because of the high volume and speed of traffic using the Valley Road and exiting down Sandybrook Lane. They contended that children suddenly appearing at the exit on bikes or on foot will add to the hazards.

Since then, the Sandybrook Lane junction has been subject to road amendments to reduce traffic speeds and improve safety.

Transport and Technical Services traffic engineers consider that the footpath link to Sandybrook Lane will improve the situation for school children and pedestrians wishing to travel from Sandybrook to the local school or other destinations to the east. They, therefore, remain supportive of the footpath link, as requested in the development brief.

Any forthcoming permit will include a condition for the installation of "chicane" barriers on the path at the drive exit.

Parking Provision – is the amount provided adequate?

Yes. It essentially complies with the requirements of the development brief both in total numbers, and in terms of the distribution of spaces serving each separate group of homes, provided an additional space is included in 'parking zone 5'.

Some residents have suggested that there is inadequate provision made for the residents and visitors and, notably, to accommodate future requirements when children reach 17 years of age.

From the outset of dealing with sites zoned in the Island Plan, former Committees have encouraged designs and layouts which offer opportunities for reduced parking provision. This approach has been based, in part, on recognition of the need to discourage car dependency, to avoid the unnecessarily large amount of valuable land given over to vehicle parking, and to discourage car-dominated housing developments. The application site is well suited to this approach given the relative proximity to town and the accessibility to public transport corridors, the main cycle route to town and various community facilities.

The applicants in this instance have gone for a flexible communal parking arrangement to allow for minimised parking provision. Stated minimum parking requirements for the site initially allowed for 2 spaces per family unit, but these were later altered to the equivalent of 2 spaces per family unit for residents (1 to be dedicated) and visitor parking of 1 space per 5

units.

The proposed resident and visitor parking provision for the housing site (302 spaces, or 277 spaces excluding the amenity area parking) exceed the stated overall minimum requirement (283 spaces). Amendments have also been made to the scheme to ensure sufficient, readily accessible and convenient spaces for each building group, to meet the requirements. The required one additional space can be addressed by condition (see the 'Planning Appraisal Report' for details).

Why doesn't the parking provision meet published guidelines?

A few residents have questioned why parking provision is not in accordance with the current published parking guidelines set out in Planning Policy Note No.3. These guidelines were approved in 1988 and their usefulness as a guide to what might be regarded as acceptable space provision in new housing developments has been increasingly called into question over the years. They were formulated when the States was effectively operating a 'car accommodation' transport strategy and the general desire was to meet the maximum potential demands of car users. As a consequence, these guidelines are demanding and have:

- had a significant influence on the way people travel;
- resulted in a very large amount of space being given over to vehicle parking in new developments; and
- often led to the creation of car-dominated housing environments.

In more recent times there has been a general recognition that the demand for car travel cannot continue to be absorbed by the Island's urban fabric and highway infrastructure and is essentially unsustainable. In this regard, parking standards have a role to play. If spaces continue to be provided in accord with the 1988 guidelines, people will continue to acquire cars to put in them and the growth of car ownership and usage becomes self-fulfilling.

When the current Island Plan was approved in 2002, it heralded a new approach to development planning, which is underpinned by the principles of 'sustainable development' and 'sustainable transport'. Island Plan Policy TT26 outlines the intention to review parking standards in accordance with these principles and suggests this may lead to the identification of maximum, rather than minimum parking requirements.

Following adoption of the Plan, work commenced on producing new supplementary guidance covering the design of new homes, including residential parking. Early drafts were used to inform the development brief process for housing sites zoned in the Island Plan, including the site in question. All these sites were zoned on the understanding that their development would be in accordance with an approved development brief.

The development brief for the application site was finalised and approved after significant public consultation and makes it clear that the former Committee "*will support and encourage schemes which demonstrate an innovative and sustainable approach to parking provision...an approach that engenders an effective use of land, that encourages the use of sustainable forms of transport and that reduces reliance on the private car, where practicable*". Its specific parking requirements have essentially been complied with.

Should garages be provided for every home?

Health Protection has recommended that garages be provided for each home for the storage of household possessions and some residents have made a similar point. This issue has also been picked up in a recent report by local political representatives.

As alluded to above, the parking space provision essentially complies with the parking requirements in the development brief, which do not necessitate the provision of garages. However, where the applicant decides not to provide garages for family homes, the brief requires the provision of storage sheds, for the storage of bicycles and other domestic paraphernalia.

The revised application has been amended to include 30 garages and car ports along the western site boundary (primarily prompted by the need for noise mitigation) and every house is to be provided with a garden shed measuring 3.2m² (i.e. the equivalent of 1.8m x 1.8m). A condition attached to the permit will ensure that these are of a robust block-built construction.

It should be born in mind that parking difficulties on many older estates of family housing often arise because one of the two spaces provided for each home was a garage and these are rarely used for parking the car.

Does the scheme blight possible future proposals to resolve Beaumont / Bel Royal Traffic Problem?

No. Following concerns expressed by a local resident and former Deputy Dubras, the Development Brief was amended to require that the development as a whole will not prejudice the possibility of future road building options through the marsh for the relief of traffic congestion at Beaumont / Bel Royal. Whilst the proposed scheme would not unduly constrain road building in the future, it should be borne in mind that engineering solutions to the Beaumont problem are no longer favoured as the way forward.

Do Bel Royal Primary School and Les Quennevais Secondary School have sufficient capacity, and what are the implications of the proposed development in this regard?

Some local residents are concerned there is inadequate capacity at the schools in question. In assessing the earlier application for 140 homes, the Education Department was of the view that the schools would be able to accommodate the likely generation of extra children from the development seeking entry to them. However, in early June it advised that the situation has changed and that there are current capacity problems with both schools. It comments that the schools are very unlikely to be able to accommodate the extra demand from new pupils generated by the revised scheme for 129 homes (i.e. 42 children new to Bel Royal School and 18 new to Les Quennevais).

The number of pupils currently at Bel Royal School is just over the planned maximum (i.e. capacity 175 and roll of 180) and there are only about 6 places available in specific year groups. However, First Tower School has a current capacity for a further 25 children; there are odd places at La Moye, Mont Nicolle and Les Landes (currently around 20); and the limited capacity available at Bel Royal, St. Peter and St. Mary are likely to be absorbed by current developments.

The number of pupils currently at Les Quennevais School is also in excess of its planned capacity (i.e. capacity 750 pupils and roll of 804), but again there are 6 places are available in specific year groups. However, there is ample spare capacity in the 11-16 States' schools in the town area at Haute Vallee and Grainville Schools.

The Education Department argues that if the revised application for 129 homes is approved, it would force approx. 40 children to attend schools other than Bel Royal and perhaps 20 or so of that number to travel to First Tower or the town area. It would also mean that up to 18 children of secondary school age in the present Les Quennevais School catchment area would have to take up a place in Haute Vallee or Grainville Schools.

In the general scheme of things the numbers of children who won't have their first choice of school are not great and the difference in the numbers between a scheme of 129 homes and for a theoretical scheme of 97 homes (favoured by local political representatives) is minimal. In the latter scenario there would be an estimated 32 children new to Bel Royal School (instead of 42) and 14 children new to Les Quennevais School (instead of 18).

Clearly, the Minister must have regard to the potential traffic implications/ effect on traffic flow of children having to travel east for their education as a consequence of the development. The numbers outlined above would suggest the traffic implications relating to school capacity and the current application would not appear to be particularly significant.

Furthermore, there would be minimal difference between the traffic impact of the current application and that of a theoretical scheme for 97 homes, which would involve 4 less secondary school children travelling to Haute Vallee School and 10 less primary school children travelling to First Tower or beyond.

There is presently sufficient capacity in the Haute Vallee school bus from St. John and St. Lawrence to accommodate 18 additional pupils and the route could be amended for the purpose to pick up children for outside Bel Royal primary school if needs be. There is also a shuttle service from the Weighbridge to Haute Vallee which would allow for the use of public bus services.

The 20 primary school children travelling to First Tower or beyond could either be driven by parents (some of whom would do this on their way to work and/or to drop off children at other secondary schools) or make use of the public bus service (N.B. there is a lollipop lady at First Tower to help school children cross the road). As you will know, it is recommended by TTS that the developer funds two additional peak hour buses on the St. Peter's Valley route for 5 years.

Before reaching conclusions on the education issue, it is also important to recognise the temporary nature of the school capacity situation; the likely future diminution in primary school rolls reflecting changes in population structure; and the other means available to the Minister for Education, Sport and Culture for ensuring full-time education for school aged children (e.g. altering school catchment areas). These factors and the other potential implications outlined above have to be weighed against the value of the proposed homes to the Island community both now and over the next 100 years or so.

On balance, it is held that the current school capacity situation and the likely traffic implications are insufficient to warrant refusal of the application, or the loss of 32 first-time buyer and social rented homes.

Impact on the local environment – Will the proposal have an unduly detrimental effect on its character and ecology?

Some residents are concerned that the development will harm the character of the area and lead to destruction of the natural habitat and local wildlife.

Clearly, the development of housing on any green field site will have an impact on the existing character and amenity of the area. This was one of the factors weighed in the balance before selecting the site for housing purposes. In this instance, however, the impact on the wider landscape will not be unduly great, given that the proposed housing will nestle at the foot of the coastal escarpment, existing hedgerows to the south will be retained and there is extensive additional planting proposed.

It should also be recognised that much of the low-lying land to the south will be retained as open area and its amenity value will be enhanced by the proposals for landscaping and pedestrian access.

Of course, there will always be problems when any new housing is located in close proximity to an area to be set aside for wildlife (more people, more predatory cats etc). However, the landscape framework for the area has been informed by an ecological assessment as required by the Development Brief and as part of an integrated approach to the built form and landscape. The ecological review was produced following consultation with a local ornithologist and the States Ecologist at Environmental Services. Interestingly, although the low lying areas to the south are highlighted in the report as the most ecologically important, the area is not visited by particularly rare bird life requiring specific protection, nor were the habitat types regarded as particularly unusual or species rich (with the possible exception of the Willow Carr). The proposed landscaping in the low lying area is designed to retain and enhance its overall character, increase species diversity and enhance the existing habitat potential, whilst allowing for pedestrian access.

As set out earlier, water levels will remain pretty much as they are at present and the

proposed surface water pumping station will only cut in when levels reach a critical level and threaten to flood existing properties.

The applicant's revised proposals would further reduce environmental impact, because there are fewer homes, there is less encroachment towards Le Perquage and some higher parts of the site will be lowered as a consequence of new "cut and fill" proposals.

What about the row of oak trees along the boundary with St. Peter's Valley Road?

There are 12 mature oak trees, one sycamore and one ash set on a 1.5m bank along the northern roadside boundary of Field 851. It is proposed that these be removed to achieve highway improvements including the extension of the existing roadside pavement to La Rue de la Blanche Pierre, the pedestrian refuge and vehicular access with required visibility.

Some of the trees are not healthy and wet rot cavities are evident at the bases of some. According to the tree survey conducted in consultation with the States arboriculturalist, only one tree is classified as having the highest retention value, the retention of 5 others would be desirable in normal circumstances, 4 do not merit retention in any event and three are dying or dangerous.

In May 2004, the former Planning Sub-Committee agreed that *"the safety benefits associated with the road works were considered to outweigh the retention of the trees, and accordingly approved their removal subject to the reinstatement of the roadside wall, banque and trees along the new road alignment. It further considered that the replacement trees should be of the 'heavy standard' type"*.

The Development Brief recognises that the trees could potentially be lost, emphasises that highway safety must not be compromised and reflects the former Sub-Committee's decision on reinstatement.

This matter has never really featured strongly as an issue in the public consultation to-date.

Should the opportunity be taken to provide a new access road to and from Jersey Steel?

Prior to inviting the application, the former Planning Sub-Committee considered the advantages and disadvantages of a new access road across the site, which was proposed by the Jersey Steel Company. On balance, it considered the proposal to be inappropriate, not least because of the negative impact on the character, amenity and safety of Le Perquage Walk and the conflict with the occupants of the proposed residential development.

Potential Noise Nuisance from Jersey Steel – has this been properly addressed?

Jersey Steel has objected that the homes are too close and will lead to complaints from residents over noise from its fabrication activities. It is operational only during the daytime. Its normal working hours for weekdays are 8am – 4.30pm (or 6.30pm when working overtime as has been required for 60-70% of the days in the last 3 years) and for Saturdays are 8am – 1pm (of 3pm when working overtime). In its initial response to the original application, Health Protection was of the opinion that the site is not suitable for Category A housing, primarily because of close proximity of proposed homes to Jersey Steel and the resultant exposure to noise. Following a joint meeting between officers of Health Protection and the Environment and Planning Departments, it was agreed that the applicant should appoint qualified Noise Consultants to produce a 'Noise Impact Report' and that Health Protection would provide a specification.

PBA were duly appointed for the purpose. The noise assessment accompanying the original application was inadequate and did not meet the specification. Furthermore, the original noise mitigation measures, which took the form of a massive alien 'acoustic berm' immediately alongside Le Perquage stream (80m long and 5m high on top of 1.5m of fill),

were considered to be wholly unacceptable by the former Committee.

The most recent 'Acoustic Assessment Report' (November 2005), concludes that the revised development of 129 homes, with the homes set back from Jersey Steel, behind revised and less intrusive acoustic bunds (3.5m and 3m above ground level outside Jersey Steel) and a new garage layout, complies with the UK planning guidance on noise within PPG24, BS4142 and BS8233 (to meet the required specification).

More specifically, the report concludes *inter alia* that:

- the majority of homes will be exposed to noise levels, during the periods when Jersey Steel is operational, of less than 5dB above background noise level;
- only one property is exposed to a difference in background noise level of +6dB, but the noise levels are not enough to require mitigation;
- the internal noise levels for the development (25dB LAeq) should be acceptable (i.e. they are lower than the 'good' and 'reasonable' limits in BS8233; and
- the noise level in every garden is less than 50dB LAeq and should be acceptable (i.e. less than the 'desireable' level in BS8233).

Although PPG 24 would normally be used to assess continuous noise levels for planning applications (as included in Health Protection's specification), PBA has also completed a second acoustic assessment of maximum noise levels across the site (L_{Amax}), at the later request of Health Protection. The report establishes that when Jersey Steel is in operation:

- the majority of housing will be exposed to L_{Amax} noise levels of less than 5 dB above background noise (N.B. where noise mitigation should not be necessary);
- there are 13 existing houses located to the north of the site across the St. Peter's Valley Road, which are currently exposed to L_{Amax} noise levels as high as the worst effected areas of the site (N.B. PBA assumes the level of complaints from the new development would be comparable to those already received from these dwellings and Health Protection indicated in Dec 2004 that noise complaints generally had ceased following changes to Jersey Steel's working hours);
- the site will provide noise attenuation for the 13 existing homes to the north;
- the modelling shows 33 proposed homes and the 13 existing homes to the north will be exposed to L_{Amax} noise levels of greater than 5dB above background (N.B. where noise mitigation is recommended);
- there are only 4 proposed gardens that do not have any areas with noise levels less than 55dB L_{Amax};
- all the 13 existing houses to the north will have noise levels in their back gardens of greater than 55dB L_{Amax}.

PBA recommend, on the basis of their study, that noise mitigation measures for the 33 proposed homes alluded to above, could be satisfactorily achieved through the use of standard double-glazed windows, and this can be enforced by condition. They have also confirmed that there is no need for acoustically attenuated passive ventilation.

As alluded to earlier, Health Protection continued to question the methodology of the applicant's consultants and the effectiveness of the mitigation measures proposed. However, its initial preferred option of erecting a noise barrier along the boundary of Jersey Steel is not considered appropriate in planning terms (see below). The situation led to a stalemate with the applicants who considered they had satisfied Health Protection's original specification for the noise study, met normal planning requirements applicable in the UK in respect of noise and achieved a noise climate across the site that would be acceptable to future occupants.

Health Protection's eventual response was to appoint its own noise consultants, who recommended a solution whereby the applicant approaches Jersey Steel and offers to fund the installation of automatic roller shutter doors for the two door openings at the premises which face east. Health Protection has since confirmed that the suggested mitigation aligned with the filling of holes in the structural façade of the Jersey Steel building nearest the proposed development "will provide the necessary acoustic reassurance to overcome the

outstanding concerns of noise nuisance”.

However, they also state that “*what has not been considered is any occupational problem within the Jersey Steel’s premises from noise and potential heat build-up in Summer” (see Appendix 14A).*

I can confirm that the applicant, whilst not accepting Health Protection’s criticism of its on-site mitigation proposals, has agreed to consider the incorporation of new electrically operated 22dB acoustic insulated roller shutter doors with push button and automatic closing, on the basis that Jersey Steel provides the relevant consent.

It is considered, having regard to all the circumstances relating to the noise issue and other material planning factors, that the noise mitigation measures proposed by the applicant (both on and off site) represent a reasonable and proportional response. The provision of roller shutter doors is therefore included in the list of identified matters to be the subject of the Planning Obligation Agreement.

It should be born in mind that whilst it is important to ensure that any new development is not subjected to an unacceptable degree of disturbance, it is also important to ensure that the planning system does not place unjustifiable / unreasonable obstacles in the way of developments, especially where these are important to address the community’s requirements for new homes.

Should a sound barrier be placed in front of Jersey Steel’s doors?

No. Health Protection’s previously preferred noise mitigation option was for the erection of a 6m high (2-storey equivalent) wall along its boundary with Le Perquage. Even if the applicant was successful in negotiating with Jersey Steel and the land owners (the Tenants of Le Marais de St. Pierre) regarding the erection of such a structure, there is little prospect of it being granted planning permission. There is little doubt that it would be seriously harmful to the character and quality of Le Perquage.

Would legal action follow against the States if there are noise complaints from future residents?

Health Protection has suggested this may occur if the development is allowed to go ahead in the knowledge that complaints are likely. The Department does not agree and is of the view that in all likelihood Jersey Steel would have no claim against the Minister if: there are complaints from the new residents, Health Protection serve a Noise Abatement Notice on them and the company is unsuccessful in an appeal. In the view of the Department this would also apply where residents are successful in bringing private law proceedings and obtain an injunction requiring the company to cease making the noise.

Is the proposed ‘buffer zone’ adjacent Le Perquage adequate?

Yes. The development brief calls for the creation of a buffer strip along Le Perquage, extending to the existing track in the middle of Field 853 (e.g. approx. 30m wide). The aims were to reduce the impact of the proposed development, protect the character and tranquillity of Le Perquage Walk and reduce the impact of noise from Jersey Steel. This would also reduce the degree of incursion into waterlogged ground and the amount of fill required on-site.

The original application did not square with the previous Committee’s stated requirements and prompted it to decide that there should be no homes built on Field 853, which it wished to be retained as a buffer strip.

The applicant’s revised scheme considerably reduces the level of incursion into the field to some parking provision (including garages and car ports), a village green and a few houses which straddle the field boundary, all set behind naturally planted mounds. The scheme now provides an average 53m wide buffer strip from the existing stream to the nearest proposed house.

Will the proposals unduly impact on the amenities of Le Perquage Court Flats?

No. Some occupants of the flats have previously expressed concerns that the original scheme proposals would prejudice their amenities and privacy. This issue was largely addressed by the first application, which sought to avoid the previous overlooking and overbearing impact.

The nearest proposed block is now some 19-20m (62 to 66 feet) from the northern site boundary (which will have reinforced planting) and 50m (164 feet) from the Le Perquage Court Block.

The revised scheme has also reduced any potential for overlooking still further by cranking Block 1.

Is there an unduly adverse impact on the amenities of ‘Bas du Mont’, ‘Kenricia’ and ‘Three Corners’?

These three properties are situated at the foot of Rue de la Blanche Pierre on the other side of St. Peter’s Valley Road, immediately to the north of the site. Bas du Mont and Kenricia (i.e. in the same ownership) are the most affected by the proposed development, in that they currently enjoy open vistas through the roadside trees to the Bay beyond. The owners of ‘Three Corners’ currently enjoy incidental distant views from their conservatory to the Noirmont Headland, between the roofs of the above properties and over the top of a garage block. All the owners are naturally concerned about the loss of their views.

However, in the circumstances and on balance, it is not considered that the proposed application prejudices these properties in an undue and unreasonable manner. This site has been zoned for Category A housing and has been determined to be suitable per se for the purpose. The proposed housing is domestic in scale and the nearest of the proposed homes will be set behind a realigned treed bank some 30 to 50m (98 to 164 feet) from Bas du Mont and 55m (180 feet) from Three Corners. The site of the nearest proposed housing is also approximately 3.5m lower than that of Bas du Mont, taking into account the proposed cut and fill (i.e. the equivalent in height to a first floor window sill level).

It should also be borne in mind that, for planning purposes, there is no right of a view.

Home Design and Internal Space – Are the minimum standards met?

The development brief asks that all housing types be designed, having regard to the proposed minimum floorspace standards and other specifications included in Draft Supplementary Planning Guidance (SPG) 1. However, it would be difficult to resist any scheme which complies with the existing published space standards set out in Planning Policy Note No.6.

In the event, all the proposed houses comply with the Draft SPG1 and are at least 5% greater in floor area than the current published minimum. They are also generally in accordance with normal standards for internal storage space provision and minimum space requirements for:

- combined floor area of living, dining and kitchen areas;
- main, secondary and single bedrooms.

How will the Lifetime Units (Sheltered Units) operate and are the designs appropriate?

The Occupational Therapy Department confirmed that the 7 proposed ‘Lifetime Units’ in the original application generally complied with ‘Lifetime Homes’ standards, in relation to accessibility and adaptability. There are some minor modifications in the revised application (including canopies to the entrances) to ensure full compliance.

The applicant has confirmed that, as part of the social housing element, the lifetime homes will be administered by the eventual social housing provider.

External Space Standards – are the minimum standards met?

Yes. The layout has been modified in the revised plans to ensure that all the private rear gardens of the houses at least meet the minimum space standard of 50m². Many are significantly larger.

Public Open Space and Children’s Play Space – are the standards met?

Yes. The normal public open space requirements for a scheme of this size would be 1.8 acres, but the development brief requires an area of no less than 0.25 acres, with the remaining requirements met from the public amenity area to the south (i.e. which comprises over 9.5 acres). It is proposed to provide a village green, an equipped children’s play area, a teenager play facility and the Le Perquage buffer zone, which together measure approx. 1.5 acres.

Provision for younger children’s play should be well catered for in the proposed scheme in:

- private gardens;
- the village green;
- the children’s play area;
- the amenity area; and
- the footpath / cycle network.

The needs of older children to congregate, hang around and kick/throw a ball should be met, to some extent, in the immediate area by the proposed teenager facility (including sports wall and kick about area) and, possibly, the community building.

Landscaping – Is it appropriate / acceptable?

Yes. The landscaping framework produced by Michael Felton Ltd. provides the basis for an imaginative and comprehensive approach to the proposed landscaping, which compliments the housing layout and should ensure attractive, good quality external spaces. The framework is sensitive to the existing character of the wetland to the south and its key elements include:

- retention of good quality trees where practicable;
- replacement of lost trees on a 2.5 to 1 basis;
- tree planting and robust shrub planting (groundcover and climbers) in the housing area (e.g. parking courtyards, open spaces, garden areas);
- minimal planting in the wetlands, but with some native tree, shrub and ground flora suitable for wetland locations (including reed planting);
- the extension of the existing willow carr;
- use of existing tracks with new paths and raised timber walkways to provide links to Le Perquage.

Any forthcoming permit would carry a condition requiring the submission of a detailed landscaping scheme which fleshes out the submitted landscaping framework and provides detailed planting schedules.

Future maintenance of public areas – how is this to be provided for?

The development brief calls for the long-term management and maintenance of open spaces, landscaped features and public areas generally, to be addressed as part of the application process.

The onus is on the applicant to make suitable arrangements, to the satisfaction of the Minister for Planning and the Environment. Such arrangements will be covered by planning obligation agreements.

Provision for Refuse – Are the provisions appropriate?

Yes. The revised application includes the provision of 11 communal refuse / recycle bin stores at various locations throughout the proposed development, which will contain euro-

type waste and glass bins. These will be accessible to the Parish refuse vehicle for collection

Proposed footpath connections – have these been suitably amended?

Yes. A major aim of both the development brief and the application scheme is to ensure the new development is permeable and well integrated into the existing area, through a network of convenient and safe pedestrian/cycle routes.

The original application was overly enthusiastic in this regard and the revised plans have effectively reined back and rationalised the extent of permeability, in order that there is a sensible ‘trade-off’ with the interests of crime prevention.

The scheme is still very permeable and will provide good access throughout the site for people of varying levels of mobility. However, various revisions have been made to reflect some earlier concerns regarding security issues (including the reduction of access routes to Le Perquage, a reduced number of public routes into and out of parking courtyards and alterations to provide greater surveillance over public walkways).

External Lighting – Is it adequate and/or appropriate?

Some local residents have expressed concern about the potential for ‘sky glow’ in an area that currently enjoys relatively dark skies at night. The development brief addresses this issue and requires that a lighting scheme be designed as an integral part of the overall scheme, which provides adequate illumination (i.e. for public safety, security and environmental enhancement), minimises ‘sky glow’ and other light pollution and is energy efficient.

The revised application includes a detailed lighting system and layout produced by Thorn Lighting Ltd. The proposed lighting levels and specification appear to generally satisfy Transport and Technical Services’ guidelines. However, the Senior Electrical Engineer has some ongoing concerns regarding the height of lighting columns and the proposed use of bollard lighting, which can be addressed by adding a condition to any forthcoming consent.

Dust and Dirt arising during development – will the roads be kept clear?

The issue of mud on roads is essentially a matter for the Highway Authority, although there are grey areas as to the extent of its powers to enforce remedial action on private developers. In any event, it is proposed that a condition be added to any future permit requiring the contractor to take adequate measures (including wheel washing) during construction, to ensure St. Peter’s Valley Road is kept clean of all mud and debris which might otherwise result from vehicles entering and leaving the site.

Potential noise and nuisance during building works – how will this be kept to a minimum?

The control of construction work (including work during unsociable hours) is undertaken by Health and Social Services (Health Protection). They have a document covering best practice on building sites and also have powers under the Statutory Nuisance (Jersey) Law. The stated requirements of Health Protection in this respect (including requirements for a site management plan, following guidance for contractors and liaison with local residents) will be added to any permit as an ‘informative comment’.

Integrity of consultation process. Are planning listening to the people?

A number of residents and a current Deputy have put forward the notion that the consultation process has been a sham and that the residents have not been listened to. Nothing could be further from the truth. The extent of time, energy and resources given over to public consultation and the consideration of views expressed by local residents and their political representatives in relation to the future development of the site is unprecedented. Furthermore, that process has been entirely transparent and the public and their representatives have been kept fully informed.

Large housing developments are inevitably controversial and affect members of the

	<p>community to varying degrees. Successive former Committees have recognised this and have sought to keep people informed and to encourage their participation throughout the zoning process and pre-application and application stages. All comments received have been carefully considered and views have been taken on material planning considerations and the proper execution of planning policy in the best interests of the Island community. It is inevitable that there will be residents who feel their concerns have not been addressed to their satisfaction, but this does not mean they have not been listened to, or that their views have not been considered or appraised. In considering the initial scheme for 150 homes, prior to the formal application, the former Planning Sub-Committee gave consideration to a 17 page report on the consultation response from local residents. Since then, the application process has taken full account of local representations. There are also numerous examples of requests for information and modifications to the development proposals, which demonstrate that the views and concerns of residents and the planning department have been listened to and acted upon (not least, the reduced size of the current development proposal).</p> <p>In the most recent report by local political representatives it is suggested that the Department disregarded many letters of complaint in response to the first application because they were standard letters and therefore equivalent to a petition. There is no justification for any such remarks and the Department has not disregarded any letters. It has simply pointed out that, in planning terms, petitions carry less weight than letters submitted by individuals, because they can be unreliable as a true expression of public opinion. It should be born in mind that individuals, when approached to sign a petition, will often do this so as not to offend, or to get rid of the canvasser. Often they do not fully understand the issues and their opinions can be swayed by how the issues are presented to them. Notwithstanding this, which ever form representations take, it has always been recognised that proper consideration must be given to all the concerns / objections raised by local residents where they are founded on valid planning reasons that can be substantiated. The planning authority has always been made properly aware of the size and nature of local representation and every issue raised has been addressed.</p>
<p>Planning Obligations</p>	<p>It was always intended that the signing and issuing of a formal planning permit for the proposed development should be conditional upon required planning obligations being agreed and entered into within 12 months of any decision to 'resolve to grant planning consent'. The aim is to require developers to provide appropriate infrastructure and services to enable the proposed development to proceed and to meet the needs of the local community associated with the new development, as appropriate (i.e. by making contributions in cash or kind).</p> <p>Obligations should only be sought where they meet the following tests:</p> <ul style="list-style-type: none"> • necessary; • relevant to planning; • directly related to the proposed development; • fairly and reasonably related in scale and kind to the proposed development; • reasonable in all other respects. <p>It is recommended that, subject to the findings of the Law Officers, the following matters be covered by planning obligations for the development in question:</p> <ol style="list-style-type: none"> (i) the tenure split of the new homes (i.e. 55% - 45% split); (ii) the provision of the Public Amenity Area and the buffer strip along Le Perquage with restricted future use; (iii) undertaking the road widening and highway improvement works to La Vallee de St. Pierre (including the provision of public footpaths and a pedestrian refuge) and the ceding of the relevant land to the Public; (iv) the provision of a sum of money for the erection of bus shelters either side of La Vallee de St. Pierre; (v) the provision of funding for 2 additional buses in the morning and evening peak periods over 5 years; (vi) the provision, transfer and maintenance of surface water drainage / flood amelioration works and infrastructure for foul drainage, including:

	<ul style="list-style-type: none"> • funding the design and construction of the surface water and foul pumping stations, to the satisfaction of Transport and Technical Services; • transferring the pumping stations and their sites, where appropriate, to the Public; • paying commuted sums to cover 15 years maintenance and the replacement of the pumps and control equipment after 15 years; • paying a commuted sum (approx. £8,000) for the loss of public car parking spaces to accommodate the sw pumping station, and an additional sum for the loss of spaces during construction; <p>(vii) the restoration / renewal and maintenance of the fabric (principally the banks) of the Perquage watercourse and the watercourse south of fields 861 and 863A;</p> <p>(viii) the provision of funds to meet the cost of noise mitigation measures involving the installation of high speed roller doors for the two door openings on Jersey Steel’s building which face east;</p> <p>(ix) the arrangement for long-term management and maintenance of public areas and facilities, including planting, paved areas (e.g. public footpaths/ cycle paths, roads and courtyards), public open space (e.g. Public Amenity Area, incidental open spaces), community facilities (including community building, children’s play area and the teenager recreational facility), the surface water drainage network and attenuation arrangements and the external lighting;</p> <p>(x) the provision of a defect liability period for the Public for the road works, drainage infrastructure and any other relevant works.</p> <p><i>N.B. In connection with the construction of the SW pumping station, there will also be normal contractual arrangements with Transport and Technical Services. The matters covered will include inter alia: safety; security; minimisation of dust, noise and vibration; keeping the surrounding area clean; condition surveys for adjacent properties, maintaining the integrity of the road; and hours of operation.</i></p>
Request for Consideration	<p>The applicant’s legal advisers have written to the Department (dated 21st February 2006) requiring that it takes “<i>immediate steps to consider the planning application and to issue a decision in relation to the application within two months...</i>” (see Appendix 29).</p> <p>The Department’s reply letter dated 10th March 2006 indicated the expectation of dealing with the application within 2 months (see Appendix 29A).</p> <p>This position was overtaken by events.</p>
Recommendation	<p><i>That the Minister for Planning and the Environment resolves to grant planning consent, subject to the planning conditions set out in this report and to achieving legal agreement on planning obligations, as identified in this report.</i></p>
Conditions (Appendix 30)	<ol style="list-style-type: none"> 1. Planning permission for one year; 2. Development to comply with IP Policy H1 – Tenure; 3. Requirement to enter into planning obligation within one year; 4. First-time buyer / rental condition; 5. Comprehensive development; 6. Chicane barriers for pedestrian / cycle paths; 7. Road widening and access arrangements – Design and layout; 8. Replacement of roadside wall, banque and trees; 9. Road widening and access arrangements – Completion; 10. Path link to Le Perquage – Design 11. Completion of roads and paved areas; 12. Parking – Additional space; 13. Parking – Provision in accordance with designations; 14. Security of rear access paths; 15. External Lighting; 16. Landscaping scheme – Detailed submission; 17. Landscaping scheme – Buffer area planting; 18. Landscaping scheme – Commencement and completion;

	<p>19. Landscaping scheme – Replacement planting; 20. Tree protection during site works; 21. Future management of planted areas; 22. Changes in levels on-site; 23. Waste Management; 24. Importation of Fill; 25. Storage of excavated material; 26. Children’s play area – Provision; 27. Children’s play area – Security; 28. Teenager recreational facility – Provision; 29. Village green – Completion; 30. Community Hall – Completion; 31. Refuse stations – Design; 32. Gable end fenestration; 33. Insertion of living room windows; 34. Window design for noise mitigation; 35. Floor levels for the new homes; 36. Level thresholds; 37. External Design of Homes; 38. Storage sheds; 39. Solar heating; 40. Water saving measures; 41. Enclosures for property boundaries - Design; 42. Completion of property boundary enclosures; 43. Pergola design for parking areas; 44. Roof materials; 45. Samples of external materials; 46. Colour scheme; 47. Surface water drainage; 48. Petrol / oil interceptors; 49. Level of water in the marsh; 50. Completion of flood mitigation measures; 51. Foul drainage; 52. Communal satellite dishes; 53. JEC substation – Design; 54. Prevention of debris on roads during construction; 55. Construction Traffic.</p>
<p>Background Papers</p>	<p>Appendix 1: Location Plan Appendix 2: Site Layout Appendix 3: Act of Environment and Public Services – 4th August 2005 Appendix 4: Planning Appraisal Report Appendix 4A: Proposition P.48/2006 Appendix 4B: Minister’s comments on the Proposition Appendix 5: Planning History Appendix 6: Comments of Transport and Technical Services (Drainage) Appendix 7: Comments of Transport and Technical Services (Highways) Appendix 8: Comments of Crime Reduction Unit Appendix 9: Comments of Education re. original application for 140 homes Appendix 9A: Comments of Education re. current revised application for 129 homes Appendix 9B: Comments of Education re. theoretical scheme for 97 homes Appendix 10: History of Noise Issue Appendix 11: Initial comments of Health Protection on revised application Appendix 12: Department’s response to Health Protection’s initial comments Appendix 13: Comments of Health Protection on amended layout with garage blocks Appendix 14: Report of Health Protection’s own noise consultants Appendix 14A: Clarification of Health Protection’s position Appendix 15: Summary of Issues / Concerns raised in written representations Appendix 16: Officer Notes of Public Meeting – 24th October 2005 Appendix 17: Local Resident’s Minutes of Public Meeting – 24th October 2005</p>

	<p>Appendix 18: Comments of 'National Trust for Jersey'</p> <p>Appendix 19: Comments of representatives of Tenants of St. Peter's Marsh</p> <p>Appendix 20: Comments of Jersey Steel</p> <p>Appendix 21: Report prepared by political representatives of St. Lawrence and St. Peter</p> <p>Appendix 22: Differences between early sketch scheme and original planning app</p> <p>Appendix 23: Density comparisons with other peripheral housing developments</p> <p>Appendix 24: Specification for SW Pumping Station</p> <p>Appendix 24A: Comments of TTS (Drainage) re. specification for the attenuation tank</p> <p>Appendix 25: CV of Paul Jenkin, PBA</p> <p>Appendix 26: Notes for Minister on flooding issue</p> <p>Appendix 27: Letter to TTS re detailed queries from residents about drainage and Flooding issues</p> <p>Appendix 28: Response of TTS (Drainage Section)</p> <p>Appendix 29: Letter from applicant's legal advisers requesting decision within 2 months</p> <p>Appendix 29A: Letter from Department indicating the expectation of dealing with the application within 2 months</p> <p>Appendix 30: Recommended Conditions</p>
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Prepared by: Roger Corfield
Principal Planner

Date: 12th July 2006

Endorsed by:

Date: