

Field 1248 St Helier

Description of development

54 category A dwellings, comprising;

- 25 x 3b and 3 x 4b first-time buyer homes;
- 26 x 2b social-rented apartments;
- 70m² community room accessed from the apartment block; and
- communal open space of 1235m².

Vehicular access would have been to La Pouquelaye only, via the CTV site, by agreement with the owners of that land.

Material considerations

1. The site was designated under Policy H3 on the 2002 Island Plan, having been proposed by the Department, which identified it as suitable for Category A, but required “consultation to confirm its acceptability”.
2. By virtue of it being an H3 site, it also fell within the designated Built-up Area, in which there is an effective presumption in favour of development.
3. Consultation on the possible development of the site took place in 2007 following the Minister’s request to the Constables to identify suitable sites for Category A housing that they would support. The Constable held two Parish Assemblies (26 April and 17 July 2007) at which there was unanimous support for the development of F.1248 for Cat A housing.
4. F.1248 was also included in the public consultation carried out by the Minister in 2007/2008 on 12 sites proposed for First Time Buyers and lifelong homes for the over-55s. A public meeting took place at La Pouquelaye Community Centre on 12 February 2008, at which concerns were expressed by local residents about the width and safety of access to the site, and the loss of agricultural land.
5. The Department recommended that F.1248 be included in the proposition, subsequently debated in July 2008, given that there were no insurmountable problems with the access. **In the event, the Minister decided (April 2008) that the site would be considered as part of the Island Plan Review, because of the loss of agricultural land and concerns over the impact of traffic.**
6. However, because an application was submitted in September 2008, the development of the site fell to be considered in advance of the Island Plan Review.
7. The application is for Category A development, proposing FTB and Social-rented housing in the proportions required by Policy H1 – 55% and 45% respectively.

8. There remained a significant need for both types of housing proposed, as evidenced by the 2007 Housing Needs Survey, and representations from the Housing Department.
9. There was significant opposition to the application, principally from local residents (26 letters). They related primarily to the traffic that would be generated in the area and its impact, particularly on the Queens Road /La Pouquelaye junction; the loss of agricultural land; and of the impact on the amenity of existing homes close to the site.
10. There were several late representations which were triggered no doubt by a meeting called by Deputy Hilton, in whose constituency the site fell.
11. The site is close to town, primary and secondary schools, and local shops, and conforms to the spatial strategy of the Island Plan.

The application details

12. While the Department had reservations about the detailed design and layout submitted, it considered that they could be resolved in negotiation with the applicant. It was satisfied that the number of dwellings proposed could comfortably be achieved on this site.
13. Accordingly it was recommended that outline planning permission was granted, reserving all design and layout matters for subsequent agreement; with conditions regarding the balance of tenure and occupancy of the dwellings, percentage for Art; and any others necessitated within the reserved matters submission.
14. The application was considered initially by the Planning Applications Panel, which was minded to refuse the application, contrary to the officers' written report. Accordingly, in conformity with our internal procedures, the application was referred to the Minister for Planning and Environment for decision.
15. The Minister heard representations for and against the application at a hearing on 16 September 2009, at which he requested further legal advice. Having subsequently received that advice, and also having visited the site, the Minister decided to refuse Planning Permission, in accordance with the recommendation of the Planning Applications Panel.
16. Following the lodging of the appeal, and based on the legal advice he had received both before and after his public hearing on the application, the Minister considered conceding the appeal. Indeed, a meeting took place with the appellants, with lawyers for both sides present, at which the Minister indicated that he was minded to concede the appeal. In the event the Minister, having sought further legal advice which differed from that previously received, decided to fight the appeal.

17. The decision was appealed to the Royal Court of Jersey (the statutory planning appeals body), which eventually rejected the appeal on the single ground that it would have been necessary for the 2002 Island Plan to be amended by the States Assembly before permission could be granted.

The Draft Island Plan 2009

18. In preparing the draft Island Plan, and notwithstanding its earlier recommendations to add the site to P.75/2008 and to grant permission in outline, the Department took into account the States Strategic Policy decision that development for future housing needs should avoid the use of green-field sites. Accordingly, the site was not added to the list of sites in draft Policy H1. (NB. The application and Royal Court decisions were made after the Draft Island Plan 2009 was published).

19. No formal representations were made to the draft Island Plan either by the developers, their agents or any States politician.

Planning and Environment Department
3 October 2010