

PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (a) against a decision to grant planning permission

Report to the Minister for the Environment

By Sue Bell MSc., BSc, FCIEEM, CEcol, CWEM,
An Inspector appointed under Article 107

Appellant: Héliier & Juliet Lucas

Planning Permission Reference Number: P/2019/1477

Decision notice date: 20 February 2020

Location: Chateau Vermont, Le Mont Sohier, St Saviour, JE2 7HA

Description of Development: Change of use of lower ground floor from gym and spa to children's day care and nursery.

Appeal Procedure: Site Inspection & Hearing

Site Visit procedure and Date: Unaccompanied

Date of Report: 1 December 2020

Introduction

1. The appeal concerns an application by Guardian Nursing Services Ltd to change the use of the lower ground floor of an existing property from a gym and spa to a children's day care and nursery. The proposals also include for the use of the grounds of the house and an adjacent woodland.

The appeal site and surroundings

2. The appeal site comprises a substantial 4-storey property known as Chateau Vermont, which sits in extensive formally landscaped grounds. There is a large car park, which extends along the eastern boundary of the site, which can provide parking for in the order of 70 cars. To the north and west lies an area of woodland, which is within the same ownership as the house and grounds.
3. Chateau Vermont is located on the north side of Le Mont Sohier within the Parish of St Saviour. It is accessed close to its southern-most point, near to the junction of La Rue du Moulin and Le Mont Sohier.
4. The building has been converted from domestic use. It currently houses the Jersey Academy of Music, which operates from the ground and upper floors. The lower ground floor was most recently used as a spa and fitness centre, which closed in summer 2019. The building and garden grounds are also used for a limited number of wedding receptions, corporate hire and music events.
5. The appeal site is within the Green Zone, but there are residential properties in close proximity to the grounds, the closest of which is the appellant's home.

The proposed development

6. There would be internal works to the lower ground floor of the property to facilitate the change of use from a commercial gym and spa to a day-care and nursery facility for between 55 to 70 children aged between 0 to 5 years in age.
7. No external works to the building are proposed, but an area of lawn adjacent to the building to the north, would be adapted for use as an external play area. The adjoining woodland area would be used for Forest School activities.

Case for the appellant

8. The appellant has raised numerous grounds of appeal. In summary, the appellants do not consider that the description of development was accurate and that this has led to a failure to adequately consider all aspects of the development, including:
 - the potential for development proposals to affect protected ecological diversity as required by Policies SP 4 Protecting the natural and historic environment; NE 1 conservation and enhancement of biological diversity; NE 2 species protection; NE 3 wildlife corridors; and NE 4 Trees, woodlands and boundary features;
 - the harmful impact of proposals upon important Island landscape character in relation to erosion of roadside banks as required by Policy NE 4 trees, woodland and boundary features; and change of use of land in the Green Zone is contrary to Policy NE7;
 - failure to demonstrate that the development would result in a reduction of private vehicle use contrary to the requirements of Policy SP 6 - Reducing dependence on the car or complies with Policy TT 8 Access to public transport and TT 9 Travel Plan;
 - failure to demonstrate that the development would not result in harm and danger to the users of the surrounding highway network;
 - the proposed development would not deliver demonstrable environmental gains as required by Policy SP 5 and E 1;
 - effects on road traffic;
 - unreasonable loss of amenity contrary to Policy GD 1.
9. The appellant considers there has been a failure to demonstrate sufficient justification for granting permission inconsistent with the Island Plan. In addition, the appellant considers that approval was in breach of the committee's duty of care to adhere to the policies of the Island pan and failed to adequately consider the welfare of the child.

Case for the Growth, Housing and Environment Committee ("the Department")/ Planning Committee

10. The application was determined by the Planning Committee ('the committee'). Their decision to approve the development followed the recommendation set out in the report prepared by the Growth, Housing and Environment Department ('the Department').
11. The Department considers that the proposal meets the requirements of the Island Plan. They would be an appropriate re-use of a brownfield site and meet an identified need. The change to an alternative employment use is acceptable in principle with reference to paragraph 8 of Policy NE 7 Green Zone. The application

involves the re-use of part of an existing building, and so there will not be any additional landscape impact.

12. There is a large existing car park within the site, which can accommodate around 70 vehicles. This means that vehicles will not need to wait in the road when dropping off children. Overall, the department is satisfied with the parking and highway considerations. On balance, the department does not believe that the periodic sound of a relatively-small group of children playing would constitute 'unreasonable harm', which is the test under Policy GD 1.

Case for the Applicant

13. The development accords with the requirements of the Island plan. Notwithstanding this, if the Minister considers that the proposed development is inconsistent with the Island Plan then there is 'sufficient justification' for granting planning permission, in accordance with Article 19 (3) of the Law.
14. The proposal is for redevelopment of a brownfield site and for the purposes of meeting an identified need and hence is in line with Policy SP 1 of the Island Plan. It meets the requirements of Policy NE 7 in relation to the Green Zone. The application proposes the re-use of an existing building, and so the landscape impact of the scheme will be neutral. There will be a reduction in traffic intensity as there will be fewer vehicle movements accessing the site for a shorter period of time through the day, and for fewer days reducing from 7 to 5 days.
15. The test set by Policy GD 1 is one of preventing unreasonable harm. There is a relationship between the application site and the appellant's property. There is existing commercial use of the property, which sets the context for the amenity that neighbours might expect to enjoy.
16. The existing woodland area will not be altered in any way. No trees will be cut down and the protection that the countryside should be afforded will not be affected.
17. Putting Children First is identified in the Government of Jersey Common Strategic policy 2018-2022 as the first of the 5 strategic policies. At the document which sits at the pinnacle of Government policy, this should have weight in the planning decision-making process. Busy Beans Nursery has pledged to work in partnership with Putting Children First.

Consultation Responses

18. In its initial response (2 December 2019) the **Department of the Environment - Environmental Health** sought further information about the proposed use of the outside play areas, in order to determine the effects of noise on neighbours. Following receipt of this, it confirmed (3 February 2020) that it did not object to the proposal.
19. **Jersey Fire & Rescue** (6 December 2019) noted that the building would require registration under the Child Care Registration Scheme. It requested that if approved, copies of all plans should be sent to the department, showing all active and passive fire safety measures in accordance with the Building Bye-Laws (Jersey) 2007 Technical Guidance Document Part 2.
20. The **Roads Committee of St Saviour** (20 January 2020) set out its support for the application, conditional on there being no on road parking on the byroad.

Representations

21. The planning applications website shows 28 letters of representation from 27 parties, of which 13 supported the proposals and 15 objected. It is noted that the Department's report for the Planning Committee refers to 23 letters of representation. Based on the dates of these letters, it is assumed that some of these arrived too late to be included within their report.
22. Issues raised in the objection letters relate to:
 - increased traffic in relation to the capacity of the network and the effects of this on safety and damage to the road edges;
 - increase in noise resulting in disturbance to neighbours;
 - comparison with previous gym use not appropriate;
 - effects on the environment.
23. Some correspondents also considered the comparisons between the consented use of a gym and proposed use of a nursery to be unfounded in relation to traffic generation and noise, stating that not all gym members would attend regularly, compared to nursery children. Also, the gym was predominantly indoor use, whereas the nursery will have more outdoor use.
24. By contrast, the letters of support referred to:
 - the suitability of the site for a children's nursery;
 - the location of the grounds away from traffic and pollution, but within easy reach of town and schools;
 - benefits of siting a nursery with opportunities to be involved in music education;
 - broadening the educational opportunities at Chateau Vermont will only serve to support the Island in a positive way;
 - creation of employment;
 - may lead to a reduction in traffic if people are already passing the site.
25. A further 11 letters of objection were received during this appeal, which raised similar issues to those at application stage.
26. A letter of objection was also received from the Connétable of St Saviour citing concerns about the effects on traffic and the need for the nursery. As this appeared to contradict the Consultation Response from the Parish Roads Committee, I sought clarification about the status of this letter. It was confirmed that the comments were made in a private capacity rather than as an official response from the Parish.

Main Issues

27. Based on the grounds of appeal, written material, the hearing and my site inspection, I consider that the main issues in the appeal are:
 - the description of the development and how this relates to the policy assessment of the proposals;
 - effects of proposals on traffic;
 - effects of proposals on natural heritage; and
 - effects of proposals on neighbouring amenity.

Inspector's assessment and analysis of the issues

Description of the development and how this relates to the policy assessment of the proposals

28. The purpose of the description is to provide a concise summary of the main elements of the proposed works. Whilst it need not be fully comprehensive, it should be accurate, clear and precise and should identify the key parts of the proposal that require planning permission. This is particularly important in cases where the description may be used by consultees in determining whether or not to comment on a particular proposal.
29. In this case, the description focuses upon the proposed change in use of the building from a spa/ leisure facility to a nursery. It does not, however, make any reference to changes in use of the external areas. Thus, without a detailed reading of the application and supporting information, it would not be obvious from the description that the proposals would also entail use of the woodland area.
30. The Department has indicated that the description for an application for a new house might not necessarily include reference to the creation of a garden. In such a case, those works would be linked to the main curtilage of the property and would be activities that might typically be associated with the formation of a new house. I do not consider that to be the case with the current application.
31. The woodland is in the same ownership as the building and is marked within the 'red line' boundary on the location plan submitted with the application. Nevertheless, during my site inspection I saw that it is clearly separated from the main 'garden' area of Chateau Vermont by a stone wall and as such appears outside the main curtilage of the property. It is an area of plantation mixed woodland, which appears to receive little active management and hence is significantly different in character to the formal garden grounds defined by the boundary wall around Chateau Vermont.
32. I have not been provided with any evidence that the woodland area has been formally adopted into the garden grounds or curtilage of the property. On the contrary, it seems from the planning history supplied by the appellant, that the woodland has been formed from a field, rather than garden ground and hence would not be considered brownfield land.
33. Whilst I am not aware of any barrier that would prevent casual use of the woodland by those using the other facilities at Chateau Vermont (or the public), I note that both the Music School and spa are 'indoor' uses associated with the building and that use of the grounds for events is subject to a specific condition, limiting the number of events held each year to 12.
34. I have considered the applicant's view that the proposals would not result in any physical changes to the external woodland area. Whilst there may not be proposals to introduce any physical infrastructure, based on my site inspection I consider that some management of the land may be required to facilitate access and for safety reasons. The woodland appears to have received little recent management, resulting in large areas of dense ground cover including broken branches. Unless the children are going to limit their activities close to the existing track, it seems that some form of management would be required to enable them to access, explore and enjoy the benefits of the outdoor setting.

35. Even in the absence of any operational development, it does not follow that there would not be a material change in use of the woodland. I am not persuaded by the Department's view that there would be 'infrequent' / casual use of the woodland. The Forest School concept explained by the applicants at the hearing and in the reference material they provided, is based on engagement with the natural world at regular / frequent intervals over a sustained period of time. The applicant's response to the Environmental Health Officer refers to use of the external play areas (plural) for three periods of an hour each every day.
36. Identifying a change in use for the purposes of planning is a matter of fact and degree and is not necessarily dependent on physical changes to the land. The woodland is in private ownership. Whilst there are no physical barriers to people accessing the woodland, it is not promoted for access or recreation; does not form part of the consented spa and leisure use; and there is a limit on the number of external functions that can be held in the grounds of Chateau Vermont each year. By contrast, I find that the use of the woodland for Forest School, which is part of a commercial enterprise, would result in organised regular and more frequent use of the woodland for activities unrelated to woodland management. I therefore conclude that the proposals would represent a material change in use of the land and hence fall within the definition of development as set out in Article 5(1) (b) of the Planning and Building (Jersey) Law 2002.
37. Thus, I conclude that the proposed change in use of the woodland should have been included within the description of the development.

Traffic

38. The applicant's Transport Assessment was not available during consideration of the application. Nevertheless, the Department and the Parish Roads Committee considered that there was adequate information to reach a decision. In reaching its conclusion, the Department placed significant weight on the consultation response from the Parish Roads Committee, who supported the proposals.
39. Whilst I accept that there are some limitations to the methodology and approach of the Transport Assessment (including an absence of 'ground truthing' of assumptions), it does provide some quantification of traffic movements. It predicts that the proposals would generate an additional 25 vehicle movements per day and alter the pattern of vehicle movements.
40. The greatest impact would occur between 0700 - 0800, when the proposals are predicted to generate an additional 32 vehicle movements compared to the consented use as a spa. The end of this period overlaps with the peak period for vehicle movements recorded on La Grande Route de St Martin in 2018 south of the junction at Les Routers; with the arrival time of staff at the nearby Grainville schools; and the start of the drop-off time for pupils. However, I note that the nursery would operate under flexible start and end times for sessions, which would act to spread journey times.
41. At the request of the appellant, I observed traffic movements in the vicinity of Chateau Vermont between approximately 7.45 - 8.30 on a school day. I saw that the road network was busy and that some tailbacks developed, particularly for cars attempting to either enter or exit from Bel Air Lane, which is the extension of Le Mont Sohier. Based on my observations, these tailbacks appeared to occur as a result of cars parked along the side of the road, restricting two-way movement of vehicles,

rather than as a result of the total number of vehicles *per se* and cleared very rapidly. I note that the Parish Roads Committee has supported the proposals and hence must be content that the roads network has the capacity to accommodate the increased numbers without introducing unacceptable delays.

42. As noted above, I consider that the comments from the Connétable of St Saviour were submitted in a personal capacity and are not the official view of the Parish Roads Committee.
43. Whilst I acknowledge the comments of the appellants about the narrow roads, during my site inspections I saw numerous individuals and family groups both walking and cycling to access the schools. I am therefor content that the nursery can be accessed by means other than the private car as required by Policy SP 6 of the adopted Island Plan 2011 (revised 2014) and is within reasonable distance of public transport as required by Policy TT 8.
44. Policy TT 9 of the adopted Island Plan 2011 (revised 2014) requires that a travel plan be produced for proposals which would generate significant amounts of traffic. Other than for residential accommodation, the plan does not set thresholds for defining significant amounts of traffic. The Department took the view that as the proposal represents the replacement of one commercial use by another, a travel plan was not required. Nevertheless, the applicant has expressed his willingness to produce such a plan.
45. Based on the applicant's Transport Assessment, I am content that the effect on overall vehicle movements would be acceptable. However, given the potential for an increase in the peak traffic generated by the nursery to coincide with the existing peak associated with the nearby schools, I consider that a travel plan should be made a condition of any permission that were granted.

Natural Heritage

46. The adopted Island Plan 2011 (revised 2014) includes policies for the safeguard of biodiversity (NE1); protected species and their habitats (NE2); Wildlife Corridors (NE3); and trees, woodland and boundary features (NE 4).
47. Irrespective of whether any practical management work is required to the woodland, for the reasons I have already set out, the proposals represent a change in the nature and intensity of use of the woodland. Whilst it is accepted that one of the purposes of Forest School is to foster knowledge and understanding about the natural world and to minimise impacts upon it, I am not persuaded by the applicant's view that "it is inconceivable that the nursery children being educated in Forest School would cause an impact on the very environment they were being taught in". Increased access and footfall could lead to effects on wildlife as a result of trampling, noise and disturbance. Given the applicant's concern for the natural world, it seems strange that they have not provided any supporting information on this matter, such as a site management plan or a clear explanation of how the woodland would be used to support Forest School (e.g. which areas to be used and the types of activities to be carried out).
48. At the hearing, the Department confirmed that the usual process was for the Natural Heritage Team to identify which applications it wished to comment upon. The team had not asked to comment on this scheme, so the Department concluded the team had no concerns. However, as I have set out above, it would not be obvious from

the description that the proposals involved a change in use of the woodland or any other land outside the building. Given the location of the proposal, within the Green Zone, it is perhaps surprising that the Department did not request advice from the Natural Heritage Team.

49. The appellant and some of the representations refer to the presence of protected species within the woodland. In the absence of specific information about which species are present and how they might be affected by the proposed change in use, it is not possible to reach a conclusion as to the extent to which the proposals comply with the relevant policies, particularly Policy NE 2.

Neighbouring amenity

50. During my site inspection I spent some time walking along the access route between the car park and the proposed nursery and I also viewed the appeal site from the appellant's property, including the Pool House.
51. The boundary wall which borders the main proposed access by the steps to the nursery and the external play area is clearly visible from the Pool House, particularly the covered area at the north of the building. However, I found that the views back towards the Pool House from the steps were less obvious and more obscured. Although my visit took place during the late autumn, when vegetation was sparse, I found that the difference in height combined with the path being set back and separated from the wall by planting, together with the line of trees planted along the roadside boundary, meant that it was difficult to see the covered area of the Pool House from the steps. Views were highly restricted and I had to make particular efforts to see that area. The steps are steep and of uneven depth and I anticipate that considerable attention would be needed to negotiate these safely with young children, further reducing the scope for casual over-looking of the adjacent property.
52. I was able to gain some views of the (east) side of the appellant's pool house. However, it was not possible to see into the pool house through the windows owing to the oblique angle created by the difference in height between the two properties and reflection of light from the surface of the windows. I anticipate that the views would be further obscured in summer when vegetation is in full leaf.
53. Visibility of the appellant's property from the proposed play area immediately outside the nursery, is limited to an area close to the boundary wall. By standing here, it would be possible to see the end of the pool house, which I understand is particularly valued by the appellant for the shade it provides. Based on my observations, any view would be partially restricted by the low wall at the end of the pool house. Whilst it may be possible to view the head and shoulders of someone sitting at the end of the Pool House, I do not find that this would be significantly different to the views currently possible from anyone walking along the road.
54. The main proposed access route between the nursery and the woodland would be through the garden grounds. However, even if the external steps in the boundary wall facing the neighbouring property were used, this would not introduce a new relationship with the neighbouring property.
55. I conclude that the proposed arrangements, which do not represent a significant change from the current situation, would not result in unreasonable harm to privacy.

56. At the hearing, the appellant explained how existing noise associated with the music school impacts upon their enjoyment of their property and therefore their concerns that the effects of any increase in noise levels associated with the proposed development have not been subject to a noise impact assessment.
57. The supporting text for Policy GD 1 notes that applications must be accompanied by an appropriate level and quality of information to enable assessment of neighbouring impacts. The Department has relied heavily upon the advice of the Environmental Health Officer, who did not request a noise impact assessment, but did seek further information about the proposed use of the external areas. The Environmental Health Officer was satisfied with the information supplied and removed their objection to the proposals.
58. The test set by Policy GD 1 is whether the change would result in unreasonable harm. This assessment of reasonableness has to be considered within the context of the particular setting.
59. At the hearing, both the Department and the applicant referred to the Planning and Building (General Development) (Jersey) Order 2011, which would allow the use of the spa for social or entertainment purposes using permitted development rights, both uses which could generate noise. Nevertheless, I do not find this particularly helpful. Those uses would be associated with the inside of the building, rather than the garden areas.
60. The proposal is located in the Green Zone. Nevertheless, there is an existing consented use for a Music School, which generates a certain degree of noise, together with a limited number of external events. Taken in the context of the existing music school use, the numbers of children that would use the play areas for limited periods of time, and the lack of objection from the Environmental Health Officer, I accept that the proposals would not cause a change sufficient to result in unreasonable harm.
61. I note that even if planning permission is granted, this would not defend the applicant from potential nuisance action in the future.

Compliance with the spatial strategy and effects on the Green Zone

62. The spatial strategy of the adopted Island Plan 2011 (revised 2014) directs development to the Built-up Area and seeks a high level of protection for the Green Zone. This protection is articulated through Policy NE 7, which sets a general presumption against development within the Green Zone. Certain limited exceptions are permissible, subject to meeting particular criteria and that the development would not cause serious harm to landscape character. One of these exceptions relates to the re-use of employment land as set out in paragraph 8 of Policy NE 7.
63. Four criteria are set out in paragraph 8 of the policy. The change in use of employment land for other employment use may be permissible where:
 - a) it would accord with Policy E 1: Protection of employment land;
 - b) the requirement for a coastal or countryside location can be adequately justified;
 - c) in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel or trip generation; and
 - d) it does not cause serious harm to landscape character.

64. The proposal relates to the re-use of an existing building, involving a change from one employment use to another, consistent with the requirements of Policy E 1.
65. The applicants suggest there is a demand for a nursery in this part of the Island, but that is not the same as demonstrating the need for a countryside location. The location offers benefits for “Forest School” in having woodland on the doorstep. I consider that there is some justification for a countryside location.
66. The Department’s assessment of effects on landscape character only considers the re-use of the existing building. I accept that the proposed change in use of the building would not represent an intensification in use. However, I find that the use of the woodland, for commercial purposes unrelated to woodland management, would represent an intensification in its use and the effects of this on the landscape character have not been assessed.

Other matters

67. The appellants state there is a need for new nursery provision and this was not disputed by the Department. Policy SCO 1 of the adopted Island Plan 2011 (revised 2014) provides support for the provision and safeguarding of new and existing nursery school provision. It also allows for proposals for the development of additional educational facilities or the extension and/ or alteration of existing educational premises provided that the proposal is:
 1. Within the grounds of existing education facilities, or
 2. On a safeguarded site, or
 3. Within the Built-up Area.
68. The proposals would occupy a building already used for educational purposes, albeit that the educational activity would extend beyond that building into adjoining woodland. Nevertheless, I accept that there would be synergy between the nursery and the Music School.
69. During the hearing there was discussion of the importance that the Government of Jersey places on “Putting Children First” and policy development in this area. Nevertheless, I have not been provided with any evidence that the demand for nursery provision is so acute, that there is a need to consent proposals that do not accord with the requirements of the Island Plan.
70. The appellant has also referred to the need for compliance with Jersey Early Years statutory requirements. I consider those to be matters beyond the responsibility of the planning process. It is for the relevant authorities to determine whether the nursery is operated in line with statutory requirements and up to the applicants to satisfy themselves that they can meet those requirements within the confines of any planning permission that they hold.

Conditions

71. At the hearing there was a discussion as to whether there should be a condition that defines the extent of the area that could be used for “Forest School” and/or whether ecological survey work should be conditioned.
72. The Department considers that as the proposals do not involve physical development within the woodland there would be no need for ecological assessment. It suggested

that an informative could be added to the permission, that notes that operational development is not permitted by the works.

73. I am not persuaded by this approach. For the reasons I set out above, I find that the proposals constitute a material change in use of the land and hence represent development as defined by the Planning and Building (Jersey) Law 2002 (as amended). As such, the effects of the proposals need to be fully assessed, prior to permission being granted, to ensure that any necessary mitigation can be conditioned. However, should the Minister decide to dismiss the appeal, I recommend that a condition should be appended which requires the preparation of a species and habitat protection plan.
74. Whilst I am content that the road network would be able to accommodate the proposed overall increase in vehicle movements, I agree that a travel plan would assist in ensuring that effects on peak vehicle numbers are managed in the most efficient manner. Should the Minister decide to dismiss the appeal, a condition for the preparation and submission of a travel plan prior to occupation of the nursery should be appended to the Decision Notice.
75. I have considered the appellant's suggestion that a visual and/or acoustic screen be introduced to safeguard their amenity. I have grave concerns about the practicality and visual impact of such a screen. I have concluded that the proposals would not have unreasonable effects on neighbouring amenity in respect of privacy or noise and therefore do not consider that a screen is necessary.

Inspector's Conclusions

76. Article 19 of the Planning & Building (Jersey) Law 2002 provides that, in general planning permission shall be granted if the development proposed is in accordance with the Island Plan. Article 20 provides that planning permission may also be granted where the proposed development is inconsistent with the Island Plan, if there is sufficient reason for doing so.
77. The proposed scheme has much to recommend it. It would see the re-use of an existing building and protect employment land. The site has ample parking to accommodate the proposals. Effects on traffic and neighbouring amenity are considered to satisfy the required tests established by the relevant policies of the adopted Island Plan 2011 (revised 2014).
78. The proposed use as a nursery would complement and have synergy with the existing use as a music school. Provision of nursery accommodation is in accord with Government policy for children and the proposed setting provides many benefits for the establishment of a "Forest School". The value of such approaches to child development, education and health are not disputed.
79. For the reasons set out above, I find that the woodland is clearly separate to the curtilage of the building. Whilst the proposals, as stated, do not involve any physical works, I conclude that the proposed commercial activity would lead to an increase in the intensity of use in terms of numbers and frequency of visits, sufficient to represent a material change in use of the woodland. The effects of this change in use require to be considered against relevant policies within the adopted Island Plan 2011 (revised 2014).
80. The application has not been supported by any surveys or assessments of the presence of protected species or their habitats, or the effects of the change in use

on wildlife or the landscape character of the Green Zone. Hence, compliance with policies NE 1, NE 2, NE 4 and NE 7 cannot be demonstrated. Whilst it is not the case that a proposal needs to meet each and every policy, I do not consider these policies to be trivial or capable of being ignored in reaching a decision. Protection of the Green Zone and natural heritage resources are important elements of the overall Spatial Strategy of the plan.

81. I therefore conclude that the proposals fail to satisfy the requirements of the adopted Island Plan 2011 (revised 2014) and that there are no over-riding reasons to grant permission.

Recommendation

82. For the reasons set out above, I recommend that the appeal should be allowed and that planning permission should be refused.
83. If the Minister decides not to follow my recommendation, the permission should be accompanied by conditions relating to provision and approval of a travel plan and for a species and habitat protection plan.

Sue Bell

Inspector 01/12/2020