

Planning Committee

(2nd Meeting)

20th October 2022

Part A (Non-Exempt)

All members were present, with the exception of Connétables D. W. Mezbourian of St. Lawrence, M. O'D. Troy of St. Clement and Deputies M. R. Le Hegarat of St. Helier North and T.A. Coles of St. Helier South.

Connétable P. B. Le Sueur of Trinity  
 Connétable K.C. Lewis of St. Saviour  
 Connétable R. A. K. Honeycombe of St. Ouen  
 Deputy S.G. Luce of Grouville and St. Martin  
 Deputy A. Howell of St. John, St. Lawrence and Trinity  
 Deputy A. F. Curtis of St. Clement

In attendance -

G. Duffel, Principal Planner (not present for item No. A11)  
 C. Jones, Senior Planner  
 M. McGovern, Planner  
 B. James, Planner  
 G. Vasselin, Planner  
 J. Gibbins, Trainee Planner  
 S.de Gouveia, Trainee Planner  
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat,  
 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 29th September 2022, were taken as read and were confirmed.  |
| Vice Chair:<br>appointment.                                | A2. The Committee agreed to appoint Deputy S.G. Luce of Grouville and St. Martin Vice Chair of the Planning Committee.  |
| Planning<br>Committee –<br>Procedures and<br>arrangements. | A3. The Committee, with reference to its Minute No. A2 of 29th September 2022, recalled that it had received and approved a report and appendices entitled 'Planning Committee – procedures and arrangements' which set out certain statutory requirements under Article 9A of the Planning and Building (Jersey) Law 2002. |

The Committee's attention had been drawn to the following -

*Article 9A (1A) - required an agreement between the Committee and the Chief Officer of the Department of the Environment over how issues would be referred to the Committee for consideration;*  
*Article 9A (3) - provided for the publicity of Committee meetings and the availability of information to be considered by the Committee in advance;*  
*Article 9A (4) - allowed the Minister to prescribe by Order procedures*

*for the Committee;*

*Article 9A (5) - allowed the Committee to determine its own procedure, except as provided for elsewhere;*

*Article 9A (6) & (7) - required the presentation of a report to the States Assembly on an annual basis in the first quarter with comments from the Committee about the policies it has been using to make decisions.*

*In the same report the Minister would respond to those comments.*

The Committee had noted and approved the details of the existing agreement between the Chief Officer and the Planning Committee and endorsed the approach adopted. The Committee's attention was also drawn to a Code of Conduct for members of the Planning Committee and members had agreed to adhere to the same. Finally, the Committee had agreed to contribute to the formulation of an annual report to the States Assembly by reviewing the application of policies at Committee meetings during its term of office.

In doing so, the Committee had also noted that Article 9A(5) allowed the Committee to determine its own procedure, except as provided for elsewhere in the Law. In this context the Committee had agreed to trial the following arrangements with effect from October 2022, for a period of 6 months -

6 representations would trigger the referral of an application to the Planning Committee for determination;

the time allocated for oral representations in respect of minor applications would be limited to a total of 10 minutes for each side (that is, those speaking for or against an application) and 15 minutes for each side for major applications. It would be incumbent upon the parties to allocate the time among those individuals who wished to speak.

It was noted that the Department would make the necessary arrangements for the communication of the new procedures.

Le Chalet  
(garden of), La  
Route de  
Noirmont, St.  
Brelade:  
proposed new  
dwelling.

P/2021/1666

A4. The Committee, with reference to its Minute No. A3 of 29th September 2022, received a report in connexion with an application which proposed the construction of a new dwelling in the garden of the property known as Le Chalet, La Route de Noirmont, St. Brelade. The Committee had visited the application site on 27th September 2022.

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the 2 reasons set out in the Department report and on the grounds that it was contrary to Policies SP3, SP4, SP5, PL4, GD1, GD6 and NE3 of the 2022 Bridging Island Plan.

Sunny Brow,  
La Rue de  
Haut, St.  
Brelade:  
proposed  
demolition and  
redevelopment.

A5. The Committee, with reference to its Minute No. A4 of 29th September 2022, received a report in connexion with an application which proposed the demolition of the property known as Sunny Brow, La Rue de Haut, St. Brelade and its replacement with a new dwelling and garage. The Committee had visited the application site on 27th September 2022.

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-

P/2021/1675 presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the reason set out in the Department report and on the basis that the case for demolition had not been made. Consequently, the application was refused on the grounds that it was contrary to Policies SP3, SP4, SP5, PL4, GD1, GD5, GD6 and NE3 of the 2022 Bridging Island Plan.

Fair Acre, La Route Orange, St. Brelade: proposed demolition and redevelopment.

A6. The Committee, with reference to its Minute No. A5 of 29th October 2022, received a report in connexion with an application which proposed the demolition of the property known as Fair Acre, La Route Orange, St. Brelade and its replacement with an apartment building comprising 13 new residential units. The Committee had visited the application site on 27th September 2022.

P/2021/1790

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the reason set out in the Department report on the grounds that it was contrary to Policies SP3 and GD6 of the 2022 Bridging Island Plan. However, the Committee recalled that members had cited a number of other policy tests which it had concluded had not been met, as detailed in the Minutes of the meeting of 29th September 2022, as follows: Policies H1, H4, GD1, GD5. The Committee directed that these be added to the refusal notice.

Melrose, La Route Orange, St. Brelade: proposed demolition and redevelopment.

A7. The Committee, with reference to its Minute No. A6 of 29th September 2022, received a report in connexion with an application which proposed the demolition of the property known as Melrose, La Route Orange, St. Brelade and its replacement with 11 new residential units and a new vehicular access. The Committee had visited the application site on 27th September 2022.

P/2021/1782

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the reason set out in the Department report and on the grounds that it was contrary to Policies GD1, GD6, H1, H2 and T4 of the 2022 Bridging Island Plan.

La Platte Rocque, La Grande Route des Sablons, Grouville: proposed new dwelling.  
P/2022/0290

A8. The Committee received a report in connexion with an application which proposed the construction of a 3 bedroom dwelling to the north-east of the property known as La Platte Rocque, La Grande Route des Sablons, Grouville. The Committee had visited the application site on 18th October 2022.

Deputy S.G. Luce of Grouville and St. Martin Vice Chair, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor, was a Ramsar Site and a Marine Protected Zone. La Platte Rocque was also a Grade 2 Listed Building. Policies SP1, 2, 3, 4, 5, PL5, GD1, GD6, GD9, NE1, NE3, HE1,

HE5, H1, H2, H3, ME1, TT1, TT4 and WER6 of the 2022 Bridging Island Plan were relevant, as was the Jersey Integrated Landscape and Seascape Character Assessment 2020.

The Committee was advised that the application site formed part of a larger estate comprising La Platte Rocque, which was Grade 2 Listed and included a prominent Conway Tower, a late Victorian Gothic house and other defensive military structures dating from the 18th Century to World War II. The proposed new dwelling would be situated within the north-eastern corner of the site and would be accessed via a shared driveway with the principal dwelling. The site sat on a peninsular headland above the beach area of La Rocque and was contained within a large granite sea wall structure, which enclosed the residential space from Robin Bay to the south and La Rocque harbour to the east.

The application proposed the construction of a new dwelling in the Built-Up Area, in the corner of a prominent Coastal Park site which included important heritage assets. The proposal had been carefully developed from pre-application stage and revised in accordance with heritage advice. It was considered to represent a sensitive and respectful addition to the site which would provide a high quality dwelling with sustainable credentials. Whilst some small visual impact on the Coastal Park may be appreciable from public views, it was considered that on balance this impact would not be harmful to the character and appearance of the area or the heritage assets and would be outweighed by the benefits of providing accommodation and improving biodiversity through careful landscaping. The application was recommended for approval, subject to the imposition of certain conditions detailed in the Department report.

The Committee was in receipt of 14 public comments which had been received in response to the application.

The Committee heard from Dr. ■ Le Gresley, who described the application site as 'outstanding and iconic'. Whilst he made no specific comment on the design aspects of the proposal, he felt that 'plonking an additional building' on this important site would have a most detrimental visual impact. Dr. Le Gresley referenced a comment made by HRH the former Prince of Wales (now HRH King Charles III) when he famously likened modern architecture along the Thames in London to 'a monstrous carbuncle on the face of a much-loved and elegant friend'. Dr. Le Gresley believed that in this particular context any additional building would result in the desecration of this precious site and would have a detrimental impact on vistas.

The Committee heard from Ms. ■ Bryon, who concurred with the views expressed by Dr. Le Gresley.

The Committee heard from Mr. ■ Russ, who also concurred with the views expressed by Dr. Le Gresley and added that vistas would be changed forever if permission was granted.

The Committee heard from Ms. ■ Surcouf, who noted that there were no images from the beach and she too was concerned about the loss of vistas. She added that once the development was approved there would be no going back and in the context of the policy criteria she did not believe that the public benefit outweighed the disadvantage.

The Committee heard from Mr. ■ Job of Godel Architects, who noted the nature of the objections but also highlighted the support which had been received for the

application. He reminded the Committee that the application site was in the Built-Up Area and that references to ‘public benefit’ related to the Green Zone Policy context. It was not believed that the scheme would have any impact on the public benefit in any case. The design approach carefully considered the Listed principal dwelling and there had been no objections from the Historic Environment Team. Mr. Job referred the Committee to the submitted design statement which noted that a cottage had previously stood in the location of the proposed new dwelling and this had been demolished during the German Occupation of the Island. Mr. Job went on to read from a pre-prepared statement from the applicant, who was not present, in which he explained the considerable and sympathetic work which had been done to restore the principal dwelling. The size and position of the cottage had been carefully considered in order to protect both the wider site and the environment and it was not believed that the proposed development would cause harm to the site or the character of the area.

Having considered the application, the Committee, with the exception of Deputies A. Howell of St. John, St. Lawrence and Trinity and A. Curtis of St. Clement (both of whom believed that the application was contrary to Policy HE1), decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of an additional condition which would require the preservation of the existing mature trees and hedging.

Chant de la  
Mer, Le Mont  
Rossignol, St.  
Ouen:  
proposed  
extension of  
terrace.

A9. The Committee received a report in connexion with an application which proposed the extension of an existing terrace to the west and south elevation of the property known as Chant de la Mer, Le Mont Rossignol, St. Ouen. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies PL5, GD1, GD6, NE1, NE3 and H9 of the 2022 Bridging Island Plan were relevant.

P/2022/0706

The Committee was advised that the applicant was a sitting States member and whilst no representations had been received, the Committee was required to determine the application, in accordance with agreed procedures.

The Committee noted that Chant de la Mer was a detached dwelling located within the Coastal National Park. The application sought consent for the extension of an existing terrace and a glazed barrier. The existing terrace was considered to be in a dilapidated condition, rendering it unusable. It was also considered to have a negative aesthetic impact.

The Department was of the view that the proposal complied with all relevant policy considerations. The property was relatively isolated so the likelihood of any privacy related issues was negligible. A high-quality design approach had been adopted and the proposed development would replace a dilapidated structure, which adversely impacted the visual amenity of the property. Lastly, given the site location and topography, as well as the scale of the works, the proposal was unlikely to result in landscape harm. Consequently, the application was recommended for approval.

Having noted that no persons present wished to speak for or against the application, the Committee proceeded to determination and decided to grant permission.

La Vallee  
Verte, La  
Petite Route

A10. The Committee received a report in connexion with an application which proposed the removal of a single storey extension and its replacement with a 2 storey extension to the north-east elevation of the property known as La Vallee Verte, La

des Mielles, St. Brelade: proposed extension/ conversion of roof space.

P/2022/0452

Petite Route des Mielles, St. Brelade. The conversion of the roof space was also proposed to provide habitable accommodation. The Committee had visited the application site on 18th October 2022.

The Committee was advised that the applicant was a sitting States member and whilst no representations had been received, the Committee was required to determine the application, in accordance with agreed procedures.

A site plan and drawings were displayed. The Committee noted that the majority of the application site was situated in the Built-Up Area but that the south-east of site was in the Green Zone (no development was proposed in this area). Policies SP1, 2, 3, 4, 5, PL2, GD1, GD6, NE1, NE3, H1, TT1, 2, 4, WER6 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee recalled that Les Quennevais had been identified as the Island's secondary urban area, wherein residential development would be supported. The design of the proposed extension and the materials proposed were considered to be in keeping with the existing building and its setting and would not cause harm to the landscape character. Consequently, the application was considered to satisfy the requirements of the relevant policies of the 2022 Bridging Island Plan and the scheme was recommended for approval, subject to the imposition of a condition detailed within the Department report.

The Committee heard from Ms. [REDACTED] Mihancea and P. Harding of BDK Architects, who advised that this modest extension would provide an additional bedroom and improve the first floor layout.

Having considered the application, the Committee decided to grant permission, subject to the imposition the condition detailed in the Department report.

Field No. 685A (land to the north of), La Rue de Champ Colin, St. Martin: proposed agricultural worker dwelling.

P/2022/0358

A11. The Committee received a report in connexion with an application which proposed the construction of a 2 bedroom agricultural worker dwelling on land to the north of Field No. 685A, La Rue de Champ Colin, St. Martin. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, 2, 3, 4, 5, PL5, GD1, GD6, NE1, NE2, NE3, ERE1, H10, TT1, TT2, TT4, WER6 and 7 of the 2022 Bridging Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Note No. 3 – parking guidelines.

The Committee noted the planning history of the site, which included the construction of 5 units of accommodation for agricultural workers in 1996.

It was noted that an assessment of the current application revealed that the submitted information did not meet the tests set out Policy H10 (rural workers' accommodation). More specifically, it had not been demonstrated that -

the proposed dwelling was essential to the proper function of the business and was of a size appropriate to the functional need;  
it could not be provided on a site within the boundary of the Built-Up Area or within other existing occupancy-tied rural accommodation and still meet the functional need;  
it could not be provided within an existing building, either on or off the site and still meet the functional need;

it could not be provided by rearranging, subdividing or extending an existing building on the site;  
it could not be located within or adjacent to the existing business premises or other buildings on the site; and  
the agricultural enterprise was currently financially sound and had a clear prospect of remaining so.

In addition, the proposed dwelling, was considered to be excessively large. A modern design approach had been adopted with irregular fenestration details and a disproportionate ratio of glazing to render. The design and materials did not reflect the rural character of the area and given its elevated position from the public road, the dwelling would be dominant and intrusive and was considered detrimental to the landscape character. Furthermore, the Parish of St. Martin objected to the application on highway safety grounds, due to the proposed access arrangements and the visibility splays. Consequently, it was recommended that the application be refused on the grounds that it was contrary to Policies SP1, SP3, SP4, PL5, GD6, NE3, H10, ERE1, NE3, GD1, TT1, TT2, WER6 and 7 of the 2022 Bridging Island Plan.

In response to a question from the Chair, it was confirmed that pre-application advice had not been sought.

The Committee heard from Mr. ■ Nicholson of MS Planning, who represented 2 near neighbours of the application site (one of whom believed that they had not been notified of the date of the public meeting). Mr. Nicholson stated that the focus had to be on the planning merits of the application and its assessment against the relevant policy criteria. He added that the applicant was not Lodge Farm but Ms. R. Houze. Turning to the scale of the proposed development (2,500 square feet), Mr. Nicholson referred to recently issued draft Supplementary Planning Guidance (SPG) in respect of housing outside the Built-Up Area, which introduced an interim policy in relation to the development of larger homes in the countryside which were in excess of 3,000 square feet. The draft SPG described dwellings in excess of 3,000 square feet as 'substantial' and 'over double the floor area of a standard 4 bedroom dwelling'. Such dwellings were likely to be marketed in the 'luxury homes' bracket and were beyond the reach of most Islanders. Turning to the proposed access arrangements, Mr. Nicholson highlighted the gradient from the driveway to the road level and then on to the proposed dwelling and suggested that this did not comply with the standards set down by the highway authority. Inadequate visibility splays were also shown and there was no drainage information (which could no longer be dealt with by condition). He concluded by stating that this was a 'speculative application' which was 'wholly inappropriate'.

The Committee heard from the applicant, Ms. ■ Houze and her agent, Mrs. ■ Steedman of KE Planning. Mrs. Steedman advised that pre-application advice had not been sought as the scheme had been formulated during the Covid-19 pandemic when, she understood, providing such advice had presented a challenge for the Department.

Ms. Houze addressed the Committee, advising that she would occupy the proposed unit of accommodation. She informed members that she was a fourth generation farmer and she operated one of Jersey's largest modern and progressive dairy farms at Lodge Farm, Maufant, which was financially sound and had been operational since 1944. The farm employed 6 full-time staff members and provided Jersey Dairy with 12 per cent of its milk supply. The farm also grew its own forage on 600 verges of land and managed 34 kilometres of boundary habitat. Ms. Houze described the

business as ‘fully fledged custodians of the countryside with world leading environmental credentials’. She advised the Committee that farming was her passion and to continue doing what she loved she needed somewhere of her own to live where she could be close to her cattle for animal welfare reasons. The Committee’s decision would have a significant impact on her future and she reminded the meeting of the number of farmers who had left the industry. Responsibility for the continuation and expansion of farming fell on the shoulders of young farmers. Farming was, however, a lifestyle as opposed to a job and Ms. Houze regularly worked late into the evenings. Her income was insufficient to secure the necessary borrowing to purchase even a 2 bedroom flat in St. Helier and she definitely could not afford a 3 bedroom house in Maufant. Ms. Houze stated that the application site was of no agricultural value and she pointed out that before it had been owned by her family a large quantity of clay had been deposited on the site. There were no agricultural restrictions in place, the land had not been allocated a field number and there had once been a house on the site.

Mrs. Steedman stated that, in the opinion of industry experts, the application site was the right place for the proposed dwelling. The applicant had considered a number of options before seeking planning consent, to include looking at buildings at Lodge Farm, which comprised a small hamlet of modern houses and sheds. Mrs. Steedman stated that the need for Ms. Houze to have a home of her own should not be in question. She referenced the priorities set out by Ministers in Ministerial plans which had recently been published and drew the Committee’s attention to those of the Minister for Economic Development, Tourism and Culture, which included recognising the importance of agriculture and the Minister for the Environment, which included ensuring the delivery of homes and protecting the environment. It was individuals like Ms. Houze who helped Government achieve these priorities. Mrs. Steedman also reference the Rural Economic Framework 2022, which set out the policies for the management of the Jersey countryside and supported the wider strategic needs of the Island, in particular with regard to the production and supply of food, water security and the quality of the natural environment. Mrs. Steedman understood that there were currently only 3 farmers under the age of 40 years in the sector and she assured the Committee that approval of the application would not set a precedent for the construction of new homes in the countryside. The applicant was willing to enter into a Planning Obligation Agreement (POA) which would tie the proposed property to Lodge Farm. If the applicant accepted the view that she should seek a property in the locality, the cheapest property available was understood to be in excess of £1 million and this would not provide the level of accommodation required by a farmer. Mrs. Steedman believed that test set out in Policy H10 had been met. A single dwelling for bonafide agriculturalist was proposed and there would be no loss of agricultural land. She concluded by reminding that if members did not believe that the relevant policy tests had been met, the Committee had the statutory power to grant permission if it believed that sufficient justification existed.

The Committee heard from Mr. [REDACTED] Le Gallais, [REDACTED]  
[REDACTED] He advised that 85 per cent of the milk supply came from 6 farms, one of which was Lodge Farm. He stated that Lodge Farm was ‘in the top tier of financially viable dairy farms and had been for years’.

[REDACTED] Ms. Houze’s promotion of the Island had significantly increased interest in the Island as evidenced by increased hits on the Visit Jersey website immediately following her participation in certain events. Mr. Le Gallais described her as an ambassador for Jersey. Ms. Houze and her fiancé wished to continue farming and he believed that she deserved an in principle decision at the very least. The land in question was not agriculturally viable and Ms. Houze had



been working very hard on the scheme for some considerable time. He concluded by stating that a refusal would not only be a problem for the applicant but also for the dairy industry as a whole.

Having noted that other individuals still wished to speak the Chair extended the time period permitted for oral representations.

The Committee heard from Deputy C.F. Labey of Grouville and St. Martin, who advised that whilst she strongly supported safeguarding agricultural land for its intended purpose, she had visited the application site and was convinced that it was of no agricultural value. She also understood that there had previously been a house on the site and noted its proximity to a large housing development. She did not believe that the proposed development would change the character of the area and she reminded the Committee that without farmers there would be no green fields. She went on to discuss the work of the Jersey Overseas Aid Commission in Africa in the context of improving milk yields. She concluded by stating that young farmers needed encouragement otherwise there would be no brown cows left in the home of the Jersey Herd Book, which was the foundation on which the Jersey Breed was based in Jersey and worldwide, and this posed a real threat to food security and land.

The Committee heard from Deputy S.G. Luce of Grouville and St. Martin, who supported the application and the suggestion that the applicant enter into a POA which tied the dwelling to Lodge Farm. He believed that a precedent had already been set elsewhere where a business had received permission for development in the Green Zone.

The Committee received advice from Mr. ■ Pilley, Head of Place and Spatial Planning, Strategic Policy, Planning and Performance, who advised that the Committee must be satisfied that the application met the tests set out in Policy NE3 – Landscape and Seascape Character. The Committee had to consider the impact on the character of the landscape setting. Where the Committee considered the impact to be negative, it could consider evidence of the public benefit derived from approval and whether this outweighed harm to the landscape. In response to a question from a member regarding the requirement to provide a 3 dimensional model, it was noted that thresholds were set out in the guidance but that any tools which assisted with the assessment of an application were beneficial.

In response to a further question from a member in relation to drainage and surface water drainage details, it was noted that insufficient information had been received in these respects.

Mrs. Steedman advised that a 3 dimensional model had been prepared and that the applicant's architect was in attendance should the Committee wish to receive responses to any technical questions.

Having considered the application, the Committee, with the exception of Connétable K.C. Lewis of St. Saviour, felt unable to support the scheme as submitted and endorsed the recommendation to refuse permission for the reasons set out in the Department report. In doing so the Committee urged the applicant to consider alternative proposals which significantly minimised the impact on the landscape character.

Land formerly  
known as The  
Firs, Le Mont

A12. The Committee received a report in connexion with an application which proposed the demolition of the existing structures on an area of land previously associated with the property known as The Firs, Le Mont Sohier, St. Brelade and

Sohier, St.  
Brelade:  
proposed  
demolition and  
redevelopment.

P/2022/0209

their replacement with a 3 bedroom dwelling with car parking and amenity space. It was also proposed to alter the vehicular access on to La Route de la Baie. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and that Policies SP1, 2, 3, 4, 5, 6, PL3, GD1, GD6, GD8, NE1, NE2, NE3, H2, H3, H4, TT1, TT2, TT4, WER6 and 7 of the 2022 Bridging Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Notes No. 3 – parking guidelines and No. 6 – a minimum specification for new housing developments.

The Committee noted that the application site was currently used as a commercial car park in association with Pizza Express and that there were a number of outbuildings on the site. The scheme retained some of the existing car parking for Pizza Express with a 3 bedroom dwelling proposed on the remainder of the site and new access onto La Route de la Baie.

Whilst the site was located in the Built-up area, it was also necessary to assess the impact of the proposals on the Green Backdrop Zone. The Committee was reminded of the policy context in this respect and noted that not only would the scheme result in the development of a previously undeveloped site, but the proposed dwelling would be visually dominant due to its height. The limited provision of trees, in conjunction with the high walls enclosing the site, would not integrate the development into the landscape, which would adversely affect the landscape character. The history of the site was also a material consideration in that it had been associated with the adjacent restaurant and used as a car park for staff and diners and had accommodated commercial stores and refuse bins. In conclusion, the application failed to demonstrate that the commercial use of the site was redundant and whilst the proposed new dwelling met the lifetime home standards, the scheme did not comply with Policies SP6, GD6, GD8, NE3, TT1 and TT2 of the 2022 Bridging Island Plan 2022. It was recommended that the application be refused on this basis.

4 representations had been received (3 from the same individual) in connexion with the application.

The Committee heard from Mr. ■ Nicholson of M.S. Planning, who represented neighbours of the site. Mr. Nicholson noted that drawings amending the refused scheme had been submitted, suggesting a recognition of the problems associated with the proposed development. The application site was used by Pizza Express as a car park (as approved under application reference 10697U), albeit that the submitted documentation did not appear to seek approval for a change of use to residential and the case did not appear to have been made for this. Mr. Nicholson added that the proposed development appeared contrived and did not do enough in terms of placemaking.

The Committee heard from the applicant, Mr. ■ Young and his agent, Mrs. ■ Steedman. Mr. Young informed the Committee that he would occupy the proposed dwelling and he advised that he was a secondary school teacher in Jersey. ■■■■■

■■■■■ He stated that he was unable to afford to purchase a home in Jersey but was in the fortunate position of being able to construct a dwelling on land owned ■■■■■

■■■■■

The Committee heard from [REDACTED] Ms. [REDACTED] Haben, [REDACTED] [REDACTED]. She had operated the former café on the Pizza Express site and advised that there had been no parking associated with the café at that time and that she had not owned the application site when it had been approved for use by Pizza Express as a car park. It was within her gift as the landowner to terminate the lease of the car park at any time. However, Pizza Express did not require all of the site for car parking and a proportion of it would be retained for this purpose. Mrs. Haben wished to provide a house [REDACTED] [REDACTED] and the proposed development would significantly improve the appearance of the site and included a public footpath.

The Committee heard from Mrs. Steedman, who stated that the site was in the Green Backdrop Zone where there was no presumption against development and where development was supported by the Spatial Strategy. [REDACTED]

[REDACTED] The site was not legally tied to Pizza Express and this use could cease at any time. Mrs. Steedman referenced Policy PL3 and highlighted the location of the site in terms of local amenities, travel and transport links and infrastructure. Development in the area was mixed in character with residential and tourism structures of varying heights and styles. Mrs. Steedman argued that there would be no loss of commercial land and she referenced Policy TT4, which encouraged more efficient use of land and the redevelopment of land used for off street parking. [REDACTED]

[REDACTED] The scheme proposed new landscaping and a footpath and would enhance highway safety. The proposed dwelling would be no higher than the adjacent garage of the neighbouring property and the design was considered appropriate in this context. She went on to state that the scheme proposed a modest 3 bedroom energy efficient home and would retain an element of staff parking for Pizza Express. 13 new trees, a 900 millimetre high perimeter wall and hedging to most of the public boundaries was included and the applicants were willing to introduce more landscaping and an amended colour scheme. In concluding, Mrs. Steedman advised the Committee that there had previously been a house on the site and approval would provide a home [REDACTED]

The case officer confirmed that whilst the application site was not tied to Pizza Express, the current use was viewed as commercial and there was a requirement to demonstrate the redundancy of this use. This had previously been confirmed by the Department in pre-application advice.

The Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report.

No. 60 St.  
Mark's Road,  
St. Helier:  
proposed  
removal of  
conservatory/  
construction of  
extension/  
conversion.

P/2022/0478

A13. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the removal of a conservatory, the construction of a first floor extension and internal and external alterations to facilitate the conversion of No. 60 St. Mark's Road, St. Helier to provide 4 x one bedroom flats. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that it was a Listed Building. Policies SP1, 2, 3, 4, PL1, GD1, GD6, NE1, HE1 and HE2, H1, 2, 3, 4, TT1, TT2, WER2, 6 and 7 of the 2022 Bridging Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Notes No. 3 – parking guidelines and No. 6 – a

minimum specification for new housing developments.

The Committee noted that the property currently comprised 3 x residential units with a small parking area and vehicular access to the rear from Janvrin Road. The existing 2 x 2 bedroom flats exceeded the minimum size for living space whilst the one bedroom unit was undersized. However, in comparison 3 of the 4, one bedroom units proposed did not meet the minimum space standards (49.0 square metres) and no external storage in addition to a bicycle store had been provided. Therefore, the scheme would result in the overdevelopment of the site and failed to satisfy the tests set out in Policies SP3, H1, H2, H3 and H4. Whilst there were several examples of 2 storey flat roofed extensions in the vicinity, these had clearly been constructed many years ago and the design was considered to be of poor quality. The proposed development would be dominant and intrusive when viewed from the private road and would not enhance the character or appearance of the area, nor complement the existing building. In addition, the site lay within the inland medium and low flood risk areas and a flood risk assessment had not been provided. Drainage modelling was also required due to the increase in occupancy to ensure sufficient capacity existed, as well as the separation of foul drainage and surface water. Consequently, the application was recommended for refusal on the basis that it was contrary to SP3, H1, H2, H3, H4, WER6, GD1 and GD7 of the 2022 Island Plan.

The Committee heard from Mr. ■ Dyson of Dyson and Buesnel Architects, who understood that the minimum requirement for a single occupancy unit was 33.0 square metres, as opposed to the 49.0 square metres referenced in the Department report. The existing building accommodated 3 apartments with a total of 5 bedrooms between them so total occupancy/density would be reduced under the proposed scheme. The existing layout of the building was impractical and concerns had been raised in the context of fire safety. Both the application site and the building itself were restricted. Finally, with regard to the proposed design, it was understood that a simple flat roof was supported by the Historic Environment Team (HET) and Mr. Dyson noted that it would be difficult to achieve a pitched roof.

The Committee heard from Mr. ■ Chinn, the applicant, who believed that all of the units met the minimum size requirements and the scheme reduced the number of bedrooms and the total occupancy. This was a historic building which required considerable refurbishment to restore its original charm and character. Many period features would be retained and the appearance of the rear of the building much improved. Mr. Chinn stated that the scheme was in accordance with Policy SP3 and would bring the building back to life and provide quality accommodation. He urged the Committee to approve the application.

The case officer advised that the proposed development had been assessed against the minimum requirements for 2 person occupancy based on the bedroom sizes within the flats. Mr. Dyson reminded the Committee that this was a Listed Building and the room sizes could not be reduced. The case officer also confirmed that draft supplementary planning guidance was being developed to remove one person occupancy units.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of Grouville and St. Martin, endorsed the recommendation to refuse permission for the reasons set out in the Department report.

Le Boulevard,  
Les Grande  
Route des

A14. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the demolition of some garages at the property known as Le Boulevard, Les Grande Route des Sablons, Grouville and

Sablons,  
Grouville:  
proposed  
demolition of  
garages/  
construction of  
dwelling.

their replacement with a 2 bedroom dwelling. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, SP2, SP3, SP4, SP7 GD6, NE3, HE1, GD1, H1, TT1, TT2, TT4, WER1 and WER7 of the 2022 Bridging Island Plan were relevant.

P/2021/1439

The Committee was advised that the application had been assessed against and refused in accordance with the policies of the 2011 Island Plan. The subsequent request for reconsideration had been assessed against the 2022 Bridging Island Plan policies, following the adoption of the same by the States in March 2022.

The application site housed an apartment block with a parking area to the west and gardens to the east overlooking the sea. Permission had previously been granted for the construction of 2 additional flats in the roof space of the building and these were currently under construction. There were also 5 garages to the north-west of the site within a detached, flat roofed block and the application proposed the demolition of this garage block and its replacement with a one and a half storey dwelling. The design of the dwelling was considered to be unacceptable in this context as it was not reflective of the character of the area; nor would it sit well with the existing flats. The height of the proposed dwelling and its location was also considered harmful to the setting of adjacent Grade One Listed Buildings. Furthermore, a dwelling to the north would be overlooked and there would be a loss of light to this dwelling and the flats to the east. The living conditions of the occupants of the proposed dwelling would also be poor with direct overlooking and a lack of amenity space and privacy. The removal of the garages would exacerbate existing problematic parking arrangements and would result in the loss of car parking and external storage space for the existing flats. Pedestrian and highway safety issues had also been highlighted together with inadequate cycle parking. There was no provision for refuse storage and the application failed to demonstrate that there was sufficient capacity in the foul-water sewerage system to support the additional dwelling.

The application had been refused on the grounds that it failed to meet the policy tests set out in Policies SP1, SP2, SP3, SP4, SP7 GD6, NE3, HE1, GD1, H1, TT1, TT2, TT4, WER1 and WER7 of the 2022 Bridging Island Plan.

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

The Committee heard from Mr. ■ Bois, who stated that the existing development had been approved prior to the formulation of policies designed to protect historic buildings. Therefore, in his view any development on the site was excessive.

The Committee heard from Mr. ■ Viney, who advised that parking was already an issue and the removal of the garages would exacerbate the problem and would result in indiscriminate parking.

The Committee heard from the applicant, Ms. ■ Miller and her agent, Mr. ■ Smith, who advised that the reasons for refusal related to the original submission as opposed to a revised scheme which had been submitted. He added that permission had already been granted for a large development to the north of the Listed Buildings and asked for consistency and fairness of approach.

The Chair advised Mr. Smith that the Committee's determination would be based on the refused scheme and not the revised scheme.

Ms. Miller addressed the Committee, stating that the proposed development would result in a visual improvement as the new dwelling would be more aesthetically pleasing than the garages, which had come to the end of their life. The application site was in the Built-Up Area and the Bridging Island Plan supported development in this area. In terms of light to the existing apartments, Ms. Millar reminded the Committee that light and views from the seaside elevation were excellent. The proposed new dwelling would have its own amenity space and this would be created without detriment to the apartments. There would be no reduction in car parking as the existing garages were not used for this purpose due to their condition. One of the garages had been refurbished for storage purposes and the apartments also benefitted from basement storage. 2 new garages and 2 additional parking spaces would be created as part of this scheme. 3 of the 6 apartments supported the development and had confirmed this in writing. Ms. Millar concluded by stating that the proposed development would be of a high quality and it was in a nice location on a good bus route.

In response to a question from a member, it was confirmed that the garages had formed part of the approval for the apartments.

Having considered the application, the Committee agreed that whilst the design of the proposed dwelling was good, it was not appropriate in this context. Consequently, the application was refused for the reasons set out in the Department report.

Transform  
Together  
Fitness,  
Longueville  
Road, St.  
Saviour:  
proposed  
variation of  
condition.

A15. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the variation of a condition attached to the permit in respect of the premises known as Transform Together Fitness, Longueville Road, St. Saviour. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP2, PL2 and GD1 of the 2022 Bridging Island Plan were relevant.

RC/2021/1907

The Committee was advised that the premises had previously been part of a warehouse and retail unit. Permission had been granted under application reference P/2018/1125 for a change of use of the basement to a gym, subject to certain conditions, to include restrictions on operating times. The application under consideration sought to vary condition No. 2 of the permit to allow the gym to open at 6.00 am (no specific days of the week had been referenced), as opposed to the times set out in the design statement submitted with the original application. The stated operating times had been included as a condition of the permit and were as follows –

Monday – Thursday – 06.45 – 18.45  
Friday – 06.45 – 18.00  
Saturday – 07.30 – 18.00  
Sunday – closed  
Bank Holidays – closed

The Committee also noted that the applicant had advised that staff now parked off site at St. Clement's driving range, which was approximately 700 metres from the site entrance.

The Committee was advised that the existing permission had been granted on the basis of strict controls and followed an earlier refusal based on the provision of car parking on the site and the potential for noise and disturbance. Unfortunately, the users of the site had not adhered to the conditions and the Department had received a number of complaints that the site was operational outside of the agreed times. Whilst Government commitments to health and well-being were recognised, the application site was in close proximity to residential uses and the proposed revisions to the hours of operation would have an unreasonable impact on the residential amenities of neighbours, contrary to Policy GD1. Consequently, the application had been refused on this basis and it was recommended that the Committee maintain refusal.

The Committee noted that 3 letters of representation had been received in connexion with the application.

The Committee heard from Mr. ■ Bowditch, Environmental Health Officer, who advised that complaints made under the Statutory Nuisance (Jersey) Law 1999 were currently being investigated. The complaints related to noise associated with the use of the premises, the hours of operation and people arriving at the gym and leaving. Consequently, the application was not supported as the revised opening times would likely impact on neighbouring uses.

The Committee heard from the applicants, Messrs ■ Frame and ■ Elliott and their agent, ■ Collins. Mr. Collins advised that the applicants had opened the gym in 2018, and that the proposed revised opening hours would allow clients to attend before work. It was understood that complaints had arisen as a result of vehicles accessing the site from the south early in the morning. As a consequence, parking in this area was no longer permitted before 7.30 am. Mr. Collins reminded the Committee that commercial warehouses also operated from the site and there were frequent container deliveries and forklift trucks on site.

For the purposes of clarity, it was confirmed that the Committee could not consider the addition of new conditions to the existing permit and that a new application would be required if this was the desired outcome.

Mr. Frame addressed the Committee, advising that he and Mr. Elliott had originally started providing training on People's Park and then at Grainville playing fields prior to operating from the site on Longueville Road. Early morning sessions were extremely popular and the gym relied upon the income from these classes. ■

■ Mr. Frame pointed out that Longueville Road was very busy in the morning and starting earlier also had the effect of reducing traffic at peak times. The gym operated in a way which was easy to control and manage, with individuals working with coaches. In terms of identifying the source of the noise related complaints, Mr. Frame stated that this was something of a 'guessing game'. He had consulted neighbours and made changes, to include the relocation of speakers and preventing parking to the south before 7.30 am and he believed that these measures had been successful. One residential neighbour had made a recording of the noise and having heard this, Mr. Frame believed that it was coming from a generator in the warehouse between the gym and the residential accommodation. The gym had triple glazed windows, shock absorbent flooring and no machines (free weights were used). Music was not played at excessively loud volumes as this did not work for coaching sessions.

Mr. Elliott added that the early morning sessions were the most popular for clients,

prior to going to work or dropping children off at school. The pair had tried to create a non-intimidating atmosphere at the gym to encourage participation and had no desire to cause any difficulties for neighbours. The main aim was to maintain the viability of the business, which had suffered during the pandemic.

The Committee sought advice from Mr. Bowditch in relation to the exact source of the noise which had generated the complaints. He understood that there had been complaints regarding noise from inside and outside the premises. During the site visit the Committee had noted that a fire door at the rear had been left open but Mr. Elliott assured members that this was only open when deliveries were being received. Another member pointed out that music from the gym had been audible outside the building during the site visit. Mr. Elliott advised members that music was only played at certain times.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report. In doing so, members accepted that it was possible that the source of some of the noise complaints might be from other commercial premises on the site. However, the complaints would need to be properly investigated. The Committee encouraged the applicants to arrive at an appropriate solution and suggested that this might involve the formulation of an operational statement together with other mitigation measures.

Arts  
Workshop, No.  
3 Victoria  
Street, St.  
Helier:  
proposed  
basement  
excavation/  
new retail  
units.

A16. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the restoration of the north elevation of the Arts Workshop, No. 3 Victoria Street, St. Helier, the excavation of the basement area, to include the demolition of various internal structures and roof areas and the construction of a replacement retail unit to the north, including external repairs and alterations and the construction of a new residential unit to the south with garage parking. The Committee had visited the application site on 18th October 2022.

P/2021/1946

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. No. 3 Victoria Street was a Grade 4 Listed Building. Policies SP4, GD1, GD5, GD6, GD9, HE1, HE2, HE5, H1, WER1, SP1, 2, 3, 5 and 6, GD3, NE1, TT1, TT2, TT4 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application proposed the formation of a new basement level with 4 floors above. The replacement structure would comprise an office/shop at the front with a kitchen, meeting room and washroom facilities at first floor level. This use would be truncated with the mid-section of the site at ground floor level given over to car parking, accessed via the neighbouring site (Nos. 2 – 4 Victoria Street). The remainder of the development would comprise a 3 bedroom residential unit with the second and third floors being set back from the road frontage to allow for 2 terraces.

The Committee noted that Nos. 2 – 4 Victoria Street [REDACTED] permission had been granted for their demolition and replacement with 9 new residential units with covered parking and a new vehicle access on to Victoria Street.

The application under consideration had been refused on the grounds that it was reliant on the development of the neighbouring property and that the proposals would result in the destruction of a heritage asset which would affect a neighbouring Listed Building and its setting and potentially remove archaeology, contrary to





Bluebell  
Cottage, La  
Rue du Hocq,  
St. Clement:  
proposed new  
pool house and  
replace  
boundary wall.

P/2021/1836

A17. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the construction of a new pool house at the property known as Bluebell Cottage, La Rue du Hocq, St. Clement. The Committee had visited the application site on 18th October 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies PL3, HE1, GD1, GD6, TT2 and WER2 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application sought permission for the construction of a 2.95 metre high pool house with plant room and the replacement of an existing boundary wall. Amended plans had been received during the life of the application and these proposed a reduction in the size of the pool house. However, a site visit had revealed a difference in ground levels between the private amenity space associated with the dwelling, the level of the proposed pool house and the ground level of the neighbouring meadow, walkway and adjacent Grade 3 Listed railway bridge. Consequently, it was noted that the flat roof of the proposed pool building would sit approximately 4.8 metres above the meadow and pathway and despite amended plans to reduce the scale of the pool house, the proposed building would be over one metre taller than the top of the adjacent Listed railway bridge. For this reason and given the boundary wall proposals in the location of the bridge, the Historic Environment Team (HET) had objected to the application. The Environmental Health Department had also requested further details in relation to a flue given the likely impact on a nearby property. The application site was also partially situated within a flood risk area and Policy WER2 required a flood risk assessment. Further information in respect of the flue and the flood risk assessment had not been sought by the Department in this instance as the application was not supported and it was considered unreasonable for the applicant to incur further expense. However, these policy requirements would have to be satisfied if a fresh application were to be submitted in future. In the light of the aforementioned, the application had been refused on the basis that it did not satisfy the requirements of the relevant policies of the 2022 Bridging Island Plan, 2022. The proposed works were likely to result in unreasonable harm to neighbouring amenities and would have a detrimental impact upon the wider setting of the site and the character of the area. In light of the above the application was recommended for refusal.

The Committee heard from Ms. ■ Parker, ■ Ms. Parker advised that whilst she was sorry to have to object to the application, she considered the scheme to be inappropriate and unreasonable. She expressed concerns regarding the size, mass and scale of the development and its close proximity to ■ house, which she believed would have a detrimental effect on ■ quality of life. Ms. Parker also felt that the proposed pool house would overshadow ■ property and she highlighted the difference in ground levels. Bluebell Cottage was a very large property which ran along the entire south side and a good proportion of the western side of ■ house and the scale of the development would engulf ■ property and negatively affect ■ wellbeing. She too wished to enjoy sun light and privacy. Finally, she expressed concerns about drainage, fumes from a flue, the chemicals used for the pool and the impact these might have on health and light pollution. She suggested that the applicants might wish to consider a pool cover as an alternative.

The Committee heard from the applicant's architect, Mr. ■ Bravery, who advised that the existing boundary wall would be replaced with a granite wall to match the supporting walls of the bridge. Bluebell Cottage and its garden were situated on

higher ground than the meadow so the pool house would appear higher from the meadow. However, it would be set back from northern boundary and an existing terrace would be retained to reduce the visual scale. Planting and materials would also soften the appearance of the building. The meadow was heavily wooded so long views of the proposed development would be obscured. Turning to the impact on the Listed railway bridge, Mr. Bravery stated that whilst this was a rare surviving remnant of industrial infrastructure which had historic curiosity value, he did not agree with the view that the setting would be damaged by the proposed development and felt that too much weight had been given to this. He asked whether consideration should be given to demolishing the bridge or at least fencing it off for safety reasons. In any case, the setting had been respected by setting the retaining walls back from bridge walls and there would be a clear separation between the bridge and the proposed development. From the public realm the proposed development would be out of sight or obscured by woodland. In conclusion, a single storey building was proposed and the submitted cross section demonstrated that there would be no overbearing or over shadowing. Technical matters such as the flue (the applicant was willing to consider removing the requirement for a wood burning stove) and the flood risk assessment could be addressed in due course if the scheme was considered visually acceptable. Finally, Mr. Bravery stated that the proposed development would be no closer to the neighbouring dwelling than the existing Bluebell Cottage.

The Committee heard from Mr. ■ Romeril, ■ Mr. Romeril supported the application and believed it would result in a visual improvement and did not believe that the proposed development would adversely affect the setting of the railway bridge. He advised that the applicant had planted bluebells in the woodland and also wished to plant saplings, subject to the obtaining permission.

Having considered the application, the Committee endorsed the recommendation to refuse permission on the grounds that the proposal was contrary to Policy GD1 and would have an overbearing impact on the neighbouring property. Some members also echoed concerns regarding the safety of the railway bridge.

