

# COUNCIL FOR THE PROTECTION OF JERSEY'S HERITAGE



19 Magnolia Gardens, La Route de St. Aubin, St. Lawrence, JERSEY Channel Islands, JE3 JW

19 October 2011

Minister for Planning and Environment  
South Hill  
St Helier  
Jersey  
JE2 4US

Dear Minister Duhamel,

**Planning Application P/2010/1809 – Camellia Cottage, Le Mont de Gouray-Antler Property CI Ltd – Demolish existing house and ancillary buildings. Make remedial repairs to quarry faces. Construct 3 No. houses on basement car park.**

We acknowledge receipt of your Department's letter Reference Application Number P/10/1809 dated 12/10/2011, informing the Council of your decision to approve this contentious planning application, which we see received no fewer than 57 letters of representation. You will recall that we were represented at the two public hearings by Mr. John Mesch, at the second of which the Panel arrived at a 3 – 1 decision to accept the application, based on the recommendations of your Officers.

You will know that the Council objected most strongly to this application which is in clear contravention of Policy BE 3 of The Jersey Island Plan 2011 for the protection of the designated Green Backdrop Zone, and the associated Policy GD5 'Skyline, views and vistas'. We now believe that advice you received from your officers did not interpret Policy SP7 in the way that we believe is intended and that your decision is inconsistent with that policy also.

The Council wishes to challenge your claim made in the letter referenced above that you have taken all material considerations into account. In the planning officers' two reports on this application Policy GD5 is not identified as a material consideration and there is no evidence available to the public that this important policy was taken into account and addressed directly either in the planning officers' reports, or in discussion at the Planning Applications Panel meetings held in public on 28 July and 6 October 2011.

What is your justification, required under Planning and Building (Jersey) Law 2002 for making a decision that is clearly inconsistent with policy laid down in Jersey Island Plan 2011, in each of the instances itemised below:

1: What is your justification for ignoring Policy GD5 in favour of Policy GD3 when the purpose of the former (see Para 4.95) is specifically aimed at "achieving a lower intensity

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of building” within the designated Green Backdrop Zone? Your letter admits that the result will be a higher density of building.

2: What is your justification for the failure of the application to comply with Policy GD5 and achieve a higher degree of open space and planting? The complete removal of the present vegetation, trees and part of the quarry face and then filling the enlarged building area with three detached and taller houses cannot possibly result in more open space and more planting. Indeed, the result will be the exact opposite.

3: You will know that Island Plan Policy SP 7 (Paragraph 2.72) “has the purpose of giving encouragement to traditionally designed schemes or modern interpretations of traditional forms, - where they respect their context and where they can demonstrate their local relevance to Jersey, in locations where the setting and context are appropriate”, and “where areas of particular quality or local character will not be damaged but may be enhanced”. Furthermore, Policy SP 7 requires that “All developments must be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located.” You will also know from your planning officers’ first, undated report, that objections were received from the public stating that there was “an overdevelopment of the site which is incongruous and ‘out of keeping’ with the character of Gorey; there have been suggestions that a more traditional scheme would be more appropriate and better suited to the site”. In so doing, the public was simply supporting this stated purpose of Policy SP 7. Please justify your support for the judgement of your planning officers who further reported “The department respectfully disagrees with this view” and wished to encourage “properties in a variety of styles” and a built context which is “eclectic in nature”. We can discover no statement of policy in the Island Plan where this is the stated intention of the Island Plan, and certainly not in the Green Backdrop Zone. Bearing in mind the architect claimed to have gained the inspiration for his design from The Hanging Gardens of Babylon, and developments in Japan and Italy the Council respectfully wishes to be informed of your justification for setting aside Policy SP 7, and granting permission to build a large, ultra-modern development in this cramped site in the Green Backdrop Zone, which will not preserve the local character and sense of place, in clear contravention of the Island Plan and the stated purpose of Policy SP 7.

4: Why have you given Policy H6 as your justification for overriding Policy BE3 and increasing the intensity of building on this site? Policy BE3 deals with the designated Green Backdrop Zone. Clearly it is intended in the Island Plan that this policy should have precedence over Policy H6 which applies to other built up areas, in general.

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5: What is your justification for the demolition of Camellia Cottage in clear contravention of Island Plan Policy GD 2? What evidence was provided to show that this building is beyond economic repair? In the Council's first letter of representation you were reminded that financial matters are not relevant to planning applications. The developer's need to build three houses in order cover costs of £600k for the proposed demolition of Camellia Cottage and the excavation and stabilisation the quarry face is not relevant to this planning application.

The Council would be very grateful to receive your detailed justification, itemised above, for making a decision that in these instances is clearly inconsistent with Jersey Island Plan 2011 and, having apparently failed properly to consider the requirements of Island Plan Policies GD 2, GD 5 and SP 7, has not followed due process.

Yours sincerely,

Maurice Dubras,  
Chairman of the Council

MFD/JM