

KML

PLANNING COMMITTEE

(25th Meeting)

20th February 2020PART A (Non-Exempt)

All members were present, with the exception of Deputies R. Labey of St. Helier, Chairman, G.J. Truscott of St. Brelade and J.M. Maçon of St. Saviour, Vice Chairman, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Acting Chair
 Connétable D.W. Mezbourian of St. Lawrence
 (not present for item No. A6)
 Deputy S.M. Wickenden of St. Helier
 (not present for item No. A10)
 Deputy R.E. Huelin of St. Peter
 (not present for item Nos. A10 and A13)
 Deputy L.B.E. Ash of St. Clement
 Deputy K.F. Morel of St. Lawrence
 (not present for item No. A6)

In attendance -

P. Le Gresley, Director, Development Control
 E. Stables, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 R. Greig, Planner
 G. Urban, Planner
 R. Hampson, Planner
 T. Ingle, Principal Historic Environment Officer
 K.M. Larbalestier, Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Part A only.

Tramonto, La
 Route du Petit
 Port, St.
 Brelade:
 proposed
 extension/
 erection of
 fence.
 P/2019/0945

A1. The Committee, with reference to its Minute No. A10 of 21st November 2019, noted an error in a report prepared by the Department which had been transposed to the Minute in relation to an application which had proposed the construction of a first-floor extension above an existing garage to create a one bed residential unit at the property known as Tramonto, La Route du Petit Port, St. Brelade.

The Committee recalled that the Department's report had stated that –

*'A previous application for a similar development on the site had been rejected in 2017 – following an unsuccessful appeal - on the grounds that the proposed development would have had an unacceptable impact on the living conditions of the properties to the **south and east**.'*

The applicant had contacted the Department following the publication of the Minutes to point out that the 2017 application had been refused on the grounds that, 'the proposed extension would have an unreasonable impact on the neighbouring property, Rose Maris'. The case officer had subsequently confirmed that the

application had been refused on this basis and that the reference to ‘properties to the east’ was, in fact, incorrect.

The Committee noted and approved the correction to the record.

Jersey College
for Girls
Primary
School,
Claremont
Road, St.
Saviour:
proposed
pedestrian
bridge between
junior and
senior schools.

A2. The Committee, with reference to its Minute No. A5 of 19th December 2019, noted that Mr. R. Le Sueur, Architect, had contacted the Department regarding the Minute relating to an application for the construction of a pedestrian bridge between Jersey College for Girls Preparatory School and the Jersey College for Girls (senior school), Claremont Road, St. Saviour.

The Committee noted that Mr. Le Sueur had pointed out that J.S. Livingston Architectural Services had been incorrectly referred to as J.S. Livingston Architects in the record of the meeting. Mr. Le Sueur had requested that the record be set straight as he ‘*doubted that the company held themselves out to be architects, as this would be an offence under the Architects (Registration) (Jersey) Law 1954*’.

P/2019/0682

The Committee noted and approved the correction to the record, recognising that this was merely an administrative error and that there had been absolutely no intention on the part of J.S. Livingston Architectural Services to mislead.

Highview, La
Route de
Noirmont, St.
Brelade:
proposed new
dwelling/
replacement
garage roof.
477/5/3(1063)

A3. The Committee, with reference to its Minute No. A4 of 16th January 2020, considered a report in connexion with an application which sought permission for the construction of a new 2 storey dwelling in the rear garden of the property known as Highview, La Route de Noirmont, St. Brelade. The Committee had visited the application site on 14th January 2020.

The Committee recalled that it had been minded to refuse the above application, contrary to the Department’s recommendation. For the purpose of formally confirming its decision and setting out the reasons for refusal (as detailed within the officer report), the application was re-presented.

P/2019/0020

The Committee confirmed its decision to refuse permission.

Gouray Lodge,
Le Mont de
Gouray, St.
Martin:
proposed
conversion of
workshop to
form guest
accommodat-
ion (RFR).

A4. The Committee, with reference to its Minute No. A6 of 16th January 2020, considered a report in connexion with an application which had sought permission for the conversion of an existing workshop at Gouray Lodge, Le Mont de Gouray, St. Martin to provide a one-bedroom unit of guest accommodation. The Committee had visited the application site on 14th January 2020.

The Committee recalled that it had been minded to approve the above application, contrary to the Department’s recommendation. For the purpose of formally confirming its decision and setting out the reasons for approval (as detailed within the officer report), the application was re-presented.

P/2019/1281

The Committee confirmed its decision to grant permission.

Morningside,
Le Chemin de
Beau Port, St.
Brelade:
proposed
demolition and
redevelopment.

A5. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of the property known as Morningside, Le Chemin de Beauport, St. Brelade. The Committee had visited the site on 18th February 2020.

P/2019/1257

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park. Relevant Island Plan Policies were as follows - NE6 - Coastal National Park, GD1 - General Development Considerations, GD7 - Design Quality, NE1 - Conservation and Enhancement of Biological Diversity, NE2 - Species Protection, NE4 – Trees, Woodland and Boundary Features, WM1 - Waste Minimisation and New Development, LWM2 - Foul Sewerage Facilities and LWM3 - Surface Water Drainage Facilities.

The Committee noted that Morningside occupied an elevated position above St. Brelade's Bay. The application proposed the replacement of the existing 5/6 bedroom dwelling with a 2 bedroom dwelling (inclusive of ancillary buildings/structures and the reconfiguration of the existing vehicular access). Whilst retaining the existing dwelling might be feasible, having balanced the extent of works required to repair and refurbish the same and the limited improvements in respect of energy costs and performance with the greater energy efficiency in the long term which would be delivered through a bespoke building design, materials, layout and orientation, the loss of the existing building was considered to be justified.

Having regard to the Coastal National Park context, the works amounted to a permissible exception to the presumption against development under Policy NE6. Moreover, the proposals were compliant with the prescribed policy criteria in that they were no larger in gross floor space, building footprint or visual impact; would not facilitate a significant increase in occupancy; and, would deliver the requisite environmental gains.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

6 letters of representation had been received in connexion with the application.

The Committee heard from Mr. M. Stein, representing individuals who objected to the application and Mrs. A. Richardson, who represented Ms. J. Bull.

Mr. Stein noted that a request for consideration of the application to be deferred, on the basis that a number of objectors had been unable to attend the meeting, had been denied. He advised that it was felt that the grounds for the demolition of the existing property were insufficient and he drew parallels to an application for the demolition of a property known as Pinegrove (reference P/2016/1593) where the Minister had concluded that the policy tests set out in GD1 had not been satisfied. Mr. Stein went on to discuss the extent and level of ground works involved and referred the Committee to the submitted site waste management plan (table 3) which stated that 4,620 cubic metres of spoil would be removed and reused (where possible), 450 cubic metres of soil and 900 square metres of vegetation were also to be removed for use as compost. The total amount was equivalent to the volume of 2 Olympic size swimming pools or 6 x Les Quennevais swimming pools or 7 x the volume of the meeting room. Mr. Stein contended that this was an extraordinary amount of waste material, which was clearly contrary to waste management objectives and would shorten the life of facilities at La Collette. He was disappointed to note that there was no reference to this particular issue in the report prepared by the Department, particularly as the scheme could potentially generate 1,400 heavy goods trips. Policy NE6 afforded the Coastal National Park the highest level of protection and the level of physical intrusion proposed on the application site was considered unacceptable. Residents had already suffered considerable disturbance from other developments in the immediate vicinity, to include the imposition of a traffic light system which had been in place for the last 6 years. Mr. Stein urged the Committee to refuse the application on the grounds that it was contrary to Policies

GD1, SP2, SP4, NE6 and WM1.

The Committee heard from Mrs. A. Richardson, who read from a letter from Mrs. J. Ball, who objected to the application. Mrs. Ball was extremely concerned about the amount of excavation and engineering works proposed, particularly as she considered the existing property to be perfectly capable of repair and refurbishment. She considered the proposals to be intrusive in this context and had highlighted the significant heavy vehicle movements which would be required to facilitate the works and resultant negative carbon footprint. Mrs. Ball had stated that residents had suffered noise and disturbance from numerous developments and she too had referred to the traffic light system which had been in place for the last 6 years. If approved the proposed development would bring another 2 years of noise, dust and disturbance, which was intolerable to neighbours. She concluded that the application was contrary to Policies SP2, GD1 and NE6 – in the case of the latter it would be highly intrusive by virtue of the extent and amount of excavation proposed.

The Committee heard from the applicant, Mr. B. Fairman and his agent, Mr. C. Riva. Mr. Riva advised that he wished to correct some misunderstandings regarding the excavation works. He referred the Committee to an electronic mail message dated 18th November 2019, which included a revised site waste management plan which detailed significantly reduced excavations. The revised site waste management plan showed that of the 1,356 square metres of spoil extracted from the western part of the site, 1000 square metres would be retained on site. Only the balance would be in excess to requirements and the Committee was advised that the scheme essentially proposed a cut and fill exercise across the site to reinstate contours to the lower part, which were perceived to have been man-made and were not in keeping. With reference to other development in the immediate vicinity, Mr. Riva outlined the volume of materials extracted and the particular constraints of those sites in terms of absorbing that waste and dealing with construction traffic, which constraints did not apply to the application site. Energy performance comparisons revealed a carbon tonnage difference (between the existing and new developments) of 386 tonnes over a 50 year period. Finally, it was noted that the scheme would see the reinstatement of the green backdrop and Mr. Riva added that the planting of 17 additional trees would result in a carbon neutral setting.

Mr. Fairman added that he was trying to build the smallest house possible on the application site whilst also remediating the land. He was fully aware of the Coastal National Park Policy and did not wish to carry out any development which would be detrimental in this context. Mr. Fairman advised that there had been no significant building work on the application site for 50 years and he had purchased the existing dwelling to prevent a more intensive development. The proposed scheme would reduce the monetary value of the site, but increase the ecological value and reinstate the site contours. A smaller dwelling with a lower ridge line was proposed. In concluding, Mr. Fairman stated that the existing dwelling was in a poor state of repair by the admission of the previous owner.

The Committee discussed the application and noted some concern from Deputy K.F. Morel of St. Lawrence with regard to the loss of bedrooms on the application site given the current housing crisis. In response to a question from the Deputy regarding how much weight could be given to disturbance arising from building work in the context of determining the application, it was noted that this was not a material planning consideration and that other controls existed to ensure normal tolerances were not exceeded.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of certain conditions detailed within the officer report. In terms of the revised waste management plan, the Committee delegated authority to

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the Director, Development Control in terms of the mechanism by which this document would be tied to the permission.

Les Bardeaux,
La Rue de
Haut, St.
Lawrence:
proposed
demolition and
redevelopment.

A6. The Committee, with reference to its Minute No. A9 of 19th October 2019, considered a report in connexion with an application which sought permission for the demolition of the property known as Les Bardeaux, La Rue de Haut, St. Lawrence and the construction of a new residential apartment block comprising a total of 11 units of accommodation. The Committee had visited the site on 18th February 2019.

P/2019/1404

Connétable D.W. Mezbourian and Deputy K.F. Morel, both of St. Lawrence, did not participate in the determination of this application.

A site plan, drawings and a virtual model were displayed. The Committee noted that the application site was located in the Built-Up Area, the Green Backdrop Zone and the Green Zone. Relevant Island Plan Policies were as follows: SP1 – Spatial Strategy, SP2 – Efficient use of Resources, SP6 – Reducing Dependence on the Car, SP7 – Better by Design, GD1 – General Development Considerations, GD3 – Density of Development, GD7 – Design Quality, GD8 – Percentage for Art, BE3 – Green Backdrop Zone, NE2 – Species Protection, H6 – Housing Development within the Built-Up Area, NR7 – Renewable Energy in new Developments, WM1 – Waste Minimisation and New Development, LWM2 – Foul Sewerage Facilities and LWM3 – Surface Water Drainage Facilities.

The Committee noted that Les Bardeaux was a detached 20th-century dwelling, with associated outbuildings, located on a substantial elevated site (approx. 1.29 acres), on the north side of La Rue de Haut. The southern half of the site was within the Built-Up Area, whilst the northern half formed part of the Green Zone. Other properties within the vicinity of the site were of various scales and styles. The 2 immediate neighbouring sites (to the east and west) were both currently undergoing significant redevelopment.

It was recalled that the Committee had refused a similar application in October 2019 on the grounds of the impact of the development on the character of the Green Backdrop Zone and on the residential amenity of neighbouring properties to the south. The revised application incorporated a series of amendments which the applicants believed addressed the Committee's concerns

The application proposed the comprehensive redevelopment of the site, which would involve the demolition of all existing structures, and thereafter the construction of a new residential apartment block comprising a total of 11 units of accommodation. The proposed development would be confined to the Built-Up Area. The accommodation would be arranged over 4-storeys, set above a basement car park. At its highest point, the new development would be around 3.4 metres higher than the existing building and around 100 – 200 millimetres higher than the newly-constructed apartment development at neighbouring West Grove. This represented a reduction in height of around 2 metres compared with the previously refused scheme. The main 4-storey block of accommodation would be set back from the roadside wall by around 20 metres and would be just under 40 metres from the neighbouring properties opposite. The new apartments comfortably met and exceeded the Department's required residential standards in all regards. Each unit would have access to sufficient outdoor space and would have at least 2 parking spaces per unit (together with visitor parking).

The application proposed alterations to the site's roadside boundary, including the re-positioning of the vehicle entrance and the formation of a new pedestrian footpath. In line with a further request from the Highway Authority, the applicants

had agreed to contribute towards improvements in off-site sustainable transport infrastructure (including the provision of a bus shelter and pedestrian safety measures).

A tiered design approach was proposed with generous terraces and large expanses of glazing – particularly to the main (southern) elevation – in order to make the most of the far-reaching views towards St Aubin’s Bay. The palette of materials included a mix of granite, painted render and dark-grey stone cladding. The design would also incorporate glazed balustrades at each level, as well as a series of bespoke laser-cut shutters which would enclose the recessed terraces to the lower 2 levels. A detailed landscaping scheme had been submitted as part of the application. The amount of planting within the site had been increased since the previous application, in particular, along the site’s roadside boundary and through the enlargement of the terrace planters. In the Department’s view, this was an elegant and well-designed contemporary scheme which would sit comfortably within the site, and which would not have an overbearing presence. The comments received from nearby residents were noted, but the Department did not believe that the proposed development would unreasonably harm the residential amenity of neighbours. However, the applicants recognised that the Committee had formed a different view when it considered the previous application – specifically, with regard to the impact on the property known as Highgrove House. Accordingly, the applicants had sought to address this through the planting of a line of semi-mature trees along the site’s roadside boundary. These would be around 7 – 8 metres high at the time of planting and would serve to restrict views from the new upper-level terraces down into the Highgrove site.

In summary, the application was considered to be justified with reference to the relevant policies of the Island Plan, which sought to ensure that Built-Up Area sites were developed to the highest reasonable density. Approval was recommended, subject to the imposition of certain conditions detailed within the officer report. A Planning Obligation Agreement (POA) was also recommended pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following –

- the implementation of a speed limit reduction along La Rue de Haut (including appropriate consultation);
- a bus shelter and proper standing area – to be located within the grounds of Bel Royal School, at the nearest (east-bound) bus stop on La Vallée de St Pierre;*
- footway improvements to provide an easier pedestrian crossing point within La Vallée de St Pierre at its junction with La Rue de Haut.

It was recommended that the Director (Development Control) be authorised to grant planning permission under the powers delegated to him, subject to the completion of the POA referred to above. Alternatively, in the event that a suitable POA was not agreed within three months, the application would be returned to the Committee for further consideration.

** the applicants had committed, in principle, to the delivery of the above improvements but precise costings had not yet been worked out. In the event that the Committee granted permission for the application, the precise financial contribution would need to be established and agreed by the applicants prior to permission being formally granted.*

A total of 9 letters of representation had been received in connexion with the application. The Committee’s attention was also drawn to responses from statutory consultees, to include the comments of the Transport Section of the Growth,

Housing and Environment Department which sought a contribution towards the provision of improved off-site infrastructure (secured via a Planning Obligation Agreement), as detailed above.

The Committee noted apologies from Mr. M. Vellum, who objected to the application, but had been unable to attend the meeting. The Director Development Control advised that the Committee had decided to proceed with determining the application by a majority vote.

The Committee heard from Mrs. J. Kenny, who also represented Mrs. J. Young. Mrs. Kenny advised that her main concern was that the proposed development would be out of character with development in the area. She was also worried about traffic intensification and highway safety in an already congested area and highlighted problems experienced by residents when attempting to exit their properties during peak periods. Mrs Kenny also stated that 2 new developments under construction nearby would see a further intensification of traffic in an area where pedestrian safety was already an issue. Mrs. Kenny felt sure that emergency access to Stuart Court Residential home would be impossible at certain times of day. Whilst she accepted that any impact on her privacy would be less severe than the impact on Highgrove, she believed that the development would be prejudicial to her privacy. She was also concerned that the development would look into a playground at Bel Royal School. Mrs. Kenny stated that the use of the proposed balconies would give rise to light pollution and she felt that the development would obstruct the view of the green backdrop. She also stated that there had been significant problems with drainage in the area and she was concerned about any intensification of use of the infrastructure.

The Committee heard from Mr. N. Michel, who provided images of the area which had been taken with a drone camera. Mr. Michel stated that references to the Westgrove development were not appropriate as this did not provide a like for like comparison. He expressed the view that ‘everything about the proposed development was wrong’ and he was particularly concerned about the scale and the potential for overlooking [REDACTED]. He stated that no consideration had been given to ‘the horrendous impact’ on his privacy and he pointed out that the proposed development would look diagonally into his garden – in this regard he requested that consideration be given to obscure glazing. Furthermore, the section of road in front of the proposed development could only accommodate single lane traffic and the submitted drawings showed a vehicle parked on what was actually a pavement. Mr. Michel had marked up a plan with what he believed to be ‘the true visibility splay’. In concluding he stated that the proposed development was not in keeping with the context, would cause light pollution, conceal the green backdrop, intensify use of an already busy road and exacerbate drainage problems.

The Committee heard from Mrs. S. Steedman and Mr. C. Dunne, representing the applicant. Mr. Dunne referred to the reasons for refusal and the steps which had been taken to address previous concerns. The design had been reviewed on a floor by floor basis and a detailed analysis undertaken. External views had been studied and the height reduced to achieve parity with Westgrove. Other revisions such as the removal of a staircase, lift overruns and roof top paraphernalia had been made. The top 2 floors of the building would be clad in dark grey stone to minimise the visual presence and planting would be increased. Mr. Dunne advised that, following discussions between the applicant and Mr. Vellum of the property known as Highgrove 2, solutions had been proposed to address the perceived overlooking issues. Unfortunately, it had not been possible for the parties to reach an agreement. Mr. Dunne discussed the proposal to plant a line of semi-mature trees along the site’s roadside boundary to restrict views from the new upper-level terraces down into the

Highgrove site. On the east side a further layer of tree planting would provide privacy for neighbours. All trees would be subject to a monitoring schedule to guarantee their future.

Mrs. Steedman stated that the Highway Authority remained supportive of the proposed development and that drainage issues could be dealt with at the Building Bye-Laws stage. She believed that the scheme satisfied the relevant Island Plan policy requirements and made the best use of land within the Built-Up Area. Mrs. Steedman referred to the policy tests set out within Policies GD1, GD3 and BE4. She stated that some degree of overlooking was permissible in the Built-Up Area and it was pointed out that there was a distance of some 40 metres to neighbouring properties to the south. This was not unreasonable or unusual in this context. Mrs. Steedman referred the Committee to specific Royal Court judgements which indicated that there was no absolute right to privacy and that the expectations of those living in the Built-Up Area could not be the same as those living in the Green Zone.

Having considered the application the Committee, with the exception of Connétable P.B. Le Sueur of Trinity (who expressed concerns regarding the impact of the development on the Green Backdrop Zone and was not convinced that a reduction in height had been delivered) decided to approve the application, subject to the imposition of certain conditions detailed within the officer report and on the basis of a POA, as detailed above. In doing so the Committee agreed that 2 additional conditions should be imposed as follows:

the provision of additional screening along the eastern side of the roof terrace; and, no surface water run-off from the site.
(both prior to commencement)

Chateau
Vermont, Le
Mont Sohier,
St. Saviour:
proposed
change of use
of gym and spa
to nursery.

A7. The Committee considered a report in connexion with an application which sought permission for the change of use of the lower ground floor at the property known as Chateau Vermont, Le Mont Sohier, St. Saviour from a gym and spa to a children's day care nursery. The Committee had visited the site on 18th February 2019.

P/2019/1477

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone. Relevant Island Plan Policies were as follows: SP1 – Spatial Strategy, GD1 – General Development Considerations, SP5 – Economic Growth and Diversification, NE7 – Green Zone and SCO1 – Educational Facilities.

The Committee noted that Chateau Vermont was a substantial 4-storey property, set within extensive landscaped grounds. In addition to the open grounds, the application site included an area of wooded hillside. Originally constructed as a private dwelling, the building was now used for employment/commercial purposes; to include and spa and fitness centre on the lower ground floor and the Jersey Academy of Music on the upper floors. The site was also used for wedding receptions, corporate hire and music events.

The application proposed the change of use of the lower ground floor from a spa and fitness centre into a children's day-care nursery (for around 55-70 children, 0-5 years in age). The site formed part of the Green Zone, wherein there was a general presumption against development. However, Policy NE7 allowed for the change of use of employment land and buildings (involving conversion of a building) to other employment uses as an exception to this general presumption. Accordingly, the Department was satisfied that the proposed change of use was justified in principle, having regard to Green Zone Policy.

A number of letters of objection had been received from nearby residents, with the 2 main areas of concern being around potential traffic and noise. In view of the established use of the site, and in particular the operating capacity of the spa and fitness centre, the Department was satisfied that the proposals did not represent a significant intensification of use. The applicants had suggested that the application would result in a less intense use. The Highway Authority (the Parish of St. Saviour) supported the application provided there was no requirement for vehicles to stop in the road. The applicants had confirmed that this was the case (there was a large car park within the site to allow for drop-offs). The concerns around noise generally related to the potential impact from a new outside play area (this area was around 25 – 30 metres away from the nearest neighbouring residential property). The applicants had explained that this area would be used for 3 x one-hour periods of supervised play each day, with a maximum of 12 children. The woodland area (which was further away from neighbours) would also be used for external activities which accorded with the operator's environmentally-sensitive Forest School ethos. The proposed operator ran a similar nursery at Bel Royal on the same principles and there had been no complaints from immediate neighbours. On balance, the Department was satisfied that the proposed use of the site would not cause unreasonable harm to the amenities of local residents (the test under the Island Plan).

It was noted that the Department had received 23 letters of representation in connexion with the application, 10 of which supported the change of use.

The Committee heard from Mr. J. Baudains who spoke on behalf of Mr. and Mrs. H. Lucas of the property known as Les Fontaines. Mr. Baudains advised that he had previously owned Chateau Vermont so was very familiar with the application site. Mr. Baudains referred the Committee to Mr. and Mrs. Lucas' letter dated 21st December 2019. The main objections to the application were - noise pollution, destruction of the woodland and natural habitats and traffic intensification on the surrounding very narrow roads. Mr. and Mrs. Lucas were also concerned about the provision of car parking for the proposed use.

The Committee heard from Mr. J. Sheehy, who was also concerned about increased traffic at peak times. He pointed out that when the Committee had visited the site during the half term week there had been less traffic than usual on the network of narrow lanes. When the roundabout at Five Oaks had undergone essential repairs temporary road closures had resulted in significant congestion as traffic had been redirected.

The Committee heard from Mr. C. George of the Jersey Academy of Music, who described the proposals as 'very exciting'. The change of use would see the whole building used as for educational purposes. Mr. George explained that whilst the other uses had been necessary from a financial perspective they had, in fact, conflicted with the primary music school use. The proposed nursery use was considered to be complimentary and whilst the premises would still be used for functions these would be held at weekends. In terms of the provision of car parking on the site, parents would merely drop off and pick up children and would not remain parked on the site for a prolonged period, as with the gym use.

The Committee heard from Ms. C. Findlay, Operations Manager, Busy Beans Nursery. Ms. Findlay advised that she was a former nurse with considerable expertise in early years learning. Ms. Findlay had provided the Committee with a multi-media presentation in this connexion and she made reference to aspects of this and outlined the particular ethos of the nursery. In concluding she urged the Committee to grant permission.

In response to a question regarding traffic management, Ms. Findlay advised that it was likely that at full capacity the nursery would cater for a maximum of 48 children and she stated that parents would be encouraged to act responsibly.

The Committee heard from Ms. Y. Bates, a member of staff at Busy Beans Nursery, [REDACTED] Ms. Bates also discussed the benefits of early years learning [REDACTED]

The Committee heard from the applicant's agents, Mr. P. Van Bodegom and Mr. J. Nicholson. Mr. Van Bodegom confirmed that it was likely that no more than 50 children would attend the nursery. The current facility at Bel Royal was registered for 52 children. Traffic volumes were intermittent and there was no set time at which there would be large volumes of traffic arriving or leaving – as was the case with a school. The operator reported that the busiest drop off time at the current facility only ever resulted in 11 parents at any one time on the premises. In response to a question from a member, Mr. Van Bodegom advised that a traffic impact assessment had not been carried out as this had not been requested by the Highway Authority and the scheme fell below the threshold for such a requirement.

Deputy K.F. Morel of St. Lawrence suggested that, due to the location of the Bel Royal facility, it was likely that any parents would walk to the nursery. However, Ms. Findlay advised that most children were brought to the nursery by car.

Mr. Van Bodegom added that he believed that children would influence their parents' travel choices and this would ultimately lead to a reduction in the use of cars. There were large population centres close to the application site and some parents might choose to walk to the facility whilst others would drop children off en- route to St. Helier. The Highway Authority had no objection to the application as long as there was no parking on the road and Mr. Van Bodegom assured the Committee that this would not occur. In terms of children using the woodland for play, there would be no formal play equipment and the focus would be on environmental education in small supervised groups, in accordance with the ethos of the provider. In response to a question from a member, Mr. Van Bodegom confirmed that as no development was proposed in the woodland the Natural Environment Section had not 'called the application in'.

Mr. Nicholson stated that the proposed use would be less intensive than the existing gym/spa use and Mr. Van Bodegom provided the Committee with details of traffic volumes in his own experience as a gym user at a different venue. Mr. Nicholson repeated that the proposed use could not be compared to that of a school where parents arrived and left at set times of day. If the Committee was concerned, the formulation of a travel plan for staff and visitors could be considered. Pick up and drop off could be staggered and there would be no nursery activity at the weekend. With regard to concerns about noise, Mr. Nicholson stated that disturbance from children playing outside fell well below thresholds for serious harm. The proposed use would create synergy with the music school use in pursuance of the worthy goal of early year's education.

The Committee discussed the application and noted that the Connétable of St. Lawrence and Deputy Morel supported a deferral to allow for the production of a traffic impact assessment. The Connétable also wished the applicant to produce an environmental impact assessment. However, the majority of members expressed support for the application and decided to grant permission, subject to the imposition of the conditions detailed within the officer report.

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La Croisic
(Field No.
J227), La Rue
des Landes, St.
John: change
of use of
agricultural
shed to vehicle
workshop
(RFR).
477/5/3(17)

P/2018/1313

A8. The Committee, with reference to its Minute No. A10 of 16th May 2019, considered a report in connexion with an application which sought permission for the removal of a 'disuse and disrepair' condition attached to the permit in respect of an agricultural shed at the property known as La Croisic (Field No. J227), La Rue des Landes, St. John. The Committee had visited the site on 18th February 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone that Policies SP 1 - Spatial Strategy, GD1 - General Development Considerations and NE7 - Green Zone of the 2011 Island Plan were relevant.

The Committee was advised that the application related to a large modern agricultural building located within the Green Zone. Permission had been granted for this building in 1996 as an acceptable exception to the strong presumption against development within the Green Zone, and on agricultural land, because the intended use (to store seed potatoes and house agricultural workers) was directly associated with agriculture. The original permission had been conditioned so that if the shed was no longer required for agricultural purposes, it had to be removed from the field upon which it had been constructed and the land returned to its former food production use. At the request of the Committee, the Department had researched the planning history, but had been unable to identify the precise reason for the imposition of the condition. Various applications had been submitted seeking to remove this condition, but all attempts had been resisted.

A previous application for the change of use of the building to a vehicle repair and MOT testing facility had been refused on the basis of the restrictions governing the use of the site and this particular building. Redundancy had not been proven and the proposed use was considered unacceptable.

The current application again sought permission for the removal of the condition referred to above so that the building and the hardstanding it was built on could be retained permanently. Whilst concerns had been raised over its proposed retention and the resulting permanent loss of agricultural land, it was considered unlikely that the site could be successfully restored to agriculture. The applicant had advised that changes in the agricultural industry meant that it had not been possible to find a new tenant for the building. However, the application did not propose any change to the use of the building or the site. Whilst the applicant's claim that the condition was 'ultra vires' was refuted, it was accepted that the condition could be considered unreasonable. Consequently, in this particular instance, the fact that the restoration of the site was not feasible provided sufficient justification for the retention of the building and the removal of the condition. In this respect the Committee's attention was drawn to the comments of the Environmental Land Controls Section, which appeared to indicate an ongoing demand for agricultural buildings.

The application was recommended for approval.

3 letters of representation had been received in connexion with the application.

The Committee discussed the application and members had been concerned to note on the site visit that the shed was not currently being used for its authorised purpose. The Director, Development Control confirmed that whilst this was a compliance issue which would be investigated, the application under consideration merely sought approval for the removal of the condition and proposed no change of use.

The Committee heard from the applicant's son, Mr. C. Cotillard, who stated that when the shed had been built, all of the top soil had been removed which meant that it was unlikely that the land could be returned to its former state. Furthermore, the

removal of the shed would generate a significant amount of waste, which was not environmentally sustainable. Mr. Cotillard confirmed that an agricultural tenant for the shed was actively being sought.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, decided to refuse permission for the removal of the condition. The Committee was uncomfortable with the removal of what it perceived as 'an added layer of protection in the Green Zone', particularly as the shed was not currently being used for its authorised purpose and the applicant's future intentions were unclear.

Having noted that its decision was contrary to the officer recommendation, the Committee was advised that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Field No.
P542, La Rue
des Sapins, St.
Peter:
construction of
shed/installat-
ion of
gate/change of
use of field
(RETRO-
SPECTIVE).

A9. The Committee considered a report in connexion with a retrospective application which sought permission for construction of a shed with associated car parking and the installation of a gate to the west of Field No. P542, La Rue des Sapins, St. Peter. Permission was also being sought for the change of use of part of the field for the importation of logs for cutting, splitting and sorting for re-distribution off site. The Committee had visited the site on 18th February 2019.

Deputy R.E. Huelin of St. Peter did not participate in the determination of the application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone. Relevant Island Plan Policies were as follows: NE7 - Green Zone, SP1 - Spatial Strategy, SP4 - Protecting the Natural and Historic Environment, GD1 - General Development Considerations, GD7 - Design Quality, HE1 - Protecting Listed Buildings and Places, ERE1 - Safeguarding Agricultural Land, ERE6 - Agricultural buildings, extensions and horticultural structures and NR1 - Protection of water resources.

P/2019/1046

On a related matter, the Committee noted that there was a historic fontaine/well in the field which was a Grade 3 Listed Place. A number of representations (18 in total) had been received concerning the impact of the development on the well and a spring. This had been carefully considered and, as the well was situated a reasonable distance away from the main activities on site and no physical changes to the well or adjacent area were proposed, it was considered that the interest and setting of the Listed Place was preserved.

The application proposed the construction of a timber shed measuring 3.1 metres by 2.5 metres to a height of 2.1 metres and the installation of a timber gate to the west of the site. The application also sought permission for a retrospective change of use of the north-west part of the field for the importation of logs for cutting, splitting and sorting for re-distribution off site. The Committee was advised that the proposed change of use was considered to be contrary to exception 5 of Policy NE7 as the intensification of the use of the field would create undue noise and disturbance and would cause serious harm to the landscape character. The proposed shed and associated parking were also considered to be contrary to exception 6 of Policy NE7 as they were located in a rural location where this type of structure would not typically be found in an agricultural field. The field had not previously been used intensely and had retained a pleasant rural meadow character. The Department considered that, due to the proximity of neighbouring properties and the existing quiet rural character of the area, the commercial activities on site would result in unreasonable harm to the amenities of neighbouring uses, contrary to Policy GD1 of the Island Plan. Consequently, the application was recommended for refusal on

the grounds that it was contrary to Policies NE7 and GD1 of the 2011 Island Plan.

The Land Controls and Agricultural Development Section had advised that the 2.1 vergée field was subject to the following agricultural restrictions imposed by the Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974.

(a) that field, shall not, without the consent of the Minister, be occupied by anyone other than a bona fide inhabitant of the Island, specifically approved by the Minister, who was wholly or mainly engaged in work of an agricultural nature in Jersey for his own benefit and profit;

(b) that field was to be used for agricultural or horticultural purposes only; this excluded the grazing of equine animals and the growing of trees without the written consent of the Minister.

The applicant had been recognised as a provisional small holder as set out in his business plan supplied to the Rural Economy Section. The applicant had 3 years to meet the requirements of the business including any relevant permissions. As this application accorded with the Rural Economy Strategy, the Rural Economy Section supported the application.

The Connétable of St. Lawrence asked why it was not possible for the Department to control activities on site by the imposition of conditions. The case officer advised that the sheer number of objections to the application demonstrated the impact of the existing on-site activity, which amounted to a commercial use on an agricultural field.

The Committee heard from Mr. J. Refault, former Connétable of the Parish of St. Peter, who described the application as 'emotive'. He advised that during his time in office, the former owner of the field had begun to use the field for non-agricultural activities and Mr. Refault had asked him to remove a vehicle which had been parked there. Mr. Refault reminded the Committee that the fontaine/well in the field was a Grade 3 Listed Place. He described the field as a 'beautiful water meadow' and informed the Committee that Queen Victoria had viewed it on one of her visits to the Island. Mr. Refault expressed the view that the use of the field for commercial purposes was inappropriate.

The Committee heard from Mr. P. Slater, who advised that he represented 20 near neighbours. He stated that the field was in a mess and the landscape character had been ruined. He advised that he was concerned that the unauthorised activity had not been addressed as there had been issues for over a year. He did not understand why the applicant had not been given proper advice as to what was permissible on the field and was disappointed that the Rural Economy Section appeared to have been unaware of the special status of the fontaine. Mr. Slater understood that permission was required for the establishment of allotments on a field. He advised the Committee that this field was one of the last remaining wet meadows in the Island and was unsuitable for growing crops or trees. [REDACTED]

[REDACTED]. Mr. Slater was also worried about the impact on wildlife and highway safety. He urged the Committee to require the cessation of the unauthorised activities on the site and afford the site the protection it deserved.

The Committee heard from Mr. R. Le Gros, who advised that he had lived next to the application site [REDACTED] and he described it as the 'finest meadow in Jersey'. He, too, [REDACTED] about the current state of the field and stated that 'good husbandry' was needed. The well required restoration and Mr. Le Gros was concerned that it might become polluted by the heavy vehicles using the site. He believed that the site was only suitable for grazing animals.

The Committee heard from Mr. R. Little, who stated that the application site was an ancient, rustic meadow, unsuitable for growing crops and only partially useful for grazing. The area was favoured by walkers and cyclists and there had been considerable investment in the provision of a footpath/cycle track. The application site was at the gateway to the valley in an iconic location. However, the present condition of the field meant that it had been 'transformed into an ugly open-air factory' with vehicles churning up the surface at the entrance and mud on the road. Mr. Little alleged that the historic well had been ruined and pets were kept in hutches on the site, domestic allotments had been created and barbecues were held there in the summer. He felt that creeping urbanisation was being allowed to replace natural beauty and approval of the application would signify support for maximising the potential of land assets over preservation of the countryside. Sites like this were taken for granted and it was often when it was too late that full appreciation of their contribution to the natural environment was recognised. Mr. Little believed that this 'tiny meadow' should be preserved in its natural state and allowed 'to doze on in peace for the people who came after' in an Island which was resolute in its desire to protect nature.

The Committee heard from Mr. D. Shaw, who stated that the manner in which the site was being used was inappropriate. He suggested that the applicant should be given advice as to where this type of activity was acceptable and the field returned to its natural state.

The Committee heard from Mrs. K. Slater, who advised that she spoke on behalf of a number of neighbours. Mrs. Slater stated that there was more than one source of noise from the site, which was used by a variety of people at different times of day for a range of activities. Noise from machines and social events was problematic and Mrs. Slater did not believe that the field was being used for agricultural purposes. The intensity of use of the field and the prolonged periods of excessive noise were having a significant impact on [REDACTED] residents and their enjoyment of their properties. Attempts to demonstrate noise levels to the Committee had not been representative and the Mrs. Slater understood that the manufacturer of the equipment used on site compared noise levels to that of a bulldozer or a diesel lorry. [REDACTED]

[REDACTED] She expressed the view that there appeared to be little or no consideration for the local environment. If permission was granted there would be no limit to the extent to which operations on the site could grow, which would be a travesty for the environment. She urged the Committee to respect the rights of residents to peace in their home and asked that this valuable natural asset to be protected.

The Committee heard from Mrs. S. Steedman, who represented a number of neighbours. Whilst there was no desire to discourage a young person from working hard, it was considered that full details of the work which was to be undertaken on site had not been provided. This meant that a full assessment of the proposal had not been undertaken. The extent of the works remained unclear and there was an absence of detail in the submitted documentation. Mrs. Steedman also questioned why a change of use was not required for the allotment use. There had been no independent noise, transport, water quality, landscape and visual impact or heritage assessments and there appeared to be no landscaping scheme. In fact, the scheme had not been independently assessed against the relevant Island Plan Policies. Mrs. Steedman referred the Committee to her letter dated 2nd February 2020, in which she had sought to explain why the proposal was not in accordance with the Island Plan. This was a commercial activity as opposed to an agricultural one and it was harmful to the residential amenity of neighbours and to the environment. If the Committee approved the application and the field was sold it would be difficult for the

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Department to police activity on the site. Existing operations were causing harm and approval might result in further harm because impacts were not fully understood. Mrs. Steedman stated that the applicant should be required to restore the meadow and remove the unauthorised uses.

The Committee heard from Connétable R. Vibert of St. Peter, who advised that aerial photographs from September 2010 showed that substantial changes had already been made to the field by the previous owner when the applicant acquired it. Damage to the well had also already occurred. The Connétable asked why the Department had not taken enforcement action at that time. He believed that the applicant required professional advice as to what was permissible and he was of the view that the Government had a role to play in this, [REDACTED] and [REDACTED]. The Connétable expressed a desire for the matter to be resolved amicably as he wished to avoid polarised positions. It was accepted that the field was not suitable for all agricultural activity or for the prolonged use of certain heavy machinery but some machinery for general maintenance purposes was required. In response to a comment from Deputy K.F. Morel of St. Lawrence to the effect that it was not for the Committee to identify a solution, the Connétable stated that the Government had a responsibility [REDACTED] ng [REDACTED].

The Committee received the applicant, Mr. O. Gordon, supported by Mr. R. Cooper.

[REDACTED]

[REDACTED] Unfortunately, he had not been properly advised and had not realised that planning permission was required for the works on site. During the life of the application, the applicant had ceased using the chain saw and had planted a hedge behind an existing wall to improve safety at a dangerous junction and also intended to plant a new hedge at the entrance to the site to improve visibility. Furthermore, the parking area would allow the applicant to pull off the highway when working on site. With regard to the historic well, it was noted that much of the damage had been caused by the previous owner and the applicant had reinstated the well head and cleaned the pond so that amphibians could return. Whilst the applicant had not been required to provide an Environmental Impact Assessment he had commissioned Nurture Ecology to undertake the necessary work. Bunding was proposed to separate off the historic well area and planting would be supplemented with native species to attract wildlife. Mr. Cooper concluded [REDACTED] that he was one of only a few people providing fuel for wood burning stoves.

The Committee heard from the applicant's brother, Mr. B. Gordon, [REDACTED]. He expressed the view that the number of objections received in connexion with the application was disproportionate when compared with those received for other applications for major development in the vicinity. Mr. Gordon was also of the opinion that the comments contained within one particular representation, received from an individual [REDACTED], should be removed from the record. The Director, Development Control advised that this was out with the control of the Department and, in any case, comments of a personal nature were not material to the planning assessment.

The Committee heard from Ms. K. Blampied, [REDACTED]. She believed that he should have been given advice by the

Department as to what was permissible on the application site at a much earlier juncture. [REDACTED]

[REDACTED] Ms. Blampied urged the Committee and its officers to assist the applicant in identifying an alternative site suitable for the intended purpose.

Having considered the application, the Committee expressed considerable sympathy for the applicant and the position he found himself in. However, the application was contrary to Policy and the Committee concluded that it had no alternative other than to endorse the officer recommendation for refusal, for the reasons set out above.

Caribbean
Vibz, Maison
Chaussey and
Drifters, Havre
des Pas, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(640)

A10. The Committee, with reference to its Minute No. A5 of 15th November 2018, considered a report in connexion with an application which sought permission for the demolition of the properties known as Caribbean Vibz, Maison Chaussey and Drifters, Havre des Pas, St. Helier and the construction of 10 x one bedroom and 7 x 2-bedroom residential units with associated car parking/garaging. It was also proposed to include a café with an alfresco seating area within the proposed development and alter the vehicular access on to Havre des Pas. The Committee had visited the application site on 13th November 2018 (in connexion with an earlier scheme) and on 18th February 2020.

P/2018/1013

Deputy S.M. Wickenden of St. Helier did not participate in the determination of this application.

A site plan, drawings and a virtual 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area and was on the Eastern Cycle Route Corridor. Relevant Island Plan Policies were as follows: SP 1 - Spatial Strategy, SP 3 - Sequential Approach to Development, SP 5 - Economic Growth and Diversification, SP 6 - Reducing Dependence on the Car, SP 7 - Better by Design, GD1 - General Development Considerations, GD 3 - Density of Development, GD4 - Planning Obligations Policy GD7 Design quality Policy TT 2 - Footpath provision and Enhancement and Walking Routes, TT 3 - Cycle Routes and H6 - Housing Development within the Built-up Area.

The Committee was advised that it was proposed to demolish the existing buildings on the site and construct a predominantly 6 storey residential building comprising 17 apartments with associated parking for 15 cars, to include a 'double-stacker' car parking system, 20 cycle racks at ground floor and an altered vehicular access onto Havre des Pas, as well as a café with alfresco seating at ground floor level on the sea side. A previous scheme which had proposed a total of 20 residential units had been refused in November 2018, on the grounds of the unreasonable loss of light to and the overbearing impact on the Marina Metro hotel.

The current planning application reduced the height of the development by removing the mezzanine levels to the 5th floor, reducing the extent of and the balconies on the south-east corner of the proposed development nearest to the Marina Metro Hotel and reducing the lift/staircase area to the south elevation. This had resulted in the reduction of 3 residential units.

The site was located within the Built-Up Area in a sustainable location within walking distance of the centre of St. Helier. The Committee noted that Policy H6 was the principal Island Plan Policy relevant to application, stating that new housing would be permitted provided minimum housing standards were met which, in this instance, they were. The site was also located within a tourist destination area and Policy EVE2 was relevant. The proposal would enhance the public realm by the provision of a wider pavement and improved design of the buildings on the site, al fresco activity from the cafe on the seaside, along with improvements for pedestrians, cyclists and public transport secured through Planning Obligation contributions to the eastern cycle route.

A contemporary design approach was proposed for the new building with painted render, glass balustrades and a metal clad roof. The design and form were considered to be of a high quality and would lift the street and enhance the character of the area. The proposed building would be similar in height and scale to the neighbouring buildings and would not unreasonably harm the character of the area or the coastline, which contained a wide range of different styles of buildings, many of which were non-traditional with materials from the post war period. The proposal was considered to accord with Policies GD1, GD7 and SP7.

The Committee was advised that the test set out within Policy GD1 was one of unreasonable harm to neighbouring uses arising from a proposed development. Taking into account the context of the area and the scale and siting of the proposed development relative to existing buildings, the Department had concluded that there would be no unreasonable harm to neighbouring uses and the scheme addressed and overcame the previous reason for refusal.

In conclusion, the Department was recommending that permission be granted, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended) to secure the following –

the sum of £27,000 (prior to commencement) towards the provision of the Eastern Cycle Route;

the sum of £11,000 (prior to commencement) towards a bus shelter for bus users travelling east.

If the POA was not completed within 3 months of the date of approval of the application then the application would be referred to the Director, Development Control for further consideration.

23 letters of representation had been received in connexion with the application.

The Committee heard from Messrs. M. and J. Mattioli, Marina Metro Hotel and Mr. J. Nicholson of MS Planning. Mr. J Mattioli addressed the Committee, referring to his letter of August 2019, in which the main objections were set out. He went on to state that the hotel would suffer considerable disruption during the building works and would probably have to close for the duration of the construction period. Mr. J. Mattioli was also concerned about the maintenance of a shared section of roof and the potential for water penetration if regular maintenance works were not carried out.

The Committee heard from Mr. M. Mattioli, who advised [REDACTED] had owned the hotel for almost 50 years. It was noted that the hotel had accommodation on the western side, facing west over the application site and concerns were expressed with

regard to loss of privacy and loss of light which would, in turn, have a detrimental effect on the business. Mr. Mattioli advised [REDACTED] [REDACTED] he provided the Committee with a brief history of the application site, which included its use as an aquarium. During the 1970s the Marina Hotel had been separated from the neighbouring building and a first floor had been constructed on the existing structure on the application site. This had significantly reduced the amount of natural light to one of the hotel bedrooms making it unsuitable for guests and necessitating a change of use to a laundry room. Mr. Mattioli advised that this situation was likely to reoccur if the proposed development was approved due to the proximity of the development to the hotel. He anticipated the loss of 3 hotel suites due to a lack of natural light arising directly from the construction of the proposed development. Mr. Mattioli did not believe that the proposed amendments addressed these concerns. With reference to comments from the applicant's agents, Axis Mason, regarding the hotel not having a right to a view over the application site, Mr. Mattioli advised of the existence of a condition of the Deed of Purchase (associated with the separation of the hotel from the premises known as Nelson's Eye - (now Caribbean Vibz) which stated that the hotel windows on the west wall would remain and be maintained as they were at present. He believed that this implied a right to light and views. He referred the Committee to the Island Plan review and, in particular the findings in respect of –

the protection of coastal landscapes and the support for lower levels of development in coastal areas ; and,
support for the protection of views and vistas.

In concluding, Mr. Mattioli repeated concerns about the height of the proposed building and the impact this would have on light in the area in general and he maintained that this was not the right scheme.

The Committee heard from Mr. Nicholson, who referred to the reasons for the refusal of the previous scheme and he contended that the revised scheme did not address these reasons. The scheme failed to meet the Policy GD1 test – loss of light and over bearing impact. The Department recommendation was fundamentally flawed and failed to properly assess the application against Policy E1. Whilst the Department report described the existing building as 'outworn' this was not supported by the submitted design statement. Furthermore, 12 of the 17 apartments did not meet the standards for new housing developments and, in this connexion, he referred the Committee to page 45 of the design statement. Mr. Nicholson did not believe that the Committee had been furnished with this information when it had previously considered the application. He believed that the impact of the proposed new development would be unreasonable by a good margin and he noted the concerns of the Parish of St. Helier with regard to servicing for the café. Fundamentally the scheme would result in the overdevelopment of the site.

In response to Mr. Nicholson's comments regarding the scheme's ability to meet the residential standards, the case officer advised that the standards achieved were considered to be reasonable in this location. He also confirmed that the Committee had received all of the submitted information in connexion with the refused scheme – to include the design statement.

The Director, Development Control responded to a question from a Member as to whether the Committee was required to consider only the amendments to the scheme which sought to address the reasons for refusal or the scheme in its entirety. The Director advised that whilst the Committee was required to consider all aspects of the scheme, natural justice would suggest that if the scheme had been refused for a single reason and that reason was addressed to its satisfaction, then approval would be forthcoming. However, Mr. Nicholson interjected, stating that any issues which

had previously been overlooked or missed should be taken into account.

Deputy R.E. Huelin of St. Peter advised that whilst he had been uncomfortable with the impact of the northern elevation when the scheme had previously been considered he had not specifically cited this as a reason for his refusal of the application. He sought advice as to whether it was reasonable to raise this issue when determining the current application. The Director advised that the Committee must determine the application as it saw fit, but he cautioned that the addition of reasons for refusal which had not previously been raised, were at risk of being considered unreasonable and could be struck out on appeal.

The Committee heard from Mr. I. McDonald, Axis Mason, representing the applicant. Mr. McDonald reminded the Committee that the previous application had been refused on the grounds of the unreasonable loss of light to and the overbearing impact on the Marina Metro hotel. He believed that the amended scheme overcame those issues. The existing buildings were of very poor quality and there was a pressing need for regeneration. The Marina Metro Hotel was of little architectural merit and was configured in such way that it relied upon views and daylight from across the application site. The hotel did not have a right to a view across the application site and efforts had been made to maintain, as far as was reasonably possible, the outlook from the hotel. The hotel use was transient and whilst the relationship with neighbouring buildings was not unusual for buildings of that era, it was unlikely that it could be justified under current planning policy. However, this pre-existing relationship should not blight the development of the application site, which was in the Built-Up Area. In terms of the changes to the scheme, Mr. McDonald advised that the number of units had been reduced from 20 to 17 and the building had been set back to align with the recessed elevation of the Marina Metro Hotel. The east elevation had also been set further back to provide daylight and views to the sea and the 2-storey element reduced. To the north, the height of the building had also been reduced. With reference to Mr. Nicholson's comments regarding residential standards, Mr. McDonald stated that the minimum size for a one-bedroom apartment was 35 square metres, to include external storage (as set out in the 1994 standards). The proposed development provided separate bicycle storage in the car parking area and Mr. McDonald advised that the scheme met the standards for one and 2-bedroom apartments, albeit that he believed the 1994 standards were out of date with modern requirements. If applied stringently, the 1994 requirements would mean that 50 - 60 percent of recently approved schemes would not meet the exact standards. In concluding, Mr. McDonald stated that the proposed development provided a significant opportunity to regenerate a previously developed urban site in the Built-Up Area in a sustainable manner.

In response to a question from a member regarding compliance with the residential standards, the Director confirmed that the guidelines were 'very old' but that, in the majority of cases, the proposed units accorded with the same. Those which did not (and the Director estimated this to be 6 units) fell just beneath the threshold, with one particular unit measuring 47.34 square metres.

The Committee discussed the application and whilst some members expressed reservations about the impact of the development on the northern side, the Committee concluded that the revised scheme overcame the previous reasons for refusal. Consequently, permission was granted, subject to the imposition of the conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above.

Northwood, La
Rue de Sorel,
St. John:

A11. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of the buildings and staff accommodation to the north of the site known as Northwood, La Rue de Sorel, St.

proposed
demolition and
redevelopment.
File

P/2019/0989

John. The Committee had visited the application site on 18th February 2020.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone. Relevant Island Plan Policies were as follows: GD1 - General Development Considerations, GD7 - Design Quality, NE 7 – Green Zone, E1 - Protection of Employment Land, HE1 - Protecting Listed Buildings and Places, Planning Policy Note No. 6 – A Minimum Specification for New Housing Developments and Planning Policy Note 3 – Parking Guidelines.

The Committee noted that Northwood was a Grade 4 Listed farm group, located in rural St. John. There were currently 3 dwellings on the site with several dilapidated sheds, stores and farm workers accommodation to the north. To date, given the poor state of the outbuildings, only one shed remained useable.

The above application sought permission for the demolition of the outbuildings and the construction of an additional dwelling, whilst renovating the existing dwellings and upgrading the whole site. The Department was satisfied that sufficient justification existed for the demolition of the outbuildings and that the substantial upgrade of the site demonstrated the required environmental gains and repair and restoration of the landscape (as required by the Green Zone Policy). Redundancy of employment use had also been proven through the test set out in Policy E1.

The design of the new dwelling and the extensions to the existing dwellings were considered acceptable in terms of size, scale and volume. Both elements were proportionate within their context and were in keeping with the character of the farm group. Further to this, the proposed new access would provide much improved visibility splays and a new passing place was also proposed.

In light of all of the above, the application was considered to satisfy the requirements of the relevant policies of the 2011 Island Plan and was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

5 letters of representation had been received in connexion with the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that she had been involved in pre-application discussions for this site and that the proposals for the Listed Buildings accorded with those discussions. On balance, the scheme was considered to be acceptable.

The Committee received Mr. R. Godel, representing the applicant. Mr. Godel responded to a question regarding the heating of the swimming pool, by advising that an air source heat pump would be used. There would be improvements across whole site in terms of energy performance.

Having considered the scheme the Committee unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report.

No. 2 Clos du
Douet, La
Grande Route
de St. Jean, St.
John: proposed
construction of
conservatory
(RFR).

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for the construction of a conservatory to the north elevation of No. 2 Clos du Douet, La Grande Route de St. Jean, St. John. The Committee had visited the application site on 18th February 2020.

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P/2019/1192

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and formed part of a Grade 3 Listed farm group. Relevant Island Plan Policies were as follows: GD 1 - General Development Considerations, GD 7 - Design Quality, HE1 - Protecting Listed Buildings and Places and NE7 - Green Zone.

The Committee noted that it was proposed to construct a timber conservatory to the north elevation of the dwelling, which was a converted barn which formed part of a high-quality Grade 3 historic farm group. Whilst it was acknowledged that the barn had been altered to form a dwelling, the building was still considered to represent a barn in its simplicity and form and the changes were in keeping with a farm outbuilding. The introduction of an orangery style conservatory was not considered to be in keeping. However, it was accepted that the proposal used good quality materials, which in themselves would be appropriate. It was also noted that Nos. 3 and 4 Le Clos du Douet already benefitted from conservatory additions but these were also considered inappropriate. The conservatory at No. 4 had been approved under planning application reference SC/1993/0156 and the conservatory at No. 3 did not appear to have planning permission (it first appeared in the 2003 aerial photograph so was, therefore, immune from compliance action given that it had been there for over 8 years). A recent application (reference P/2019/0525) which had proposed the construction of a ground floor extension to the north elevation and the installation of a dormer window to the east elevation at No. 6 Le Clos du Douet had been refused for 2 reasons, including harm to the character and setting of the Listed buildings.

Whilst there had been some unsympathetic additions to the neighbouring Listed buildings in the past, these had been undertaken over 16 years ago under previous Island Plans. It was recognised that the proposal under consideration was superior in quality, but permission could not be granted based on past mistakes and the current policy line must be adhered to, to ensure that the proposal preserved the architectural and historic character and integrity of the Listed farm group.

The application had been refused on the grounds that it was contrary to Policies NE7, GD1, GD7 and HE1 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that this was a high-quality example of a historic farm group, including a well-executed 19th century rural house maintaining original features and character, a finely made lavoir and an extensive and notable piggery. The north range of converted farm buildings was included in the Listing for its exterior character and group value. Whilst the design quality of the proposed conservatory was of a high standard, an orangery style was not considered appropriate for a simple Jersey granite barn. A more simplified lean-to timber conservatory was favoured. Consequently, the application could not be supported.

The Committee heard from the applicant, Mrs. S. Veal and her agent, Ms. S. Hart-Bricknell. Mrs. Veal referred the Committee to her letter of appeal, which was not included within Members' agenda packs. She advised that she was aware of examples of orangery style conservatories which had been added to agricultural type buildings and these had been approved under the current Island Plan. She advised that it was the setting of her home which had first attracted her to it. She did not believe that the proposed conservatory would be detrimental to the appearance of the exterior and she expressed the view that the group value of the north elevation had been eroded when the barn had been converted as excavation works to create the gardens had been necessary. The scheme would not, in her opinion, be harmful to the critical features as the south face would remain unchanged. Mrs. Veal also

noted that her neighbours had converted the roof space on their properties and/or added conservatories to provide additional living space. The design of the proposed conservatory would have the least impact on neighbours. Mrs. Veal advised that she did not favour a greenhouse style structure [REDACTED] ing [REDACTED]

Ms. S. Hart-Bricknell stated that the works to the northern side of the barn had fundamentally changed the character. She, too, referred to a recent permission for the addition of 3 orangery style conservatories at the property known as Haute Croix Farm (which was not Listed). She also went on to refer to approved development at La Douette and the absence of any requirement for an historic building impact assessment. There had been no published Departmental assessment report for the application under consideration, so it was difficult to understand how the Island Plan Policies had been applied.

The Committee heard from Mr. D. Morris, a neighbour, who advised that the north elevation was of a lower quality – most of the granite had been covered with render as it was of inferior quality. The north elevation was not visible from the public realm. Mr. Morris explained that his own property benefitted from the addition of a conservatory and this was a much-used [REDACTED]. Finally, on a related matter, he expressed concern regarding the windows at La Douette, which he described as an ‘abomination’.

Having considered the application the Committee was unable to arrive at a majority decision with Connétables P.B. Le Sueur of Trinity, Acting Chair and D.W. Mezbourian of St. Lawrence and Deputy K.F. Morel of St. Lawrence endorsing the recommendation for refusal and Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement expressing support for the scheme. Consequently, in accordance with agreed procedures the application was determined in the negative and the application was refused for the reasons set out above.

Oakhurst, La
Route de
Beaumont, St.
Peter:
proposed new
dwelling
(RFR).

P/2019/0976

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for the construction of a new 4-bedroom dwelling with associated car parking and landscaping. The Committee had visited the application site on 18th February 2020.

Deputy R.E. Huelin of St. Peter did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone. Relevant Island Plan Policies were as follows: NE7 – Green Zone, GD1 – General Development Considerations and ERE1 – Safeguarding Agricultural Land.

The Committee noted that the application site was located adjacent to La Route de Beaumont, which rose steeply from road level so that the modest 2-bedroom Victorian property currently occupying the site was visible from the road. The site appeared rural in character with the house surrounded by undeveloped cōtil land on either side.

Whilst Green Zone policy presumed against development, replacement dwellings and were permissible, provided 2 strict tests were met. These tests ensured the proposal: (i) would not facilitate a significant increase in occupancy (which might be measured in terms of the number of bedrooms or property size), and (ii) would give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character. The assessment of the application had been made against the size and site coverage of the existing property and also against a 2014 approval, which remained extant. The approved scheme proposed a 2 storey 'Arts and Crafts' inspired 4 bed property designed above a large but hidden basement level. The land behind was to be terraced. The current application sought a more contemporary approach with the house stretching across the width of the site. The total floor area over the 3 floors was slightly less than the 2014 approval but was, nevertheless 327 per cent larger in floor area than the existing 2 storey house and the upper 2 floors were 31 per cent larger than the 2014 approval. This was pertinent as these levels would have the most visual impact.

The applicant had received pre-application advice to the effect that there was no justification for any additional floor area over and above the 2014 permission, and the Department took the view that any proposal must be judged against the existing property rather than a historic permission. Whilst it was accepted that the applicants could construct the approved dwelling this, in itself, did not justify a certain scale of development on the site. The Department's judgement of replacement houses in the Green Zone had been refined over recent years, aided by the judgement of Independent Planning Inspectors in cases taken to appeal. In this context, it was considered unlikely that the 2014 application would be judged favourably today.

The proposed footprint, scale and massing of the building now proposed were considered excessive and given the extent of site coverage it was difficult to agree that the required 'repair and restoration of landscape character' could be achieved on this site. Consequently, the application had been refused on the grounds that it was contrary to the relevant policies which sought to restrict development and protect landscape character within the Green Zone. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. P. Martland and his agents, Messrs. R. Godel and R. Cooper. Mr. Godel reminded the Committee that the approved scheme could be implemented at any time and this was likely if permission for the application under consideration was not forthcoming. Mr. Godel described the approved scheme as one which appeared to have been designed by a Committee and he outlined the lengthy process in terms of finally gaining approval for this scheme. He asked the Committee to consider the submitted elevations and compare the approved scheme with that which was now being proposed. He did not agree with the officer assessment that the approved scheme was arts and crafts inspired [REDACTED] and it included a very large basement. The current application represented a huge improvement over the approved scheme, was smaller than the approved dwelling and would have a lesser impact on the environment.

Mr. Cooper advised that the approved application would require the excavation of 6,000 cubic metres of spoil compared with 3,000 in the proposed scheme – much of which would remain on site. He, too, drew the Committee's attention to a comparison section drawing and pointed out a 10-metre high wall on the approved scheme. The Committee's attention was also drawn to a photo montage which had been included within member's agenda packs.

Having considered the application, the Committee, with the exception of Deputy K.F. Morel of St. Lawrence (who believed that the scale of both schemes was

Broadlands
Farm House,
La Rue de
Mahaut, St.
Ouen:
proposed
demolition of
storage
building/
construction of
garage with
tourist
accommodat-
ion above/
conversion of
barn.
P/2018/1198

excessive) approved the application, contrary to the officer recommendation. In doing so the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions to be added to the permit.

A14. The Committee, with reference to its Minute No. A14 of 19th December 2019, considered a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the removal of a condition attached to the permit in respect of the demolition of a storage building and the conversion of an existing barn at Broadlands Farm House, La Rue de Mahaut, St. Ouen.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD 1 – General Development Considerations and LWM 3 – Surface water drainage facilities of the 2011 Island Plan were of particular relevance.

The Committee noted that Broadlands Farm comprised a farmhouse and various outbuildings which had been converted to residential accommodation. The site was situated in a rural location in St. Ouen, with a small number of residential dwellings to the north and west and agricultural fields to the east and south.

Permission had been granted in October 2019 for the demolition of an existing flat-roofed light storage building and its replacement with a building which would accommodate 5 single garages at ground floor level (which would serve existing residential units on the site) and a one-bedroom dwelling above, which was intended for use as tourist accommodation. In addition, the adjacent existing building to the west, which was also currently used for light storage purposes, would be converted to provide a 2-bedroom dwelling.

The Committee was advised that following the granting of permission new information about the drainage infrastructure and surface water drainage arrangements had come to light, causing the Drainage Section to amend its response to the proposal. At present, run-off drained directly onto the road surface from roof pitches on the western boundary, to which there was no objection. Roofed and hard paved areas within the site were believed to drain to a soakaway. It had come to light that there was a buried pipe connecting directly to the road drainage system, of which there was no detail. As the road drainage system in Rue de Mahaut drained through a property to the west of that road, any increase in flow to the detriment to that land owner could not be permitted, so additional flow had to be contained within the site. Consequently, the consultation response had been amended to read that there was no objection to the current surface water drainage from the property to maintain the status-quo, but any perceived/potential increase in run-off to the public road drainage system had to be dealt with on-site to a soakaway. As a consequence of this, the applicant had requested that condition No. 1 on the permit be removed due to an inability to comply with the condition. This particular condition required all surface water run-off from the proposed development and other buildings on the site to be disposed of within the site to a soakaway. The Department was suggesting that the condition be amended rather than deleted to ensure control over any surface water drainage from the site. The revised condition would read –

“All surface water run-off from the the proposed development shall be disposed of within the site to a soakaway.”

The Committee heard from the applicant, Mr. R. Vibert, who explained that it was impossible to comply with this particular condition due to the particular constraints of the site.

25th Meeting
20.02.20

Having considered the application the Committee approved the revised condition, as detailed above and as recommended by the Department.