

KML/MH/248

PLANNING COMMITTEE

(4th Meeting)

19th September 2018**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence and K. Shenton-Stone of St. Martin and Deputies R.J. Rondel of St. Helier and R.E. Huelin of St. Peter, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 (not present for item Nos. A8 – A10)
 Deputy S.M. Wickenden of St. Helier
 Deputy J.M. Maçon of St Saviour

In attendance -

A. Townsend, Principal Planner
 E. Stables, Senior Planner
 G. Duffell, Senior Planner
 R. Hampson, Planner
 G. Vasselin, Trainee Planner
 K.M. Larbalestier, Committee Clerk, States Greffe

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

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| Minutes. | A1. The Minutes of the meeting held on 23rd August 2018, having been previously circulated, were taken as read and were confirmed. |
| Durrell
Wildlife
Conservation
Trust, La
Profonde Rue,
Trinity:
proposed
construction of
single storey
building/
installation of
bicycle
racks/fencing.
477/5/2(694)

P/2018/0257 | <p>A2. The Committee, with reference to Minute No. A2 of 23rd August 2018, considered a report in connexion with an application which proposed the construction of a single storey retail building on an existing overflow car park at Durrell Wildlife Conservation Trust, La Profonde Rue, Trinity. It was also intended to install bicycle racks and fencing. The Committee had previously visited the application site.</p> <p>The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was re-presented.</p> <p>Having considered the 6 conditions, as set out in the officer report, the Committee confirmed its decision to approve the application, subject to the imposition of the same and the entering into of a Planning Obligation Agreement which would restrict the use of the new shop to the charitable fundraising activities of Durrell Wildlife Conservation Trust, and no other retail activity. In the event that the agreement had not been concluded within 3 months of the date of this resolution, the application would be re-presented to the Committee for further consideration.</p> |

Heather Farm,
La Rue de la
Ville au Bas,
St. Ouen:
proposed
conversion of
outbuilding to
dwelling
(RFR).
477/5/3(400)

P/2018/0241

A3. The Committee, with reference to its Minute No. A5 of 28th August 2018, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the conversion of an outbuilding at Heather Farm, La Rue de la Ville au Bas, St. Ouen to provide a 2 bedroom dwelling. The Committee had visited the application site on 21st August 2018.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was represented.

Having considered the 3 conditions, as set out in the officer report, the Committee confirmed its decision to approve the application, subject to the imposition of the same. In doing so the Committee noted that condition No. 1 stipulated that no work could commence on site until a full structural survey and report of the existing outbuilding had been submitted to, and approved by, the Department. This survey and report would set out in detail how the existing outbuilding was to be retained and converted and the works would be carried out entirely in accordance with the approved report.

The Lodge, La
Vallee de St.
Pierre, St.
Lawrence:
proposed new
dwelling.
477/5/3 (1042)

P/2018/0743

A4. The Committee considered a report in connexion with an application which sought permission for the construction of a new 2 bedroom dwelling with car parking and landscaping to the west of the property known as The Lodge, La Vallée de St. Pierre, St. Lawrence. The Committee had visited the application site on 18th September 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Backdrop Zone of the Built-Up Area and that Policies SP1, 2, 3, 4, NE1, GD1, BE3, GD7 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site was formed from a triangular parcel of land which was part of the garden of the principal dwelling (The Lodge). The site sat within a small enclave of dwellings in a valley accessed from Sandybrook Lane. The Lodge was a 3 storey dwelling in an elevated position and to the north of the site were 3 granite faced dwellings.

The Committee noted the planning history of the site, which included a previously refused scheme which had been more ambitious in terms of size and mass. The current application had been scaled back to address concerns expressed by neighbours.

The Committee was advised that the application proposed the construction of a modest 2 bedroom dormer cottage in the Built-Up Area. The proposal was in accordance with the relevant Island Plan Policies and satisfied amenity space, room size and car parking standards. The Department did not believe that the scheme would result in unreasonable harm to the amenities of neighbouring users; nor would it lead to an unacceptable increase in traffic generation and/or car parking problems. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mrs. H. Ollivro of No. 2 Sandybrook Lane. Mrs. Ollivro explained that the absence of an independent engineering report which looked at the impact of the proposed development on the area in the context of the potential for

flooding was concerning. The Committee was advised that the area was prone to flooding and there were underground water wells and a brook which ran under neighbouring properties. Mrs. Ollivro informed the Committee that her own property had been constructed on top of the brook and, in recent years, had been inspected by a structural engineer when the patio had broken up. It had been confirmed that whilst there was no structural damage to the property, there was a lot of standing water in the foundations. Mrs. Ollivro had subsequently put preventative measures in place in order to protect her property from future flooding, but these had been based on ground conditions at the time. She was concerned that any changes to ground conditions could have a detrimental impact. She understood that, within The Lodge main house there was a cellar which regularly flooded and she noted that the previous owner had frequently used sandbags to protect the property from water damage. It was not clear from the submitted plans what vegetation would be lost and what would be retained and Mrs. Ollivro recalled that Jersey Trees for Life (formerly Men of the Trees), a charity which provided protection, care and education about trees, had been consulted in connexion with the previous application. This body had advised that the existing trees soaked up a significant amount of surface water. The loss of trees was, therefore, concerning – as was the potential for subsidence. Mrs. Ollivro asked for clarification on the proposed drainage system and expressed the opinion that a soakaway was not a viable solution. She pointed out that the consultation response from the Department's Drainage Section focussed only on how surface water would be dealt with and did not consider the impact of the development on the water table. She asked the Committee what recourse residents would have if the application was approved without an independent assessment and their properties subsequently suffered flood damage due to changes to the water table. She stated that it seemed immoral to permit development on the site without first commissioning an independent assessment of the likely impact on the water table. In terms of the physical impact of the proposed new dwelling, Mrs. Ollivro advised that whilst she was less concerned about loss of privacy arising from the proposed development, she had been disappointed with the scaffold profile which had been erected on site as she did not feel that this fully illustrated the height of the dwelling.

The Committee heard from the applicant's agent, Mr. M. Dennis. Mr. Dennis advised that the scheme had been designed with certain mitigation measures – the existing planting and trees would be removed and relocated elsewhere on the site and planting would be supplemented. Hardstanding would be limited and most of the site would be laid to lawn. An eaves drop disposal system was proposed which allowed rainwater to drop freely to the ground and surface water would continue to be absorbed by the existing and proposed trees. In terms of access to the site, delivery vehicles would continue to serve the property from the lane. A construction management plan would be put in place and the impact on traffic from the completed development would be minimal. Ecological mitigation measures were also proposed to retain and safeguard habitats. With regard to the scaffold profile which had been erected, Mr. Dennis advised that it had not been intended to misrepresent the scale of the development but, due to site constraints, it had not been possible to erect a full profile. However, the proposed development would be subservient to the principal dwelling and was in line with the character of the area.

The Committee, having considered the application, expressed concern regarding the potential for flooding, as raised by Mrs. Ollivro and members concurred with the view that an independent engineering survey should be commissioned. In addition, the Committee also expressed reservations about the mass of the building and felt that a scaffold profile which demonstrated the uppermost height of the proposed dwelling should be erected. Consequently, consideration of the application was deferred so that the applicant could respond to the issues raised.

Nos. 74 – 83
Convent Court,
Val Plaisant,
St. Helier:
proposed
demolition and
redevelopment.
446/49(15)

A5. The Committee considered a report in connexion with an application which sought permission for the demolition of Nos. 74 – 83 Convent Court, Val Plaisant, St. Helier and their replacement with a new 4 storey building comprising 18 x one bedroom and 3 x 2 bedroom apartments. It was also proposed to create a base for a local charity on the ground floor of the proposed new building. The scheme included car parking and landscaping. The Committee had visited the application site on 18th September 2018.

P/2018/0410

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, 2, 3, 4, 6, 7, GD1, NE1, HE1, H4, H6, SCO3, TT2, TT4, TT8, LWM2, LWM3, WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the site was dominated by a 13 storey high rise tower to the south and to the east a 3 – 4 metre high granite wall, which separated the site from the rear of properties in David Place. The scheme presented an opportunity to replace 2 low rise 2 storey 1970's buildings comprising 12 flats, with 21 flats and to create a purpose built community facility for Age Concern (to include the 'Meals on wheels' service) in the heart of St Helier. Redevelopment of this site would enable the applicant company, Andium Homes, to increase density levels and provide additional, much needed affordable homes in the Built-Up Area. The existing buildings made little contribution to the street-scape and their replacement also provided an opportunity for street repair in an area zoned for regeneration.

The Committee was advised that certain issues raised by statutory consultees had been addressed during the life of the application and others would be dealt with by condition, if permission were to be granted. Both letters of support and objection had been received. Objections on the grounds of the overbearing impact of the scheme on neighbouring amenities and the potential loss of light and privacy had been submitted. Policy GD1 was concerned with unreasonable harm arising from development proposals and, whilst it was acknowledged that some harm might arise from the two additional storeys proposed, given the distance between the neighbouring properties and the proposed building line, it was not considered that this would result in unreasonable harm by virtue of loss of privacy. Nor was it an unusual relationship in this part of St. Helier. As the site was dominated by tall buildings and high walls it was not considered that the additional mass of the proposed building would result in an unreasonable loss of light or be unduly overbearing. The scheme satisfied the relevant policy criteria and was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report and the entering into of a Planning Obligation Agreement (POA) to secure the use of the units delivered as social rented housing. In the event that a suitable POA was not agreed within 6 months of the decision date, the application would be re-presented to the Committee.

5 letters of objection and 2 letters of support had been received in connexion with the application.

The Committee heard from Messrs. M. Porter, Andium Homes, G. De Sousa, Page Architects and B. Shenton, representing Age Concern Jersey. Mr. De Sousa advised that there would be no overlooking from the proposed development as the circulation space had been created at the back of units, with corridors and lifts being situated on the rear. Furthermore, the building had been pulled back from David Place and would run on a north to south axis. The scheme included street repairs to Val Plaisant and a community facility – the potential existed for the community facility to be hired to other users when not in use by Age Concern. Additional facilities included secure cupboard space for mobility scooters, electric charging points, bicycle parking and external storage space at ground floor level. Mr. De Sousa concluded

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by stating that the scheme would create much needed units which would go some way towards addressing the housing shortage and he believed that a 4 storey building was appropriate in this setting.

The Committee heard from Mr. Porter, who advised that there was a focus on regeneration opportunities in St. Helier and there had already been considerable investment in the area. It was noted that as at August 2018 there were 1,950 applications for affordable homes and there was a commitment to deliver 2,000 homes by 2025. The existing accommodation was of a poor quality and the scheme under consideration made best use of land and would provide good quality homes. Density levels were important in the context of the viability of the scheme. Whilst it was accepted that there was always an impact arising from development, every effort had been made to address the concerns raised.

The Committee heard from Mr. Shenton, who advised the Committee that he was the Deputy Chairman of Age Concern Jersey. Mr. Shenton stated that the organisation's existing premises were unsuitable. Age Concern provided a number of services for the elderly, many of whom were residents of the area, and a purpose built facility with proper access arrangements was much needed. The density levels proposed were necessary in order to make the scheme financially viable and the proposed development would revitalise the area. The community facility could be used by residents of the area in the evenings for other activities. Mr. Shenton believed that a 4 storey building would not be out of keeping in this area. In concluding he stated that consideration might have to be given to traffic calming measures in the future.

The Committee discussed the location of the mobility scooter storage area and its proximity to the proposed Age Concern facility and was advised that the storage area was designed for use by residents of the residential development. Those visiting Age Concern were more likely to arrive by mini-bus. The Committee also considered the relationship between the proposed development and existing residential development on David Place and noted a distance of just under 14 metres. An existing high wall would also be retained. The Committee was satisfied with the Department's assessment that the proposed development would not result in loss of light to neighbouring properties.

Having considered the application, the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report, to include an additional condition which would secure the use of the ground floor accommodation for charity purposes. Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011, or any amendment to or replacement of that order, the ground floor of the building, with the exception of the stores 1-12 and the entrance to the flats, would be used as a single entity, by Age Concern, for the purposes shown on the approved ground floor plan, and not subdivided or used for a different purpose or purposes unless otherwise agreed in writing by the Department. In addition, the Committee approved the entering into of a POA, as detailed above, to secure the use of the units delivered as social rented housing. In the event that a suitable POA was not agreed within 6 months of the decision date, the application would be re-presented to the Committee.

Grouville Co-operative
Locale store,
La Rue à Don,
Grouville:
proposed
change of use

A6. The Committee considered a report in connexion with an application which sought permission for the change of use of an area of land to the north of the Co-operative Locale store, La Rue à Don, Grouville, to facilitate its use as a car park for shoppers. A number of small scale alterations to the vehicular access into the car park from La Rue à Don were also proposed. The Committee had visited the application site on 18th September 2018.

land to
north/alteration
to access.
477/5/2(785)

A site plan and drawings were displayed. The Committee noted that the application site was located within both the Built-Up Area and the Green Zone and that Policies H1, GD1, GD7 and TT2 of the 2011 Island Plan were of particular relevance.

P/2018/0806

The Committee noted that the application sought permission for the change of use of a parcel of land which had been re-zoned for Category A Housing, and which was located to the north of the Co-operative car park. It was proposed to create an additional 8 car parking spaces and make a number of small scale practical alterations to the vehicular access into the car park from La Rue à Don to improve both pedestrian and vehicular access. Although there was much support and good reason for the proposed alterations to the car park entrance, the extension of the car park onto land specifically zoned (previously Green Zone) for affordable housing was contrary to Policy H1 of the 2011 Island Plan. The Department had, therefore, suggested that the applicant company amend the scheme to remove the extension of the car park. However, the applicant had requested that the application be determined as submitted. The Department was unable to support the change of use of the land and was, therefore, recommending refusal of the application on the grounds that the parcel of land concerned had formed part of the former De La Mare Nurseries site and had been rezoned for the specific purpose of creating Category A affordable housing. The use of this land for any purpose other than affordable housing for rent or purchase was considered to be unjustified and contrary to Policy H1.

4 letters of representation (from 3 households) had been received in connexion with the application. In addition, a petition in support of the application containing 759 signatures had been submitted by the applicant company. The signatories to the petition had signed either in store or on line and the Committee was advised that whilst those signing the petition had been aware of the proposed increase in size of the car park, it had not been made clear that this would necessitate the use of land zoned for affordable housing.

The Committee noted that no persons present wished to speak for or against the application.

The Committee discussed the scheme and the Chairman asked whether there was any merit in considering the creation of a temporary car park on the site. However, it was recognised that the land had been re-zoned for the sole purpose of providing affordable housing. Whilst the applicant company could not be made to develop it for this purpose, the Committee could prevent its loss to another use. Consequently, members decided to endorse the officer recommendation for refusal for the reasons set out above.

Morrisons, La
Neuve Route,
St. Brelade:
proposed
replacement
window vinyls
and signage.
477/5/3 (1043)

A7. The Committee considered a report in connexion with an application which sought permission for the replacement of 11 window vinyls, an illuminated projecting sign, 2 externally illuminated fascia signs and 2 canopy signs to the east elevation of the Morrisons' store on La Neuve Route, St. Brelade. The Committee had visited the application site on 18th September 2018.

A/2018/0940

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies GD1, GD9, EVE2 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance Note (SPGN) No. 20 – signs and advertisements.

The Committee noted that the application related to an established shop which was located in the Built-Up Area, wherein the presumption was in favour of development. It was proposed to replace existing signage and window vinyl in line

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with the branding of the new operator (Morrison's) (some elements of the scheme had been implemented without first gaining the necessary permission). The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

4 letters of representation had been received in connexion with the application. In addition, it was noted that the application was not supported by the Parish of St. Brelade, which authority considered the proposal unsympathetic in the context of St. Aubin.

The Committee heard from former Deputy A.J. Layzell, representing Save Jersey's Heritage. Mr. Layzell advised that the new art work which had been displayed (which differed from that which had been applied for) had been put up before the end of the public consultation period and prior to the application being determined. He added that this appeared to have attracted only 'a shrug of the shoulders' from the Department and it suggested a lack of interest in the public realm on the part of the applicant. Mr. Layzell informed the Committee that it was impossible to see in or out of the shop and every spare inch of space had been utilised, with the back of cabinets being placed up against the shop window. He recalled that the shop had decreased in size when part of it had been sectioned off to create the Costa Coffee franchise. Mr. Layzell felt that the interior of the shop was gloomy and the exterior appearance was not appropriate in the context of St. Aubin (he acknowledged that the amount of window vinyl had been reduced during the life of the application). He expressed the view that the re-branding of the store had presented an opportunity to improve its appearance and, whilst he accepted the need for branding, the proliferation of company logos (9 separate signs) was overkill.

Turning his attention to Policy EVE2, Mr. Layzell stated that the Policy required environmental enhancements to the public realm. SPGN No. 20 required new or replacement advertisements to be sympathetic to the building as well as the character of the surrounding area and the impact on the fabric and appearance of the building would also be assessed. Signs on the building must also be well placed and other features of the front of the building, such as door and window positions and other architectural features should be considered. The SPG also stated that too many signs would be considered 'visual clutter' and would not be permitted and overly large signs could ruin the appearance of a shop front. Mr. Layzell stated that the left hand window was particularly objectionable and he urged the Committee to refuse the application. He suggested 'calling in' future applications for signage from the applicant company in a bid to encourage a better appreciation of the public realm. He asked that the practice of displaying discount posters in the shop window be discontinued and requested that the Department review the position in relation to shop fronts and signage, particularly in sensitive areas specifically designated for tourism. Save Jersey's Heritage believed that high quality, appropriate signage was extremely important and could enhance and make a positive contribution to an area.

Mr. A. Townsend, Principal Planner pointed out that Policy EVE2 stated that the Minister would support environmental enhancements to the public realm but this was not an absolute requirement. He went on to state that, in many cases, signs were suspended behind glass so controls were limited.

The Committee discussed the application and noted the view of the Chairman that it was regrettable that the applicant company, a large Island retailer, had chosen to carry out the works without first receiving the necessary planning consent. However, it was accepted that the work was easily reversible, should the Committee decide not to support the application. The Chairman expressed reservations about the amount of window vinyl which had been used on the new Morrison's stores across the Island, but more particularly in St. Aubin, given the special nature of the area. He was

disappointed to note that, where a building was not Listed the same restrictions did not apply to signage, even if this meant that the signage was unsympathetic to the context. The Committee was advised that existing legislation permitted window vinyls which covered 25 percent of glazing without the need for planning permission.

Having considered the application all members, with the exception of the Chairman, Deputy R. Labey of St. Helier, endorsed the officer recommendation to approve the application. Consequently, permission was granted, subject to the imposition of certain conditions detailed within the officer report.

Retail
Compound,
Trust Ford, La
Route des
Quennevais,
St. Brelade:
proposed
demolition of
boundary wall.
477/5/3 (1044)

P/2018/0892

A8. The Committee considered a report in connexion with an application which sought permission for the demolition of some existing pillars and a wall to the western boundary of the Trust Ford retail compound, La Route des Quennevais, St. Brelade. The Committee had visited the application site on 18th September 2018.

Deputy G.J. Truscott of St. Brelade, Vice Chairman 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 Built-Up Area and that Policy GD1 of the 2011 Island Plan was of particular relevance.

The Committee noted that permission had been granted in October 1997 for the construction of a valeting and office building, automatic car wash with secure car storage compound to the rear and a car sales area. This application had included the construction of a boundary wall with ornamental railings above and pillars to the western boundary. Landscaping had also been approved between the boundary wall and the public footpath. The removal of the railings on the western boundary had subsequently been approved in January 2015.

The current application proposed the removal of the boundary wall and the pillars to the western boundary to allow sales vehicles to be viewed from the road. The proposed works were considered to be relatively minor and concerns expressed by objectors regarding the use area as an additional access had been addressed. Landscaping would remain. The proposal was in accordance with policy and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

4 representations had been received in connexion with the application and the Parish of St. Brelade objected to the application on the grounds of highway safety. The Transport Section of the Growth, Housing and Environment Section supported the scheme, subject to land to the western boundary being ceded to the public to facilitate the widening of the footpath at the applicant's expense – to be secured through a Planning Obligation Agreement. The Department was not recommending this on the grounds that it was considered disproportionate to the scale and nature of the development proposed, and would reduce the width of the landscaped strip.

The Committee heard from former Deputy A.J. Layzell representing Save Jersey's Heritage. Mr. Layzell advised that the application had initially included the removal of existing planting, but had been amended to retain this. Consequently, he did not believe that the cars would be any more visible than if the wall and pillars were retained. Mr. Layzell felt that the area was becoming increasingly urban in appearance and he believed that the loss of the boundary features would result in unreasonable harm to the character of the area. He referred the Committee to the objection of the Parish of St. Brelade. Mr. Layzell advised the Committee that the applicant had previously used a triangular grass area bordering Pont du Val to

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display vehicles for sale, without planning permission. 2 separate warnings from the Department's Enforcement Team had been issued prior to the removal of the vehicles. Mr. Layzell stated that the attitude of the applicant company's landlord, Ports of Jersey to the public realm appeared somewhat dubious, particularly given the state of a vacant site to the north for which it had responsibility. In this connexion, Mr. Layzell pointed out that the submitted scheme for this vacant site included roadside planting and he believed that every effort should be made to improve the appearance of the area. In concluding, he urged the Committee to refuse permission and send out a clear message that the treatment of the public realm was of vital importance to the character of the Island.

The Committee heard from Connétable M.K. Jackson of St. Brelade who advised that, whilst he understood the commercial arguments for removing the wall and pillars, the Parish Roads Committee believed that the scheme would give rise to highway safety concerns in an area where there had already been collisions. Considerable effort had been made to enhance the appearance of the triangular area bordering Pont du Val and the Connétable believed that the wall, pillars and planting should all be retained. He stated that the planting would likely be compromised by the removal of wall.

The Committee heard from Messrs. J. Bale, representing the applicant company and M. Smith of J. Design. Mr. Smith advised that objections had been taken into account and the landscaping retained as a direct result. The existing granite wall was a modern construction and its removal would help better display vehicles. The planted area would not be used as a cut-through to the site as there was customer parking within the compound.

Mr. Bale advised the Committee that he had initially been unaware of the requirement to remove the vehicles from the triangular grass area bordering Pont du Val but had done so as soon as he became aware. He had been led to understand that the use of the area for displaying vehicles was acceptable. In terms of the submitted scheme, Mr. Bale confirmed that the proposed works would make vehicles more visible and, from a commercial perspective, this was important.

Having considered the application the Committee was minded to refuse permission on the grounds that the removal of the wall and pillars would be detrimental to the character of the area, contrary to Policy GD1. In addition, the Committee also concurred with the view of the Parish Roads Committee that the scheme would give rise to highway safety concerns. It was noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision and to set out the formal reasons for refusal.

No. 52a Le
Clos des
Sables, St.
Brelade:
proposed new
dwelling
(RFR).
477/5/3 (1045)

A9. The Committee considered a report in connexion with a request for the reconsideration of application which had been refused by the Department under delegated powers and which had proposed the construction of a new dwelling with associated car parking and landscaping to the east of No. 52a Le Clos des Sables, St. Brelade. The Committee had visited the application site on 18th September 2018.

Deputy G.J. Truscott of St. Brelade, Vice Chairman did not participate in the determination of this application.

P/2018/0171

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies GD1, GD7, SP1, SP6, SP7, H6 and LWM3 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Note Nos. 3 – parking guidelines and 6 – a minimum specification for new housing developments.

The Committee noted that the application proposed the construction of a dwelling in the former garden of No 52 Clos des Sables. The plots in this central section of Clos des Sables were notably larger than plots to the north-west and the plots on the neighbouring estate known as Les Quennevais Park. The construction of an additional dwelling on the application site was considered to be at odds with the character and grain of development in the surrounding area. Whilst the proposed dwelling was a pitched roof bungalow, the mass was relatively large in relation to the principal dwelling and the dwellings opposite, which were shallow, hipped roof bungalows. The proximity of the proposed dwelling to the principal dwelling and to the boundary of No. 53 to the east was also of concern and the scheme appeared to 'shoe horn' the dwelling into the site. Although the dwelling to the east was also a pitched roofed dormer bungalow of similar massing to that which was proposed, it was located approximately 13 metres away from the application site and was the end house on a proportionally larger site. Whilst the design of the proposed dwelling met the minimum standards, its cramped and uncomfortable appearance within the streetscape continued through to the rear, where the garden appeared disproportionately small in relation to the footprint of the house and the character of the surrounding area. In general, the proposal was viewed as overdevelopment of the site and the dwelling not been suitably scaled for the size of the plot. It was not in keeping with the character of surrounding development, was considered incongruous within this context and harmful within the existing streetscape. Further to this, the proposed dwelling appeared to have the scope for roof and garage conversion which, in turn, could significantly increase occupancy without having the capability to increase the parking area or amenity space. This would further exacerbate the cramped and overdeveloped site conditions. The scheme was, therefore, unacceptable in terms of siting, scale, form and design and was considered harmful to the character of the area and likely to have an unreasonable impact on neighbouring properties. The application was, therefore, contrary to Policies GD1 and GD7 of the 2011 Island Plan and had been refused on this basis. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Connétable M.K. Jackson of St. Brelade, who advised that the Parish Roads Committee objected to the application on the grounds that it would result in a loss of roadside parking and exacerbate car parking problems on the estate. The potential also existed for vehicles associated with the new dwelling to 'spill onto the road'.

The Committee heard from the applicant, Ms. G. Carré, her father, Mr. H. Carré and their agent, Mr. R. Godel. Mr. Godel addressed the Committee advising that the Carré family had purchased the property to enable Ms. Carré and her partner to secure a property at an affordable price and for Mr. and Mrs. Carré to construct a lifelong home. In terms of the reasons for refusal, Mr. Godel referred the Committee to an ariel photograph which had been submitted which illustrated the grain of development in the area. The proposed dwelling could not be described as substantial and had an internal floor area of 90 square metres (compared against the minimum requirement of 70 square metres). The reason the dwelling was slightly larger was that provision had been made for wheelchair access. The Department recognised that the design of the dwelling was good. With regard to the provision of car parking, 3 spaces (2 plus a garage) were proposed and Mr. Godel noted that the officer report stated that this was an over-provision of parking and did not accord with the desire to minimise private car use. Mr. Godel believed that the scheme would have a minimal impact upon roadside parking and the applicants intended to park on site. He understood that many of the vehicles parked on the estate were not owned by residents. He stated that he had been unaware that the Roads Committee had submitted a representation. In terms of amenity space, private amenity space of 81 square metres was proposed against a minimum standard of 50 - 70 square metres. The Department accepted that there would be no substantial effect on the 3

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immediate neighbours. Mr. Godel showed the Committee some photographs of existing development on the estate, in support of his argument that the proposed development would not be out of character. In fact, the Committee's attention was drawn to a dwelling adjacent to the application site which was larger and higher than the proposed new dwelling. Other dwellings with pitched roofs and roof conversions had also been permitted and in one case, a pitched roof property sat adjacent to a hipped roof bungalow. Mr. Godel also argued that the proposed new dwelling would diversify the design aesthetic of the estate. He did not believe that the development would be cramped and there would be no increase in overlooking or overshadowing. Whilst there was no intention of developing the roof space, Mr. Godel pointed out that the Committee could condition the removal of permitted development rights. Finally, with regard to surface water run-off, discussions with the relevant authority had culminated in agreement that this issue could be addressed at the Building Bye Laws stage.

Mr. Carré addressed the Committee stating that property prices had increased so much that it was becoming increasingly difficult for young people to get on the property ladder. Consequently, the family had decided to purchase a property which provided a home for his daughter and her partner and the potential to create another home for Mr. and Mrs. Carré. The application site was situated in the Built-Up Area, was close to all amenities and on a good bus route. On the basis of development which had been permitted in the vicinity the family had taken the view that the construction of a 2 bedroom dwelling in the garden was feasible. Mr. Carré did not believe that the scheme would effect on street car parking and he pointed out that some neighbours had expressed support for the development.

Ms. Carré addressed the Committee, stating that whilst she accepted there were car parking issues on the estate, the main reason for this appeared to be that people preferred to park on the roadside and not in their driveways. This made it difficult for vehicles to drive through the estate and Ms. Carré advised that she favoured the introduction of yellow lines in the estate to prevent parking on the roadside. She informed the Committee that today was her 30th birthday and she and her partner desperately wanted to start a family, but had been unable to afford a family home. With her parents, Ms. Carré had purchased No. 52, with her parents' contribution being greater. Ms. Carré's partner was a tradesman and he had been refurbishing the property. She had no objection to the construction of a house in the garden, which she believed would result in a visual improvement and represented a good use of space in the Built Up Area.

Having considered the application the Committee, with the exception of Deputy J.M. Maçon of St Saviour, expressed support for the scheme on the basis that it would not be harmful to the character and appearance of the area and would not result in the overdevelopment of the site. It was suggested that permitted development rights should be removed but support for this was not unanimous. Consequently, permission was granted and the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision and approval of any conditions which were to be attached to the permit.

Shangri-La, Le
Clos de la
Mare, St.
Clement:
proposed new
dwelling.
477/5/2 (772)

A10. The Committee considered a report in connexion with a request for the reconsideration of application which had been refused by the Department under delegated powers and which had proposed the construction of a new dwelling with a new vehicular access on to Rue du Maupertuis to the west of the property known as Shangri-La, Le Clos de la Mare, St. Clement. The Committee had visited the application site on 18th September 2018.

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Deputy G.J. Truscott of St. Brelade, Vice Chairman 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 Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, H6, GD1 and GD7 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Note Nos. 3 – parking guidelines and 6 – a minimum specification for new housing developments.

The Committee noted that the application proposed a new dwelling in the rear garden of a 2 storey dwelling known as Shangri-La. The neighbouring properties to the south-east and south-west were bungalows. A previous application for a similar scheme had been refused in July 2017. The plots surrounding Shangri-La were generally comparable in size and had a similar rhythm. Whilst the proposed dwelling was a more traditional dormer bungalow, the mass was still relatively large, particularly in relation to the existing bungalows to the south-east and south-west, which were shallow with hipped roofs with no roof accommodation. The design was considered to be good and the scheme met the minimum standards (albeit the amenity space created for the new dwelling and Shangri-La was considered small and disproportionate to the dwellings themselves, and would have to be reduced further to meet the requirements of the highways authorities). However, the proposal was not in keeping with the character of the neighbouring buildings and introduced another type of design, form and mass to the immediate area, which was considered incongruous within this context and harmful within the existing street scape. The proposal was also deemed to have an unreasonable impact on neighbouring properties, not only in terms of the visual appearance, but also the mass and height, which would be overbearing to the private amenity space of the adjoining bungalow known as Carvoeiro and Shangri-La itself. The proposal was, therefore, unacceptable in context and design and considered harmful to the character of the area. Whilst it was in the Built-Up Area, this particular scheme was likely to constitute an unreasonable impact on neighbouring properties and the reasons for refusal for the last scheme remained much the same. This application was contrary to Policies GD1 and GD7 of the 2011 Island Plan and it was recommended that the Committee maintain refusal of the application.

The Committee heard from Mrs. M. Le Guyader, the applicant and her agent, Mr. M. Collins. Mr. Collins stated that the proposed dwelling would be one and half storeys high and he believed that the design was in-keeping with existing development. He noted that there were a number of a 2 storey properties in the vicinity of the application site. There would be no overlooking from the proposed development in his view, the scheme also proposed the addition of pavement outside of the development (this was supported by the Parish) and increased the amount of car parking by one space. It was noted that access to the existing garage was difficult and visibility was limited. There would be adequate amenity space for both properties and the level of development proposed was felt to be acceptable. Mr. Collins concluded by stating that whilst the previous application had been refused it had been indicated that the principle of the construction of a new house on the site was supported and the Island Plan encouraged development in the Built-Up Area.

Mrs. Le Guyader addressed the Committee advising that the previously refused scheme had proposed a 2 storey dwelling. The height of the proposed new dwelling had been reduced to address concerns raised. There were only 2 bungalows on the whole development and she felt that it was likely that the other one would be redeveloped in the future and increase in height. Mrs. Le Guyader advised that the property would be occupied by a family member.

Having considered the application the Committee decided to endorse the officer recommendation and maintain refusal, for the reasons set out above. In doing so

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members agreed that the design of the proposed development represented an improvement over the previously refused scheme and whilst some form of development on the site was likely to be acceptable, impact on neighbours was an issue which had to be addressed.

Planning and
Building
(Jersey) law
2002:
recommend-
ations in
accordance
with
Article 9A.
410/99(1)

A7. The Committee decided to make the following recommendations to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building (Jersey) Law 2002 -

that consideration be given to ways in which to safeguard the public realm to preserve the character of the Island – either by the creation of conservation areas or by some other means;

that some thought be given to addressing the difficulties which arose as a direct result of the absence of any graduation in the Built-Up Area; sites were either inside or outside the Built-Up Area. For example, in the case of St. Aubin, a designated tourism area, there was no greater focus or protection than that afforded to a modern housing estate.