

KML

PLANNING COMMITTEE

(12th Meeting)

18th November 2021**PART A (Non-Exempt)**

All members were present, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman, Deputies R.E. Huelin of St. Peter, L.B.E. Ash of St. Clement, K.F. Morel of St. Lawrence, S.G. Luce of St. Martin and M.R. Le Hegarat of St. Helier, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Connétable D.W. Mezbourian of St. Lawrence
 Connétable M. Troy of St. Clement
 Deputy J.M. Maçon of St. Saviour

In attendance -

G. Duffell, Principal Planner
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 G. Vasselin, Planner
 G. Palmer, Planner
 J. Gibbons, Trainee Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe

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

Minutes. A1. The Minutes of the meeting held on 21st October 2021, having been previously circulated, were taken as read and were confirmed.

Les Quennevais Sports Centre, Don Farm, St. Brelade: proposed new skatepark. A2. The Committee considered a report in connexion with an application which sought permission for the construction of a new open contoured concrete skatepark with associated landscaping, access routes, spectator areas, floodlighting, drainage and ecological enhancement at Les Quennevais Sports Centre, Don Farm, St. Brelade. The Committee had visited the site on 16th October 2021.

P/2021/0778 A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was a Protected Open Space. Policies SP1, SP2, SP3, SP4, SP6, SP7, GD1, GD3, GD7, NE1, NE2, NE3, NE4, EVE1, SCO3, SCO4, SCO5, TT4, NR1, and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that an open-air skatepark which would be located in the north-west corner of Les Quennevais playing fields was proposed. In addition to the skatepark, accessible public toilets and a community space would be accommodated within an existing pavilion building. Spectator areas, bicycle parking, water fountains, litter bins, safe pedestrian access and landscaping were included, together with 3 areas of ecological enhancement. The skatepark would be sensitively floodlit up to 10.00 pm, in line with other sports at the playing fields and

would be monitored by CCTV 24 hours a day. Pre-application discussions had resulted in the submission of revised plans and additional information had been provided in response to certain issues.

The scheme would deliver an inclusive outdoor sporting facility which would provide a valuable community resource for the Island and also promote what was now an Olympic sport. The scheme had been sensitively designed, taking cues from the adjacent dune landscape. With regard to the proposed location, the parks and green spaces charity 'Fields in Trust' recommended that wheeled-sports spaces such as skateparks should be at least 30 metres from the boundary of residential developments. The nearest residential dwellings from the application site were over 200 metres away to the east on the Don Farm estate and over 270 metres away to the south on Les Quennevais Park estate. The proposal had been thoroughly assessed against relevant standards for noise levels and found to produce, with a worst-case scenario, a negligible or barely perceptible impact at the nearest residential dwellings due to the distance and the inclusion of a landscaped earth bund.

Based on advice from the Natural Environment Team, the lighting scheme had been expertly designed to ensure that the facility was usable whilst ensuring nearby protected species, such as bats, were not harmed. The lighting scheme would not result in any material harm to the occupants of the nearest residential properties. A proposed Species Protection and Enhancement Plan had also been submitted. Welfare and safety were central to the design of the scheme and the applicant had submitted a Crime Impact Statement, which was considered acceptable. It was almost impossible to skateboard in low light so the use of the facility beyond 10.00 pm was most unlikely as there would be no floodlighting after this time. Even in the summer months it would be dark at this time. Sufficient space remained for cricket or football on the adjacent field and 'ball-stop fencing' was proposed on the earth bank together with a crash barrier to the north of the site near the cycle track. Access would be provided via a new path which would have low level lighting until 10.30 pm. Access, parking, foul and surface water disposal and ground conditions had all been assessed as acceptable.

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

283 public comments had been received in connexion with the application (263 expressing support and 20 objections). No objections had been received from statutory consultees.

The Committee heard from Mr. ■■■ Miller, Vice President of the Caesarean Cycling Club, who referenced his written submission of 19th July 2021. Whilst the Club was not opposed to the creation of a skate park at Les Quennevais Sports Centre, concern was expressed with regard to the chosen location. It was felt that new sports facilities should not be introduced to the detriment of existing facilities. If permission was granted, the cycle track would be out of use while the skate park was being constructed and it was likely that repairs to the track would be required (Mr. Miller explained that the track had been damaged in the past by heavy vehicles). He went on to discuss the impact of development in the area in terms of the view of the circuit and the safety issues which arose. These issues would be further exacerbated by the proposed skatepark. He added that safety was constantly being eroded by other uses and he suggested that a risk assessment should be undertaken. He outlined the annual schedule of cycling events, which were restricted to daylight hours. The grass area was used for training prior to riders reaching a level at which they were considered safe to use the track. The cycle track was also used by disabled riders under supervision. Mr. Miller advised that the Club had stopped short of obtaining advice

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from the UK governing body on the safety implications of the proposal as it was believed that this would lead to a recommendation to close the circuit.

The Committee heard from Mr. ■. Le Breuilly, President of the Caesarean Cycling Club, who repeated that the Club was not objecting to the skate park per se. However, he expressed concerns with regard to the provision of car parking, given that no additional parking was proposed within the scheme. He also highlighted issues relating to controlling access during cycling events and believed that more Marshalls would be required if permission was granted for the skate park. Problems had been encountered in 2021 with ball events and consideration had to be given to the provision of safe access. Mr. Le Breuilly was aware that in France, fly-overs or underpasses were commonly used to ensure safe access. In response to questions from members, Mr. Le Breuilly confirmed that riders cycled in an anti-clockwise direction and it was noted that there had been 69 events during 2021.

The Committee heard from Mrs. ■. Minchington, ■ who stated that whilst she was not opposed to the application, there had been no consideration of the impact on residents. She was disappointed that Deputy H. Raymond of Trinity had 'renege'd' on a number of meetings and that the application site was not the site originally proposed by Senator S.W. Pallett. Mrs. Minchington referred to traffic issues in the area, to include vehicles travelling at excessive speed, and she was concerned that Don Farm estate would be used as a short cut. She, too, was concerned about the provision of car parking on the site and the potential for indiscriminate car parking at Don Farm. She also highlighted the fact that services displaced from the Overdale site were to be relocated to the former Les Quennevais School and 30 car parking spaces would be provided in this connexion. Mrs. Minchington discussed incidences of anti-social behaviour in the area and expressed the view that the skate park would exacerbate an already difficult situation.

The Committee heard from Mr. ■ Meyer-Smith, ■ who advised that he had been 'dreaming' about the provision of a dedicated skate facility for the past 5 years. However, Government had repeatedly failed to deliver on promises. Mr. Meyer-Smith had learned of the existence of past skate facilities and he expressed the view that the Island had 'been ahead of the game' at one point. Mr. Meyer-Smith discussed facilities in other jurisdictions, such as the Grade 2 Listed skatepark known as The Rom in Hornchurch, East London, which had been constructed in 1978, and which was the most completely preserved purpose-built skatepark in England. It was the first skatepark in Europe to achieve listed status and the second such structure worldwide. He advised the Committee that he had visited a number of skateparks in both the UK and Europe felt sad that that dedicated facilities in the Island had closed. However, the proposed skatepark would be a permanent facility and Mr. Meyer-Smith was excited about the provision of dedicated, purpose built space. ■

■ Skateboarding was thriving and its influence on contemporary culture could not be underestimated. Mr. Meyer-Smith valued the array of friends ■ made through skateboarding and he explained how members of the 'community' looked after each other. In concluding, he urged the Committee to grant permission for the application.

The Committee heard from Mr. ■. Brooster, Project Manager, who advised that access points had been rationalised to avoid conflict with existing sports. A barrier would also prevent uncontrolled access and signage could be erected. Mr. Brooster expressed a willingness to discuss access issues further with other users in order to arrive at mutually acceptable solutions. Turning to residents' comments, Mr. Brooster referred to a consultation exercise which had been carried out in July 2019,

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signage and review access to the cycle track. With regard to the cycle track, a condition survey was carried out annually and it was planned to resurface part of the track. Ms. Sawyer added that previously a multi-use games area had been closed out of hours and there had been regular break-ins. This area was now left open and no further problems had been encountered. In response to a question regarding the potential for increasing car parking on the site, Ms. Sawyer advised that the layout of the front car park could be redesigned and this would yield an additional 8 – 10 spaces. Connétable D.W. Mezbourian of St. Lawrence asked if the sports centre worked with the Youth Service and Ms. Sawyer confirmed this to be the case. Ms. McAllister added that Jersey Sport also worked with the Youth Service and she advised that the Service supported the application for the skatepark.

The Chair noted that a written representation had been received from Deputy G.J. Truscott of St. Brelade [REDACTED] in his capacity as Deputy for the district. Whilst acknowledging that he had been contacted by residents regarding the potential for anti-social behaviour, Deputy Truscott supported the application and recalled that he was a signatory to the Government pledge to put children first. He also highlighted comments made by the Children's Commissioner to the effect that the root cause of anti-social behaviour often arose from a lack of amenities.

Having considered the scheme, the Committee unanimously approved the application and agreed that the access path should be finished in tarmac. It was also noted that any repairs which were required would be addressed via condition No. 2, which related to the construction environmental management plan. Connétable M. Troy of St. Clement suggested that the user group draw up a calendar of events in order to avoid conflict with other sporting events.

No. 14 Havre
des Pas
(Sovereign
Hire Cars site),
St. Helier:
proposed
change of use
of part of site.

P/2021/0294

A3. The Committee, with reference to its Minute No. A4 of 21st October 2021, considered a report in connexion with an application which sought permission for the change of use of part of the Sovereign Hire Cars site at No. 14 Havre des Pas, St. Helier to facilitate the use of the site for private car parking. Retrospective permission was also sought for 14 car ports. The Committee had visited the site on 19th October and 16th November 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies SP1, 2, 3, 6 and 7, GD1, 3, 4, 5, 6 and 7, TT8, GD1, GD7, BE1, TT11, TT13 and EVE2 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the site had been used as a car parking depot (with ancillary office and storage buildings) for a hire car business for approximately 35 years. Records revealed that permission had never been sought or granted for the hire car use. The application under consideration sought permission for a change of use to facilitate private parking for nearby residents. 38 surface car parking spaces for private vehicles and 3 hire car spaces were shown on the submitted plans. Over the last 18 months the applicant had also constructed 14 car ports in association with the private car parking use. The car ports had galvanised corrugated steel roofs and timber posts.

Having noted that the number of car ports on site exceeded the number applied for and that there appeared to be a retail element and a car sales area, the Committee had previously deferred consideration of the application pending the receipt of further information and clarity in terms of the exact nature of the proposals. The Committee had also concluded that it would wish to view both historic and more recent aerial photographs of the site prior to making any decision. Members had

expressed the view that the exact nature of the proposals were most unclear and the Chair had commented that the car ports, which it was claimed had been erected over 20 years ago, appeared to be in remarkably good condition.

Since the last meeting the Department had received planning policy guidance from the Head of Place and Spatial Planning, with particular reference to Policy TT11 of the 2011 Island Plan. This advice revealed that the proposed development was contrary to Policy TT11, which clearly stated that permission for the development of new private non-residential car parks with public access in St. Helier would not be permitted, except where 3 listed policy criteria were met. In this particular instance criteria Nos. one and two of Policy TT11 were not met. Aerial photographs of the site had also been produced from 2006, 2011, 2014, 2017, 2019 and 2021 showing that the car ports had first appeared on the site in 2017, contrary to statements made previously by agents acting on behalf of the applicant. Therefore, the so called '8 year rule' which precluded enforcement action in respect of a breach of development control which had occurred more than 8 years ago, was not applicable in respect of the car ports. The applicant's agent had also confirmed that a total of 26 car ports had been constructed on the site and an amended site plan had been submitted in this connexion. The agent had also confirmed that the car sales businesses which operated out of the site were only one month into a 2 year tenancy agreement, with a break clause at one year. If permission was granted the car sale use would be removed at the one year point. The Committee's attention was drawn to the fact that the car sales use required planning permission and that consent had not been secured for this use.

The Committee recalled that Policy SP6 sought to reduce dependence on the car and stated, amongst other things, that proposals should not give rise to an unacceptable increase in vehicular traffic, air pollution or parking on the public highway. The Committee was advised that the busy road at Havre des Pas was a main route from the east of the Island to St. Helier and the application site was located within a popular residential and leisure area. The Highway Authority strongly objected to the application on the basis of the number of incidences of road traffic accidents in the area. The scheme promoted the use of private vehicles in an area where all local amenities and services were accessible by alternative means. The proposal would intensify the use of the access to the application site and increase traffic in this congested part of town. Furthermore, the car park did not replace public car parking which had been lost, but provided additional private car parking.

The recommendation for refusal remained on the basis that the scheme would not reduce dependence on the car and would lead to unacceptable problems of traffic generation. The proposal would also stifle the potential redevelopment of the site. Consequently, the application was contrary to Policies SP1, SP2, SP6, GD1 and TT11 of the 2011 Island Plan.

10 letters of support for the application had been received.

The Committee heard from Mr. ■. Osmand, representing the applicant, Mr. J.B. Young. Mr. Osmand advised that the current authorised use was for a coach station and that there had been parking on the site for in excess of 40 years (as evidenced by aerial photographs). The proposed use would see a reduction in the number of vehicles parked on the site so there would be no intensification of use. Mr. Osmand advised that both Jacksons and Motor Mall used the site for car sales and again, this use was believed to be historic. Reference was made to a letter from Jacksons which confirmed that the company had been using the site to display vehicles for over 15 years. Turning to Policy TT1, Mr. Osmand stated that the use was not new and that the car park would not be used for the wider general public with a barrier access

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arrangement being in place. Furthermore, car parking on the site would alleviate congestion in core areas. There was considerable support for the car parking provision and objections from the Highway Authority were attributed to historic road traffic incidences involving hire cars.

The Committee heard from Mr. ■ Carney, also representing the applicant, Mr. Young. Mr. Carney advised the Committee that he was in receipt of confirmation that the application was supported by at least 4 residents and one property owner in the area. He confirmed that the car parking spaces would be used by residents living within a 500 metre radius of the application site and that this would help to alleviate pressure in terms of on street car parking.

The Committee heard from Ms. ■ Cabot, ■ who supported the application. She advised that it was difficult to park in the area and, in the past, she had rented various private car parking spaces, but now relied upon an electric bicycle. However, Ms. Cabot now wished to purchase an electric vehicle and she understood that electric charging points would be installed on the application site. There were very few electric charging points in St. Helier, with the closest being located at Green Street car park.

Having considered the application, the Committee, with the exception of Connétable M. Troy of St. Clement, who supported the application and advised that he operated a business in the area so was aware of the difficulties with car parking, endorsed the officer recommendation to refuse permission for the reasons set out above.

Land parcel to
the rear of
Royal Bank
Court
Apartments,
College Hill,
College Hill
Road, St.
Helier:
proposed new
dwelling.

P/2020/1072

A4. The Committee considered a report in connexion with an application which sought permission for the construction of a 4 bedroom residential dwelling with car parking and landscaping on a parcel of land on the western most part of the rear communal gardens of Royal Bank Court Apartments, College Hill, College Hill Road, St. Helier. It was also proposed to construct a retaining granite wall and new vehicular access onto College Hill. The Committee had visited the site on 16th November 2021.

Connétable P.B. Le Sueur of Trinity, Chair was not present for this item and Deputy J.M. Maçon of St. Saviour acted as Chair.

A site plan and drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone. Policies SP1, 2, 4, 6 and 7, GD1 and 7, TT8, GD1, GD7, NE1, NE4, H6 and BE3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that a 4 bedroom detached residential dwelling was proposed, with bedrooms at ground floor and living accommodation on the floor above, with a west facing balcony onto College Hill. A basement level was proposed to provide car parking for 2 cars and a 6 metre diameter turntable was included for manoeuvring vehicles. The dwelling would be constructed in dark grey render, double glazed timber windows, a timber balcony and a slate roof. The roadside granite wall would be retained to the same height, but rebuilt as shown on the submitted plans and partially demolished to facilitate the creation of a vehicle and a pedestrian access and altered to achieve visibility splays.

The application site formed part of an existing garden to a residential apartment building within the Built-Up Area. Policy H6 stated that proposals for new dwellings within the Built-Up Area would be permitted, provided that the proposal met the required housing standards and other relevant Island Plan policies. In this instance the proposed accommodation, amenity and car parking provision were of an

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implications of the proposal as she believed that the scheme would destroy wild life habitats.

The Committee heard from Ms. ■ Harris, a resident of College Lane. Ms. Harris referred to 2 previous applications for development on the site, both of which had been refused, and expressed surprise at the recommendation for approval for the current scheme. Ms. Harris was particularly concerned about indiscriminate parking on College Hill and pedestrian safety.

The Committee heard from Mr. ■ Godel, Architect, who advised that the dark grey render of the proposed new dwelling would help it recede into the landscape. In terms of the previous applications, Mr. Godel advised that the scheme which had proposed 4 apartments was the most relevant. This had been refused due to the lack of car parking and the amount of work required to facilitate the development. Since then the applicant had worked with the Department to arrive at a solution. The application site was a former hotel garden and sections of the site would be retained to allow access to Royal Bank Court. Mr. Godel could see no reason why the proposed works would affect access from College Hill. In terms of the environmental value of the site, this has been assessed by Nurture Ecology and a report prepared in this connexion. An officer from the Natural Environment Team had visited the site and had agreed that there was nothing of intrinsic value to the landscape habitat. The scheme would enhance the landscape value of the site and included translocation of species to the grounds of Victoria College grounds and the enhancement of the ecological value of those grounds. Mr. Godel reminded the Committee that the application site was a former garden which could be cleared at any time without the need for planning consent. The scheme provided the opportunity to ensure the landscape and habitat were maintained. The site was in the Built-Up Area and there was great demand for homes. The majority of sites in St. Helier were developed to provide residential apartments and the application site provided a unique opportunity to construct a good quality house in a sustainable location. Car parking had also been provided in a sensitive manner. A Structural Engineer had examined the existing wall and had concluded that there was a potential danger of collapse. Mr. Godel argued that it was far better to carry out repairs under controlled circumstances, rather than have a catastrophic failure. In response to questions from a member regarding the change in the character of the area arising from the proposed development, Mr. Godel acknowledged that there would be a visual change. It was impossible to make the proposed development invisible, but landscaping would help to soften the appearance of the dwelling. Mr. Godel suggested the Committee might wish to consider attaching a condition to the permit to ensure that semi-mature species were planted in order to achieve an 'instant impact'. With regard to the amount of excavation which would be required, Mr. Godel advised that this was half of the amount required in the previously refused scheme and, in any case, the work had to be done to stabilise the site. Finally, with regard to the layby, this required by the highway authority to comply with visibility requirements.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed within the officer report.

Stella Maris,
Victoria
Avenue, St.
Helier:
proposed
raising of roof
to enlarge first

A5. The Committee, with reference to its Minute No. A9 of 21st October 2021, considered a report in connexion with an application which sought permission for the raising of the roof of the property known as Stella Maris, Victoria Avenue, St. Helier to enlarge the first-floor habitable space and construct 2 balconies to the south-west elevation with various internal alterations. The Committee had visited the application site on 19th October and again on 16th November 2021, when it had also visited neighbouring properties.

floor habitable
space/
construction of
balconies.

P/2021/0967

Connétable P.B. Le Sueur of Trinity, Chair was not present for this item and Deputy J.M. Maçon of St. Saviour acted as Chair.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area. Relevant Island Plan Policies were as follows: GD1 and G7 of the 2011 Island Plan.

Stella Maris was a detached residential dwelling located on Victoria Avenue. At present the dwelling was a fairly modest 2 storey property which was visible from the road. The dwelling itself was not Listed but was in close proximity to the Grade 4 Listed Victoria Avenue railings. The application sought permission for the raising of the roof to enlarge the first-floor habitable space. This would also facilitate a number of fenestration changes, including the construction of 2 balconies on the south-west (roadside) elevation and several rooflights on the north-east elevation. The prospective changes would increase the total number of bedrooms to 4. The application was before the Committee due to the number of objections received. The site was located in the Built-Up Area where the presumption was in favour of development. The scheme was not considered to cause unreasonable harm to the amenities of neighbouring residents, which was the test set out in Policy GD1.

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

The Committee had previously deferred consideration of the application in order that site visits to neighbouring properties could be undertaken to assess the impact of the development. It was noted that, following those site visits, the Department recommendation for approval remained.

Deputy Maçon advised that, following the previous meeting a complaint had been received on the basis that requests for site visits to neighbouring properties had not been carried out by the Department. In response, the Department had given an undertaking that site visits to neighbouring properties would form part of the application assessment process.

The Committee heard from Ms. ■. Long, who distributed photographs to illustrate the impact of the proposed development on ■ property. ■

■ The apartment enjoyed sea views and an open vista from the terrace and conservatory. It was noted that in 2020, a similar scheme had been submitted and subsequently withdrawn, but concerns regarding unreasonable harm remained. Loss of light, privacy and overbearing impact were cited as concerns and Ms. Long believed the application to be contrary to Policy GD1. She also referenced Policy GD5, which related to skyline views and vistas and noted that the application had not been assessed against this policy. ■

■ Ms. Long questioned whether the addition of one bedroom at Stella Maris justified the impact on neighbouring properties.

Having considered the application, the Committee decided to grant permission subject to the imposition of the conditions detailed in the officer report. The Committee did not consider the obscure glazing of the rooflights to be necessary given the height of the same.

No. 13
Duhamel Place
(land to the
rear of), St.
Helier:
proposed new
dwelling.

A6. The Committee considered a report in connexion with an application which sought permission for the construction of a 3 bedroom dwelling with car parking and amenity space to the rear of No. 13 Duhamel Place, St. Helier. The Committee had visited the application site on 16th November 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area. Relevant Island Plan Policies were as follows: SP1, SP7, GD1 and G7, HE1, H6, TT4, LWM2 and LWM3.

P/2021/1015

The Committee noted that the application site comprised an open and undeveloped piece of land to the rear of No. 13 Duhamel Place (a 5 storey Victorian property, sub-divided into flats), in a built-up residential area, close to the town centre. The site was currently used for car parking and was in separate ownership to the flats. The application proposed the construction of a 2½ storey, 3 bedroom dwelling.

In general terms, the Island Plan supported and encouraged new residential development in locations such as this and the design of the new dwelling was considered to be acceptable in architectural and townscape terms. The concerns of immediate neighbours were noted and whilst there would clearly be an increased impact on them, the policy test was one of unreasonable harm. In this particular case, the Department had concluded that the proposed development would not cause unreasonable harm to the neighbouring amenities. Consequently, it was recommended that the Committee grant permission.

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

The Committee heard from the applicant, Mrs. ■ Buckley and her agent, Mr. ■ Worthington. Mrs. Buckley advised that the site had initially been purchased for use as a car park associated with an office use, but with a view to developing it at a later date. The development of the site would provide a 3 bedroom affordable family home. In response to certain representations which had been submitted, Mrs. Buckley confirmed that no pedestrian access rights across the site existed.

Mr. Worthington described the application site as a windfall site in the Built-Up Area. No demolition works would be necessary as the site was vacant and care had been taken with the design to avoid overlooking. He confirmed that whilst there was no legal right to pedestrian access across the site, the applicant was prepared to install a gate at the rear which could be used as a means of escape in the event of a fire. However, this would be an informal arrangement and would not form the basis of a legal agreement between the parties. In response to other concerns raised by neighbours, it was noted that refuse facilities had been provided and the access road would be used in a respectful and neighbourly manner. Finally, in terms of loss of light to neighbouring properties, it was noted that the '45 degree test' had been undertaken. Whilst this test had not been formally adopted in Jersey, it was used as a guideline to check structures which were perpendicular to a window which provided the main source of light to a 'habitable room'. The 45 degree line was drawn diagonally back from the end of the structure towards the nearest neighbouring window. If both lines crossed the centre point of the nearest neighbouring window then overshadowing would occur. In this case, it had been concluded that overshadowing would not be an issue. However, it was noted that, in this case, the 45 degree line 'sprung from' the ground floor and did not include the basement.

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Having considered the application, the Committee expressed concerns about the amount of development proposed on the site, particularly given its proximity to the building to the rear. The Committee was also concerned with the quality and size of the amenity space and some members felt that the impact on the basement of the neighbouring building would be significant, given its already limited view out. Consequently, the Committee decided to refuse permission, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

La Pepiniere
Farm (north
shed), La Rue
de Crabbé, St.
Mary:
proposed
change of use.

P/2021/0717

A7. The Committee, with reference to Minute No. A5 of 11th July 2019, of the Committee as previously constituted, considered a report in connexion with an application which proposed the change of use of part of an agricultural shed at La Pepiniere Farm, La Rue de Crabbé, St. Mary to a pet and equine cremation facility. The Committee had visited the application site on 16th November 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies SP1 and 5, GD1, NE7, and 7, ERE2 and 5 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee noted that La Pepiniere was a former dairy farm located in rural St. Mary, largely surrounded by open agricultural land. The site had been redundant to the dairy industry for a number of years since the previous owner had disposed of his dairy herd as part of a States of Jersey initiative to reduce levels of milk production in the Island.

The Committee noted that the site contained a series of agricultural barns and other structures, together with 2 residential dwellings (the main house and an agricultural worker's dwelling). The application site also included the two northern-most barns. Vehicular access was from the north onto Rue des Touettes.

The Committee was informed that, since the farm had come out of the agricultural industry, there had been a number of unsuccessful applications to redevelop the site for housing. An application which had been submitted by the Jersey Society for the Prevention of Cruelty to Animals for the change the use of the site to create a new dog kennelling facility had been withdrawn. Most recently, in 2019 permission had been granted for the redevelopment of the site for the growing, processing and distribution of medicinal cannabis. It was understood that this permit had not been implemented.

The current application proposed the change of use of part of the northern agricultural shed to facilitate an alternative employment use and this change of use was supported under the Green Zone Policy. The Department was satisfied that the shed was redundant from agriculture and minimal external alterations to the building were proposed. The traffic implications of the scheme were considered acceptable and there were no immediate neighbours.

It was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report.

A number of representations had been received in connexion with the application (6 objection letters and 36 letters of support).

The Committee received the applicant, Mr. ■. Jones and his agent, Mrs. ■ Steedman. Mr. Jones advised that this would be a discreet low level business which was borne out of a desire to return animal ashes to owners. There would be no public

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Mr. Osmand advised that the proposed development would ‘future proof’ the property for the applicant without adversely affecting the Listed Building. He added that the proposed extension would be attached to an existing extension constructed in the 1990’s and would not, therefore, harm the historic fabric of the property, albeit that it would still be within the setting of the Listed Building.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, concluded that the proposed development would not adversely affect the Listed Building. Therefore, permission was granted, on the basis that timber windows were installed. As the decision was contrary to the Department recommendation the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Beauverd
Farm, La Rue
du Poivre, St.
John: proposed
extensions/
swimming
pool/land-
scaping
alterations
(RFR).

A9. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of single storey extensions to the north and west elevations of an existing garage at Beauverd Farm, La Rue du Poivre, St. John. It was also proposed to construct an enclosed swimming pool to the north of the site and carry out various landscaping alterations. The Committee had visited the application site on 16th November 2021.

P/2021/0519

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Beauverd Farm was a Grade 3 Listed Building. Policies GD1, GD7, HE1, BE6, NE7 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the property benefitted from an early Georgian style frontage, retaining many features of historic significance. The principal elevation of the property was south facing, with the existing large garage situated to the north-west. The garage was considered to be disproportionately wide and the proposed extensions would add to the size, making the structure even more visually dominant in the garden to the north. The size of the pool plant room extension to the west and the proposal to clad the same in cement boarding, was also considered to have a negative visual impact on the setting of the Listed Building. The design and size of the 10 metre swimming pool enclosed within the proposed northern extension would result in the formation of a disproportionately large structure with a long glass enclosure, akin to a modern glass house, which was considered alien in this context and detrimental to the setting of the Listed Building and the rural landscape character. Furthermore, the drainage section of the Infrastructure, Housing and Environment Department had objected to the application on the basis that details of how foul and surface water would be separated had not been provided. For these reasons the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mrs. ■ Airey and her agent, Mr. ■. Riva. Mr. Riva advised that on the same day the application had been refused, information had been submitted in relation to the foul and surface water separation. It was confirmed that the Committee had received this information, but it was noted that it had not been assessed by the drainage section as the application had already been refused.

Mr. Riva noted that the main reasons for refusal related primarily to the perceived impact on the setting of the historic building. He argued that the visual impact of the proposals would only affect the rear of the Listed Building and that the glass pool house structure would be low lying. The drop in ridge height from the existing garage to the pool enclosure would safeguard the dominance of the Listed Building.

Enhanced landscaping would also screen the proposed development. Reference was made to a previously approved application for a pool enclosure in a different position and whilst the permit had lapsed, Mr. Riva asked for consistency of approach. The proposed development was 'more heavily integrated into the fabric of the area' and was respectful to the Listed Building. Finally, Mr. Riva advised that the proposed development was of great importance to the applicant for [REDACTED]
[REDACTED]

Mrs. Airey stated that this was not a vanity project and that [REDACTED]
[REDACTED] swimming was the only exercise she could enjoy. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] The applicants were well aware of the heritage implications, [REDACTED]. The scheme had been amended in accordance with advice designed to make the proposed development more sympathetic to the surrounding buildings and the rural context.

Whilst the Committee was most sympathetic to the applicant's circumstances, members concluded that they could not support the application for all of the reasons set out above. Therefore, the application was refused in accordance with the Department's recommendation.