

Appeal of a Decision

Complete this form to appeal a decision under Article 108 and 110 of Planning and Building (Jersey) Law 2002

1. Department of the Environment reference number

P/2019/0688

2. Date of Decision

Attach a copy of the notice to this form

19TH DECEMBER 2019

3. Select the type of Appeal

- A. Refusal to Grant or Refusal to Vary Planning Permission
- B. Approval of Planning Permission
- C. Revocation or Modification of Planning Permission
- D. Refusal of Building Permission (Bye Laws)
- E. Refusal to Issue Certificate of Completion
- F. Refusal to allow Work to or Activities on Sites of Special Interest
- G. Refusal of Caravan Permission
- H. Imposition of a Condition on any Permission
- I. The Listing of or Refusal to de-List a Building, Place or Tree

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4. Appellant name and address

BOSDET FOUNDATION

Telephone:

Mobile:

E-mail:

5. Agent name and address (if applicable)

MSPLANNING LTD

Telephone:

Mobile:

E-mail:

6. (If you are making an appeal under 3B, skip to question 7)

Has the ownership of the site changed since the application was made?

If yes, please attach details of the current owner of the site.

No Yes



7. If you are making an Appeal against the Grant of Planning Permission (3B above) confirm which of the following is relevant:

A. I have interest in the land within 50 metres of the site

B. I am resident within 50 metres of the site

C. I made a written representation to the application (attach a copy to this form)

8. Briefly describe the grounds of Appeal

Following registration of the Appeal, you will have the opportunity to submit a full statement to support your Appeal. A brief summary is sufficient at this stage to register the Appeal. You will not be able to raise any issues in your full statement that you do not indicate here. You may attached a separate sheet if necessary.

SEE ATTACHED SHEET

9. Format of the Appeal

Appeals are dealt with by written representations or at a Hearing. Appeals relating to the following are normally dealt with by written representations only:

- Refusal of Planning Permission where no representations (except from statutory bodies) were received
- Attaching a Condition to Planning Permission or Building Permission (Bye Laws)
- Refusal to Grant a Certificate of Completion
- Refusal to Grant Building Permission
- The Listing of a Building, Place or Tree
- Importation or Use of a Caravan or a Condition attached to the Importation or Use of a Caravan

All other Appeals are normally heard by an Inspector at a Hearing.

If you think that your Appeal should not be dealt with as described above, explain why.

10. The inspector may need to visit the site.

Is the site visible from public land?

No Yes

Will arrangements have to be made for a visit?

No Yes

If 'yes' provide details on how to make arrangements for the site visit.

CONTACT AGENT

DECLARATION

Important information

Before signing this form, read the following consent information carefully. It explains how your information will be used and provides a brief description of your rights under Jersey's Data Protection Law. For further information on how the Judicial Greffe and the Department of the Environment handle personal data visit www.gov.je/howweuseyourinfo

Appellant consent

I declare that this appeal is made with my authority.

I am aware of and agree to the information supplied in this form, together with any other accompanying information, being used for the purpose(s) of assessing my appeal as defined in the Planning and Building (Jersey) Law 2002.

I am aware of and agree that the information supplied in this form, together with any other accompanying information may also:

- be disclosed to other States departments and relevant authorities so that you can consult with them about my appeal
- be made accessible to members of the public so that they may comment on my appeal
- be disclosed to a planning inspector so that they may assess my appeal
- be published in the local media and on your website as the information forms part of the planning register that is required by law to be made publicly available.

This includes my name, copies of any accompanying drawings, plans and supporting letters and documents. I understand that any personal sensitive information about me may be published or disclosed if it is imperative to the consideration of the appeal and in the public interest. I understand that all of the information I supply will be processed in accordance with Jersey's Data Protection Law.

Your rights

Under Jersey's Data Protection Law you have the right to:

- Withdraw your consent to the further processing of your information. However, this may cause delays or prevent us delivering a service to you or cause you to be in breach of other legal requirements
- Request that the processing of your personal data is restricted in instances where you believe the information being processed is inaccurate, out of date, or there are no legitimate grounds for the processing
- Challenge the accuracy of the information we hold about you and request that that it is corrected where necessary
- Complain about the way in which your personal data is being used
- Ask for a copy of the information we hold about you

Should you wish to exercise one of your rights contact +44 1534 441380 for further information.

Agent (where applicable) Signature...  Date... 10/1/20

MSPLANNING LTD

FULL NAME IN BLOCK LETTERS.....

Where this form contains personal information relating to more than one individual, all individuals must sign (continue on a separate sheet if necessary).

Appellant(s) Signature...  Date... 8/1/20

BOSDET FOUNDATION

FULL NAME(S) IN BLOCK LETTERS... MICHAEL SPANAN

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2019/0688

This is notification of the decision to **REFUSE** to grant permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

Demolish tennis hall. Construct 44 No. one bed, 2 No. two bed, 13 No. four bed and 1 No. six bed self-catering accommodation units with reception and ancillary structures and landscape alterations. Construct extension to House-Keeping to North-East of site. 3D model available.

To be carried out at:

Les Ormes Golf & Leisure Village, Le Mont a la Brune, St Brelade, JE3 8FL

Reason(s)

1. By virtue of its scale, form, & design, and on account of the overall amount of new development, the proposed development represents an unacceptable intensification in the use of this Green Zone site, as well as being over-scaled taking into account the site's rural character. Accordingly, the application fails to satisfy the requirements of Policies SP 7, GD 1, and GD 7, and NE 7 of the adopted Island Plan 2011 (revised 2014).
2. By virtue of its siting and design, the proposed South Block fails to preserve or enhance the setting of nearby 'Le Tir' (a Listed Building Grade 2). Accordingly, the application fails to satisfy the requirements of Policies SP 4 and HE 1 of the adopted Island Plan 2011 (revised 2014).

DECISION DATE: 19/12/2019

For your information, the following plans have been considered;

Location Plan

- 903 100 B – Existing Site Plan
- 903 102 A – Existing Ground Floor Plan
- 903 103 A – Existing 1st Floor Plan
- 903 110 N – Proposed Site Plan
- 903 111 M – Proposed Main Concourse – Ground Floor Plan
- 903 112 I – Proposed Main Concourse – 1st Floor Plan
- 903 113 B – Proposed Main Concourse – 2nd Floor Plan
- 903 114 – Proposed House Keeping Plan
- 903 115 – Proposed Drawing Reference Plan
- 903 120 – Proposed South Block Elevations
- 903 121 – Proposed West Block Elevations
- 903 122 – Proposed Central Block Elevations
- 903 123 – Proposed East Block Elevations
- 903 124 – Proposed House-Keeping Elevations
- 903 130 D – Existing & Proposed Section A
- 903 131 – Existing & Proposed Section B

DECLINED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2019/0688

903 132 – Existing and Proposed Section C
903 133 – Existing & Proposed Section D
903 134 – Existing & Proposed Section E & F
903 135 – Existing & Proposed Sections G & H
903 136 – Existing & Proposed Sections I & J
903 137 – Existing & Proposed Sections K & L
903 160 – Proposed South Block Plans
903 161 – Proposed West Block Plans
903 162 – Proposed Central Block Plans
903 163 – Proposed East Block Plans
903.17 108 – Existing Site Context Photos
903.17 109 A – Existing Site Photos
903.17 170 – Existing Site Photos from South & West Context
903.17 171 – Existing Site Photos from North & East Context
903.17 172 C – Proposed Nature trail
903.17 173 – Existing Drainage & Irrigation
903.17 174 – Proposed Drainage & Irrigation
903.17 175 – Proposed Servicing, Bins & Bikes
903.17 176 B – Proposed Circulation & Parking
903.17 177 – Existing & Proposed Contextual Views 1
903.17 178 – Existing & Proposed Contextual Views 2
903.17 179 – Existing & Proposed Contextual Views 3
903.17 180 – Existing & Proposed Contextual Views 4
903.17 181 – Existing & Proposed Contextual Views 5
903.17 182 – Proposed 3D Views
903.17 183 – Proposed 3D Views
903.17 184 – Proposed 3D Views
903.17 185 – Proposed 3D Views
903.17 186 – Proposed Views Sheet 5
903.17 187 – Proposed Views Sheet 6
1870-P001 – Existing Planting
1870-P002 – Proposed Landscape Design
1870-P003 – Landscape Design / Proposed Planting
Crime Impact Statement
Design Statement
Environment Noise Assessment
Foul Water Drainage
Initial Ecological Assessment & Preliminary Roost Inspection
Outline Site Waste Management Plan
Public Art Statement
Transport Assessment: June 2019
Travel Plan

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Decision Notice

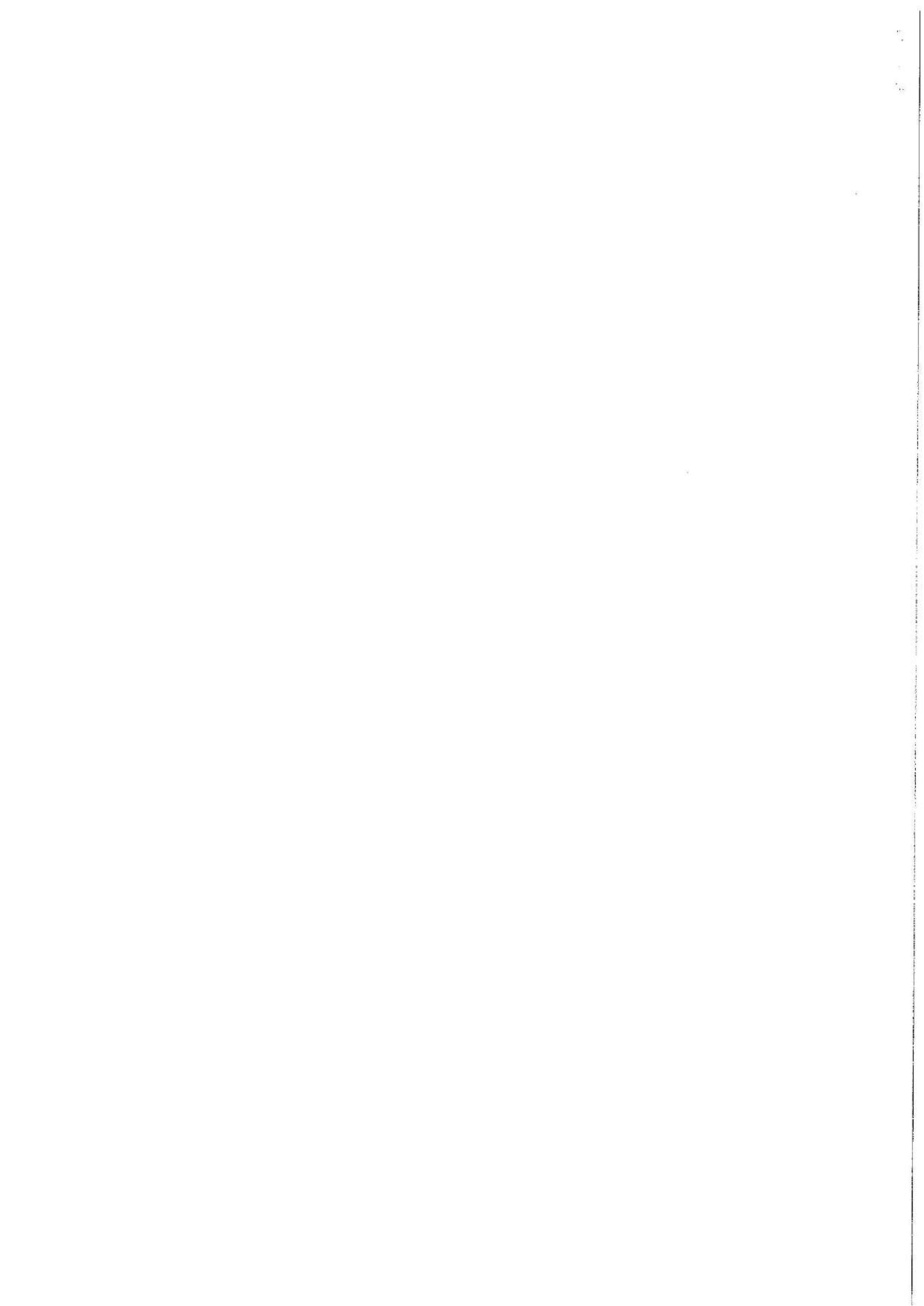
PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2019/0688

Under Article 108 of the Planning and Building (Jersey) Law 2002, you may appeal a decision to refuse the grant of permission.

Before you make an appeal we recommend talking to us to see if you can make a change which could be supported in a future application. If this isn't possible then there are two appeal options available. To find out how to make an appeal visit www.gov.je/planning

REFUSED



APPELLANT'S GROUNDS OF APPEAL

LES ORMES GOLF & LEISURE VILLAGE (P/2019/0688)

Reason 1

By virtue of its scale, form and design, and on account of the overall amount of new development, the proposed development represents an unacceptable intensification in the use of this Green Zone site, as well as being over-scaled taking into account the site's rural character. Accordingly, the application fails to satisfy the requirements of policies SP7, GD1 and GD7 and NE7 of the adopted Island Plan (revised 2014).

- 1) The Committee did not refuse the application because of "serious harm" to landscape character which is the test set by Policy NE7.
- 2) The Committee failed to give sufficient weight to the Countryside Character Appraisal which recognises that the character area in which the site is located has some capacity to accept new development where this is allied with measures for conservation and enhancement.
- 3) The Committee failed to give sufficient weight to the established level of activity/occupancy of the existing holiday village and its various uses and activities.
- 4) The Committee failed to give sufficient weight to the prevailing built up character of the site and its surrounds.
- 5) The Committee has failed to give sufficient weight to the officers' professional view that the overall design of the scheme, including its scale, form and use of materials will result in a more sympathetic form of development on the site compared to the existing building, and therefore an overall enhancement, in accordance with policies SP7, GD1 and GD7.
- 6) The Committee failed to give sufficient weight to the specific recommendations of the Jersey Architecture Commission, which the Appellant dutifully followed. The Commission brings together a wealth of expertise in architecture, planning and urban design to advise the Minister on architecture and design.
- 7) The Committee failed to give sufficient weight to Policy NE7(10) that makes provision for the redevelopment of an employment building(s) involving demolition and replacement for another use given that redundancy of the existing employment use was proven, and the proposal gives rise to demonstrable environmental gains.
- 8) The Committee failed to give sufficient weight to Policy NE7 (11) that makes provision for tourism development where it (a) is appropriate relative to existing buildings and its landscape context and (b) does not seriously harm landscape character.
- 9) The Committee failed to give sufficient weight to Policy EVE1 to redress the loss of tourism accommodation in the Island.
- 10) The Committee failed to give sufficient weight to Policy SP1 which makes provision for the development of brownfield land outside the Built-up Area to meet an identified need and where it is appropriate to do so.
- 11) The Committee failed to give sufficient weight to Policy SP5 which makes provision for the redevelopment of vacant and under-used existing employment land and floorspace for new employment uses, cognisant of the importance of tourism to the economy.
- 12) The Committee failed to give sufficient weight to the overall benefits that would be secured by the proposed development.

Reason 2

By virtue of its siting and design, the proposed South Block fails to preserve or enhance the setting of nearby 'Le Tir' (a Listed Building Grade 2). Accordingly, the application fails to satisfy the requirements of Policies SP 4 and HE 1 of the adopted Island Plan 2011 (revised 2014).

- 1) The Committee failed to give sufficient weight to the Historic Environment Team's formal assessment of the proposal. The Historic Environment Team's stated 'no objection' confirmed the proposal in general would preserve and enhance the setting of 'Le Tir' (BR0214) in accordance with Policies SP4 and HE1 of the Revised 2011 Island Plan.
- 2) The Committee failed to give sufficient weight to the Historic Environment Team's formal assessment of the proposal which confirmed that the replacement of the large blocks with a more fragmented form would have a 'positive' impact on the setting of Le Tir (BR0214) in accordance with Policies SP4 and HE1 of the Revised 2011 Island Plan.
- 3) The Committee failed to give sufficient weight to the Historic Environment Team's formal assessment of the 'southern block' of the proposal which confirmed that whilst the building would be closer than existing structures it would be 'sufficiently distant to allow the range structure to retain its singular character', thereby preserving the setting of Le Tir (BR0214) in accordance with Policies SP4 and HE1 of the Revised 2011 Island Plan.