

KML

PLANNING COMMITTEE

(7th Meeting)

24th June 2021**PART A (Non-Exempt)**

All members were present, with the exception of Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair  
(not present for item Nos. A9 – A18)  
Deputy G.J. Truscott of St. Brelade, Vice Chair  
(not present for item No. A9)  
Connétable D.W. Mezbourian of St. Lawrence  
(not present for item Nos. A1 – A6)  
Deputy K.F. Morel of St. Lawrence  
(not present for item Nos. A4 and A5)  
Deputy S.G. Luce of St. Martin  
Deputy M.R. Le Hegarat of St. Helier  
(not present for item Nos. A6, A10 – A18)

In attendance -

G. Duffell, Principal Planner  
C. Jones, Senior Planner  
E. Stables, Senior Planner  
J. Gladwin, Senior Planner  
L. Davies, Planner  
G. Palmer, Planner  
J. Gibbons, Trainee Planner  
K. Ambrassa, Trainee Planner  
T. Ingle, Principal Historic Environment Officer  
K.M. Larbalestier, Specialist Secretariat Officer, 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 27th May 2021, having been previously circulated, were taken as read and were confirmed, subject to a minor amendment.  |
| Field [No. 371 and Rue des Buttes, La Rue de la Mare Ballam, La Rue des Buttes, St. John: proposed change of use of agricultural land. | A2. The Committee, with reference to its Minute No. A10 of 27th May 2021, considered a report in connexion with an application which sought approval for the change of use of part of Field No. 371 and Rue des Buttes, La Rue de la Mare Ballam, La Rue des Buttes, St. John to form public gardens and a car park for the Parish of St. John. Various landscape alterations, to include the formation of a petanque terrain, were proposed together with alterations to La Rue des Buttes to improve footpaths and relocate the Grade 2 Listed war memorial (the Cenotaph). The Committee had visited the application site on 26th May 2021. |

P/2019/0903

The Committee recalled that it had been unable to reach a majority decision in respect of the above application. Consequently, the application had been determined in the negative, in accordance with agreed procedures. For the purpose of formally confirming the decision to refuse permission, the application was re-presented and the reasons for refusal set out in the Department report.

The Committee confirmed its decision to refuse permission for the 4 reasons set out in the Department's report.

Silverdale,  
Langley  
Avenue, St.  
Saviour:  
proposed  
extension/new  
vehicular  
access.

A3. The Committee, with reference to its Minute No. A12 of 27th May 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the extension of the property known as Silverdale, Langley Avenue, St. Saviour. The Committee had visited the application site on 26th May 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming the decision to grant permission, the application was re-presented and the reasons for approval set out in the Department's report.

P/2020/1774

The Committee confirmed its decision to grant permission subject to the imposition of the condition detailed in the Department's report.

Manor House  
Farm, Rue de  
Bas, St.  
Lawrence:  
proposed  
change of  
use/extension  
of farm  
group/change  
of use of field  
to form  
driveway.

A4. The Committee, with reference to Minute No. A8 of 6th May 2021, considered a report in connexion with an application which sought approval for the change of use of parts of the existing farm group at Manor House Farm, Rue de Bas, St. Lawrence and the construction of extensions to the west and east elevations and a glazed link to form a community centre (including a function room, café, day rooms, kitchen and ancillary accommodation). It was also proposed to construct a pergola to the south elevation. The change of use of part of Field No. 755 to create a vehicular access on to Rue de Bas and form a driveway and parking areas to the west of site was also proposed. The Committee had visited the application site on 4th May 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming the decision to grant permission, the application was re-presented and the reasons for approval set out in the Department's report.

P/2020/1024

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

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The Committee recalled that, following the meeting on 8th May 2021, Members and Departmental officers had briefly debated how the community facility use would be controlled and the initial view had been that this could be secured by a formal Planning Obligation Agreement (POA), as opposed to a planning condition. The proposals also involved a number of refurbishment works to the Listed Buildings and it was recommended that details of a full restoration programme (which expanded on the information in the submitted Heritage Impact Assessment for both the existing farm buildings and the principle dwelling, should also form part of the POA package. The applicant was satisfied with this arrangement. However, it was noted that Operations and Transport had requested a financial contribution [REDACTED] [REDACTED] to cover improvements to pedestrian access between the site and the nearest bus stops on Mont Felard/La Grande Route de St. Laurent. In response the applicant had stated that the facility would be accessed primarily by a minibus service and the preference was to put the funds into running that service instead. Whilst the Department believed that every effort should be made to promote sustainability, it recognised that not all users would be able to utilise the minibus service and the potential for alternative modes of transport (to include the motor car) should also be promoted. Again, the requirement for the [REDACTED] contribution could be included within the POA.

The Committee heard from Mr. [REDACTED] Bartlett, who had submitted a written representation in response to the request for a financial contribution towards pedestrian safety improvements. Mr. Bartlett considered the proposed financial contribution unnecessary in the light of the traffic impact assessment which had been submitted and added that he did not believe that the Parish of St. Lawrence had been consulted.

The Committee decided to defer consideration of the application pending the receipt of detailed information (with costings) in relation to the exact nature of the highway safety works proposed by Operations and Transport.

Manor House  
Farm, Rue de  
Bas, St.  
Lawrence:  
proposed  
change of  
use/extension  
of farm  
group/change  
of use of field  
to form  
driveway.

P/2020/1024

A5. The Committee, with reference to its Minute No. A9 of 6th May 2021, considered a report in connexion with a retrospective application which sought approval for the demolition of a pump house in Field No. 804, Manor House Farm, Rue de Bas, St. Lawrence, the creation of an amphitheatre and the widening of the vehicular access from Le Chemin des Moulins. The Committee had visited the application site on 4th May 2021.

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming the decision to grant permission, the application was re-presented and the reasons for approval set out in the Department's report.

The Committee decided to defer consideration of the application pending the receipt of detailed information (with costings) in relation to the exact nature of the highway safety works proposed by Operations and Transport (Minute No. A4 refers).

Nos. 14 – 28  
Kensington  
Place  
(including  
Revere and  
Stafford  
Hotels), St.

A6. The Committee considered a report in connexion with an application which sought approval for the demolition and redevelopment of Nos. 14 – 28 Kensington Place (including the Revere and Stafford Hotels), St. Helier and their replacement with 72 one bedroom, 27 x 2 bedroom and 7 x 3 bedroom residential apartments with ground floor parking and landscaping. The Committee had visited the application site on 22nd June 2021.

Helier:  
proposed  
demolition and  
redevelopment.  
  
P/2020/1655

Deputy M.R. Le Hegarat of St. Helier 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. Policies SP1, SP2, SP3, SP5, SP6, GD1, E1, H11, H4 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee was informed that the application site was located within the centre of St. Helier, approximately 300 metres north-east of the seafront and included the Stafford and Revere Hotels and Doran's Restaurant. To the rear of the site were various wings of the General Hospital. The design character of the buildings along Kensington Place ranged from traditional to modern. Public realm along the road was poor. Nos. 37, 35 and 31 Kensington Place, to the north-west of the application site were Grade 4 Listed Buildings and were 2 storey with dormers in the roof. The proposal was to demolish Nos. 14 - 28 Kensington Place and develop the site to provide a mixture of one, 2 and 3 bedroom residential apartments over 5 to 6 storeys. Whilst 2 hotels would be demolished to facilitate the development, there was no policy requirement to retain tourist accommodation. A contemporary design approach had been adopted and the proposed development would comprise 3 wings, with the longest 5 storey wing along Kensington Place and 2 x 6 storey wings extending towards the south-east. The ground floor level would provide a mixture of vehicle and bicycle parking, refuse storage and servicing, together with 8 apartments with their frontage and own entrances onto Kensington Place.

The application site was situated in a sustainable location with good access to facilities and public transport and Island Plan Policies SP1, SP3, SP6 and GD1 supported residential development in this location. The application site was currently developed and the proposal sought to make an efficient use of the land, in accordance with policy SP2. The proposed dwellings would contribute towards the Island's housing need and the mix of one, 2 and 3 bedroom units was in accordance with policy H4.

Whilst the proposed structure was tall, the design was considered acceptable for this town centre location and was in accordance with policies GD1, GD5, GD7, SP7, and BE5. The proposal would result in a change to the character and setting of the area, including the setting of the nearby Listed Buildings; however, this change would not cause material harm. An assessment of the potential loss of light and shadowing had been undertaken and, whilst the scheme would result in change, there would be no material harm. Changes had to be balanced against the need to make the best use of land and meet the Island's housing requirements.

Following the submission of revised plans, an acceptable level of car (42 spaces) and cycle parking was now proposed. Electric vehicle charging points would be provided, along with future residents being offered a complementary 3 year membership of a car sharing club. A mixture of bicycle stands were proposed to ensure all residents had the ability to store a bicycle, regardless of physical ability. If permission was granted, a Planning Obligation Agreement (POA) would be required to secure financial contributions towards transport infrastructure, public art and the provision of a new public surface water sewer in Newgate Street.

Approval was recommended subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA within 6 months to secure financial contributions towards the provision of bus stops [REDACTED] cycleway infrastructure [REDACTED] road works [REDACTED] public sewer works [REDACTED] and to secure 3 years' of car club membership for residents. In the event that a suitable POA was not agreed within 6 months the application would be refused under delegated powers.

The Committee noted that 4 letters of letters of objection had been received.

The Committee heard from Mr. ■ McCarthy who objected to the application on the basis of the loss of the hotel accommodation, the impact on the Listed Buildings and the over-development of the site. Mr. McCarthy also noted the absence of an environmental impact statement or a risk assessment on the neighbouring General Hospital site. Mr. McCarthy advised that he sought to assist and protect the most vulnerable members of society from profiteering and harm. He made reference to the approval of a residential development of the site of The Limes, Green Street, St. Helier and alleged that the Department had misled the Committee in respect of the adequacy of the environmental impact assessment. He added that no member of the Committee was a St. Helier resident, the implication being that the impact of developments of this nature in the town of St. Helier was not given sufficient weight. He urged the Committee not to make any decisions which would be in violation of the human right to health and he referred to the level of information required by London borough councils in support of applications of this nature. He also recalled previously refused proposals for the General Hospital site and the reasons for refusal and believed that the same applied in respect of the application site. He highlighted the sensitivity of the surrounding neighbourhood, which accommodated a great number of vulnerable people and he lamented the absence of daylight/solar assessments. Mr. McCarthy also discussed the impact of development on physical and mental well-being and he believed that approval of the application would be a violation of human rights, which would culminate in the European Court of Human Rights.

The Committee heard from Mr. ■ Curtis, who believed that the application illustrated failures in the existing policy framework. He referred specifically to Policy E1, which presumed against development which resulted in the loss of land for employment use, unless the existing development was, among other things, predominantly office or tourist accommodation. Mr. Curtis believed this to be at odds with Government policy to support tourism in the Island and was of the view that the policy framework should seek to safeguard office and tourism accommodation. This would not prevent the redevelopment of such sites but applications would have to satisfy criteria. Mr. Curtis also believed that the possibility of a new hospital being constructed on the site of the existing hospital could not be ruled out and the impact of the proposed development in this context should be borne in mind. He continued, stating that the proposed development also conflicted with Policies GD7 and GD1(1)(a).

The Committee heard from Mr. ■ Porter of Andium Homes, who advised that agreements were in place for Andium Homes to purchase the sites, if permission was granted. Andium Homes was a not for profit organisation and the proposed development would form part of the forward asset strategy. Protecting the most vulnerable members of society was the company's core aim and Mr. Porter advised that demand for social rented and first time buyer homes continued to rise. Turning to the issue of car parking provision, it was noted that many Andium estates provided a ratio of 0.7 spaces per home, which was considered to represent an over-supply in many cases. It was believed that, with initiatives such as car clubs, car parking numbers could be reduced without impact on the wider area. Mr. Porter had visited UK developments at the invitation of the Jersey Architecture Commission and had viewed one development on the outskirts of London which provided 200 residential units with only 2 car club spaces. Whilst this was not intended on the application site, reference was made to a project to provide 100 additional car parking spaces for the wider town community.

The Committee heard from Mr. ■ Nicholson of MS Planning, who described the

application site as a brown field site ideally suited to a residential development in a sustainable town centre location. A predominantly 5 storey development with 'set-backs' which would sit comfortably in this context was proposed. The units would benefit from balconies and at ground floor level would have direct front door access. Positive feedback had been received from the Jersey Architecture Commission and the 0.4 ratio car parking was complimented by a package of sustainable transport options. Footpath improvements and landscape enhancements would be secured through a financial contribution and would be delivered in consultation with the Parish of St. Helier. The scheme was supported by the transport section of the Infrastructure, Housing and Environment Department and the scheme aligned with sustainable transport initiatives. A mix of one, 2 and 3 bedroom units would be provided in accordance with the relevant standards and the applicant company was ready to commence the development.

Mr. ■ McDonald of Axis Mason addressed the Committee, stating that the key ambition was to provide meaningful townscape improvements in the street. Supplementary Planning Guidance for the area set a maximum building height of 6 storeys and the proposed development was viewed as an appropriate response to the surrounding context. The proposed building would be the same height as Patriotic Street car park and lower than the nearby Metro development, Peter Crill House, Gaspé House and the private car park in Kensington Place. The proposed development would be limited to 5 storeys at the boundary with Kensington Place and would be set back with projecting bay windows and balconies. This would 'open up' the street and facilitate the widening of the footpath, creating 'a defensible space' which would 'animate the streetscape and create ownership of the public realm'. The scheme was 'client conscious and sustainable' and various energy performance measures were proposed, with more than 10 percent of the energy on site being produced via photo voltaic cells. The application site was also within easy walking distance of public transport. The proposed design drew upon on the seaside character and included materials which had been used successfully in other developments. Roof level and shared amenity spaces would be provided, together with balconies. In conclusion, the scheme would regenerate the area.

The Committee heard from Mr. ■ Huckson of Dandara Limited, who confirmed that a development agreement had been entered into with Andium Homes, with the aim of providing affordable homes to meet ongoing demand. The scheme would provide homes for those most in need in a sustainable location and would also support the town centre economy. The partnership between the applicant company and Andium Homes would ensure the delivery of a high quality development in a neglected area of the town. The scheme would deliver public realm improvements and new homes which exceeded standards. The applicant company had gone to great lengths to address any issues which had arisen and had secured the support of both the Parish and Government Departments.

In response to questions from Deputy K.F. Morel of St. Lawrence regarding the amount of natural light which would be available in 2 podium amenity spaces at the rear, Mr. McDonald reminded the Committee that the units benefitted from balconies and a shared amenity space on the roof and the application site was located close to a number of public open spaces. However, Deputy Morel was not convinced that the roof space would be a suitable place for children to play and he noted that access to the beach and parks could only be achieved by crossing busy roads. He was concerned that the rear podium amenity spaces would not be used due to the lack of sunlight and would become neglected spaces. He went on to express concerns in relation to the 'canyon effect' on the street of the proposed development and asked if a wind modelling study had been undertaken. Mr. McDonald advised that such a study would only be commissioned in respect of much taller buildings and he repeated that the building would be set back. However, the Deputy made reference

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to a number of buildings of a modest scale in St. Helier which had a big impact in terms of wind funnelling. Mr. Huckson pointed out that many of these buildings were hard up to the edge of the pavement. The proposed development would give rise to landscape improvements and a widened public footpath. He believed the scheme would set a benchmark for future development in the area. Deputy Morel stated that if the proposed development set the tone for future development in the street this would mean a range of 5/6 storey buildings. He also noted that the Historic Environment Section had objected to the application on the basis of the impact on the streetscape and historic buildings in the vicinity. Mr. McDonald believed that the proposed development would result in a 'more civilised' streetscape and would enhance the setting of historic buildings. He went on to state that the response from the Historic Environment Section had to be considered in the round and balanced against the positives which would arise. However, Deputy Morel was not convinced that the proposed approach represented the most appropriate or best solution and expressed broader concerns about the 'monotonous approach to architecture in Jersey at present'. He was also concerned about the provision of car parking and the impact on the wider area. Some discussion followed regarding amendments to the scheme which had been adopted on the recommendation of the Jersey Architecture Commission and reservations were expressed by some members about these changes.

The Committee, with the exception of Deputy Morel, expressed support for the application as submitted and endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above.

Portelet Bay  
Café, La Rue  
Voisin, St.  
Brelade:  
proposed cliff  
face  
stabilisation/  
construction of  
terrace.

A7. The Committee considered a report in connexion with an application which sought approval for the stabilisation of the cliff face to the north of Portelet Bay Café, La Rue Voisin, St. Brelade and the construction of a terrace. The Committee had visited the application site on 22nd June 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park. Policies SP1, SP4, SP5, SP6, SP7, GD1, GD7, NE1, NE2, NE6, EVE3 and EVE4 of the 2011 Island Plan were of particular relevance.

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The Committee noted that Portelet Beach Café was located in a central position on Portelet Beach, on a raised plinth at the base of the cliff. The café could only be accessed on foot, via one of 2 sets of steps down to the Bay. There was no vehicular access to the site. There had been a café/restaurant in this location for decades, with the current owners having taken over in 2014. Over the years they had experienced problems with stability of the earth bank behind the café and, periodically, had to clear away loose earth and rock which had fallen against the building. They were now seeking a permanent, engineered solution to resolve the issue. The intention was to re-profile the bank behind the café and secure it in places. This would involve the removal of a bulging section of earth, creating a shallower slope. The bank would then be secured using a system of soil nails and mesh. These engineering works were considered to present a pragmatic and appropriate solution and were essential in order to safeguard the existing building and ensure the safety of café staff and patrons. The second part of the application involved the construction of a raised deck/terrace in the gap between the building and the bank to provide an outdoor seating area for 32 - 48 patrons. This would afford seated diners a sea view. The deck level would be set below the ridge line of the building, with a timber guard rail to its perimeter. Given its location and siting, this would be a relatively discreet structure with a limited visual impact. Access to the terrace would be via a path which connected to the existing set of steps leading away from the café. The new terrace would replace existing seating areas on the beach and on the east terrace





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which was for the sole use of the applicants between the hours of 9 am and 5 pm - Monday to Saturday and was for the delivery and collection of goods. He questioned how construction materials would be brought to the site and excavated materials from the cliff face removed as the existing access rights did not permit this. He alleged that both rights of way were already being abused by noisy patrons and the applicants' family and their suppliers, who used the right of way outside of the proscribed hours. The applicants had not offered even a nominal sum for the upkeep of the right of way and it was alleged that they had given out the security code to an access gate to unauthorised persons. Mr. Pursley argued that the proposals would lead to an increase in footfall, which would exacerbate an already difficult situation, increase noise levels, pose a threat to security and prejudice the privacy and the integrity of the Portelet Bay development. Indiscriminate parking would likely increase and Mr. Pursley noted that the applicants themselves used 2 vehicles to get to the application site. Patrons often parked at the Portelet Inn or on the roadside, causing a hazard. Portelet Bay was not a harbour and the additional capacity would increase traffic further and make the Bay more hazardous for swimmers and marine life. Mr. Pursley concluded that this was a beach café and not a restaurant, function site or entertainment venue.

The Committee heard from Mr. ■ Stone, ■ who ■ had 'an interest in land which was within 0 metres of the site'. He alleged that those supporting the application were the family and friends of the applicants and patrons of the cafe and that little reference had been made to material planning considerations in the letters of support. The application was contrary to Policy NE6, which afforded the highest level of protection. He pointed out that the applicants had 'purchased the site for £10' and the application under consideration would result in no significant planning gains, as required by the policy. There was no justification for making an exception to the policy presumption against new development or the strong presumption against re-development in the Coastal National Park. The policy was strongly worded and exceptions were not made lightly. The proposed development would have a significant effect on the landscape character and would result in an intensification of use. Mr. Stone felt that car parking issues had not been addressed and had been 'glossed over' in the Department report. Residents currently experienced undue noise and disturbance as a result of the operation of the café and reference was made to a Royal Court case – Minister for Planning and Environment and Fairman and Hobson, in which the judgement reflected the priority given to the Coastal National Park over all other planning considerations. Mr. Stone went on to reference Article 8 of the European Convention on Human Rights, which provided a right to respect for one's "private and family life, his home and his correspondence". Mr. Stone stated that approval of the application would set an undesirable precedent in terms of the gradual erosion of the Coastal National Park. He concluded by stating that there appeared to be an assumption that the right of way by the steps was public and this was not the case.

The Chairman clarified that planning consent did not overrule a legal right.

The Committee heard from Mr. ■ Smigla, who noted that an environmental survey commissioned by the applicants and undertaken by Nurture Ecology had identified the presence of green lizards on the site and in the wider area. Whilst Mr. Smigla recognised the excellent conservation works carried out by the applicants, he questioned the proposed development and the harm to commuting and foraging reptiles and the negative impact on the footpath in terms of increased footfall. He believed the scheme would result in habitat damage and suggested this could be reduced by the formulation of a species protect plan. He added that proposals to introduce bird boxes were not dependent on this application and stated that the scheme was driven by commercial gain and would result in short term habitat damage. He urged the Committee to refuse permission and stated that comments

from Jersey Business appeared to suggest that electric vehicles did not require car parking spaces. He also stated that arriving via speed boat could not be described as environmentally friendly.

Mr. ■ Jowett, Chair of Portlet Bay Management, addressed the Committee and outlined the role of the company. Mr. Jowett advised that residents suffered nuisance from the café in the form of smoke, noise, anti-social behaviour and indiscriminate use of the private access. Concern was expressed regarding the potential intensification of use and the impact in terms of the location of the proposed terrace and the ‘amphitheatre effect’ of the same. The applicants sought to deny any intensification of use, but Mr. Jowett believed there would be an increase in capacity of 60 per cent. Mr. Jowett referred to the 2009 “Line in the Sand” campaign which demanded better protection of the Coastal National Park and stated that by permitting development of this nature ‘chipped away at’ the Coastal National Park. He concluded by stating that the stabilisation of the rock face was supported on the basis that details were provided and assessed by suitably qualified professionals.

The Committee heard from Mr. ■ Stein of MS Planning and Dr. ■ Sharp of Geo-Design. Mr. Stein acted on behalf of certain residents of Portelet Bay Apartments and advised that, whilst support for the application was well intentioned, there was a lack of awareness around the grave consequences of approving the proposed works to the rockface on the basis of the submitted information, which was deemed insufficient. There were health and safety implications for users of the terrace and the submitted information lacked detail and clarity. Outdated ecological reports, which did not specifically relate to the site had been submitted and whilst new information had subsequently been submitted, concerns remained about loss of vegetation and the impact on the landscape and ecology. Mr. Stein repeated comments made by previous speakers in terms of the high level of protection afforded to the Coastal National Park and noted that the Department report ignored the issue of harm to the landscape character.

Dr. Sharp advised that he ■ specialised in rock engineering, particularly in the design of large span caverns, high anchored slopes, foundations and underground works and ground water impact on soil and rock materials. In this particular case he had provided advice on the lower cliff and upper bolder and debris tips. Stabilising and securing the cliff was essential to safety and the submitted proposals were described as ‘initial concepts’ which had not been developed to a fully engineered design solution. There was a need to address the nature of the soil materials, the rock profile beneath the coastal slope and the ground water state. The lower cliff re-grading required further investigation. The upper debris zone was a further consideration and an engineering and safety appraisal was required. Dr. Sharp had carried out additional investigations into debris falling on coastal slopes and there was no evidence that these slopes were safe. Information had also been gained from the Mudros site to the east and investigations had shown sand and clay to a significant depth. Preliminary review findings of soils underlying the whole cliff were not well consolidated, with depth an intrinsic weakness and uncertainty around ground water pressure conditions, which was critical. The stability of the mid coastal slope range was potentially marginal. The submitted concepts proposed cutting back and this could reduce overall stability, leading to failure of the upper slope. The mid slope required analysis by competent authorities.

Whilst noting with interest the details of the engineering analysis, the Chairman asked Dr. Sharp to focus on material planning considerations as the issues referred to would form part of the building bye laws process, if planning permission was granted.

Dr. Sharp stated that, in terms of safety, a more fundamental view was required as

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there were significant uncertainties which needed to be addressed to develop an acceptable stabilisation programme for the café and the up-slope zone.

Mr. Stein addressed the Committee again, advising that the impact of the rock stabilisation works was unknown. Other planning related issues included intensification of use, the extension of employment buildings and increased travel and trip generation. The proposed roof terrace would lead to further noise and disturbance for residents of Portelet Bay Apartments and the eastern seating terrace remained on the submitted plans. Mr. Stein understood that seating on the beach had only been permitted in order to comply with social distancing requirements arising from the pandemic. The scheme provided no car parking and indiscriminate car parking resulted in highway safety issues. In concluding, Mr. Stein stated that the proposed development would be harmful to the landscape character and was contrary to Policies NE6 and GD1.

Deputy K.F. Morel questioned the Department's conclusion that the proposed solution for the rock face was 'pragmatic' and appropriate and wished to understand how such a conclusion had been arrived at, given the comments made by Dr. Sharp. He suggested that it appeared that the Department had given more weight to the applicants' case than that submitted by objectors. The case officer explained that neither he nor the Committee were experts in the field of engineering. The onus was on the applicant to provide accurate information and engineering details would be carefully considered and analysed at the Building Bye Laws stage.

Mr. ■ Socrates, Architect addressed the Committee, stating the proposed engineering solution was tried and tested and was essential. A detailed design would follow planning approval and the applicants might call upon Dr. Sharp for advice at that point. The proposed design was appropriate in this context and the terrace would not be viewed from the beach. The side elevations would be clad in timber and screened with planting. Reference was made to a report prepared by Nurture Ecology and the positive comments received from the Honorary Chair of Jersey's National Park, the National Trust for Jersey, Jersey Business and Visit Jersey. Mr. Socrates advised that there had been a beach café in this location for over 100 years – well before the Portelet Bay Apartments had been constructed. The applicants regularly cleaned the beach, often collecting litter left behind by beach goers. Claims of excessive smoke were refuted and the distances between the sites meant that noise was not an issue. There was no direct line of sight to the apartments. This was a public beach which could be used by all Islanders and any noise from the proposed terrace would align with general beach use and would have a negligible impact. Portelet Bay had no dedicated parking and it was not uncommon for beach users and patrons of the café to arrive on foot.

Mr. ■ Sutton, Senior Engineer, Environmental/Geotechnical, Hartigan Engineers addressed the Committee. Mr. Sutton confirmed that a detailed engineering solution would be submitted if planning permission was granted. The cost associated with further investigation and detailed designs was significant and such expenditure could not be justified until such time as formal planning consent was granted. The proposed solution was based on particular uses and reference was made to stabilisation works on Mont Sohier. It was noted that the applicants had already carried out significant ecological work and had cleared an invasive weed and removed Holm Oaks to return the site to a more natural state which would, in turn, encourage species to return.

Mrs. ■ Ostroumoff, the applicant, addressed the Committee, advising that she and her husband had first viewed the dilapidated café in 2014. They had been inspired by a café known as The Hidden Hut, near Portscatho on the remote Roseland Peninsula of Cornwall. The unique selling point of Portelet Bay Café was that it

could only be accessed on foot. Historically Portelet Bay had been a thriving tourism centre with the café having been in situ for almost a century. The applicants had been proud ‘to put it back on the map’ after it had fallen into a derelict and hazardous state. They had secured public funding via the Tourism Development Fund for the improvement of the public toilets and funded and managed the running of the toilets. Mrs. Ostroumoff stated that the café should not be vilified for members of the public visiting the beach. The owners regularly collected refuse left behind by beach goers as there were no refuse bins. In 2020 and 2021 the café had been permitted to locate tables on the beach in order to comply with social distancing – Mrs. Ostroumoff explained that the tables on the beach could also be used by beach goers and that they had not been included in the number of covers. They were somewhat impractical from an operational perspective and were not currently in situ. The number of tables on the existing terrace had been reduced to avoid problems when a queue formed. There would be no intensification of use and the business operated on a seasonal basis and was weather dependent. A full ecological survey had been submitted and the applicants would follow all expert advice. They had worked hard to remove an invasive plant which had covered the building. The site was challenging but they had made it work due to their continued efforts and commitment. Educational visits were organised, local produce was used and local staff were employed. The proposed deck would provide a world class vista and the applicants had been overwhelmed by the support for the application. They had no desire to be unneighbourly or divisive and wished to secure the site for the future enjoyment of the public.

Mr. ■ Ostroumoff, applicant, addressed the Committee, advising that neighbours had confirmed that litter on the beach was not associated with the café. The ovens were at capacity at present and there would be no increase in the size of the kitchen. Issues with smoke had been dealt with 6 years previously with the installation of a filtration system. The Environment Health Department had visited the site and confirmed that the use did not constitute a statutory nuisance. It was not possible for members of the public to enter the private road with a gate. There was no parking for beach goers at Portelet Bay and this was not an issue the applicants could resolve. In terms of comments made regarding boat trips to the café, a local rib company had confirmed that a total of only 20 rib trips had been made over a 5 month period. Mr. Ostroumoff assured the Committee that detailed engineering proposals would be submitted if permission was granted. The applicants had incurred significant costs, particularly due to the appointment of MS Planning by Portelet Bay Management. This had resulted in considerable time and expenditure in terms of responding to the many issues raised by the agents on behalf of the company. Mr. Ostroumoff noted that MS Planning had also acted as agents for a number of applicants who had sought to carry out development within the Coastal National Park and now appeared to be using the very same arguments made in favour of such developments against the proposal under consideration. Mr. Ostroumoff stated that MS Planning acted on behalf of a small minority of residents who did not wish to share Portelet Bay with the general public.

The Committee heard from Mrs. ■ Steedman of KE Planning on behalf of the applicants. Mrs. Steedman referred to the many letters of support which had been received in respect of the proposed development. She referenced Policy NE6 and stated that the application was in accordance with the relevant policy tests. Much work had been done to reinstate the natural landscape and this would continue. The aim was to conserve and enhance the natural beauty of the Bay and the proposed development would secure the historic beach café use, which was important to the cultural heritage of the Bay and the Island. This was a location where sustainable transport was encouraged in line with Government policy. The applicants maintained the public toilets and encouraged local groups to use the area. The proposed terrace sought to provide useable space and members of the public visited

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the beach irrespective of whether the café was open or not. Historic concerns regarding smoke and odour had been addressed to the satisfaction of the Environmental Health Department. Mrs. Steedman concluded by urging the Committee to grant permission in accordance with the Department's recommendation.

In response to questions from Deputy K.F. Morel of St. Lawrence, Mrs. Ostroumoff advised that if permission was granted, the date of commencement would be dictated by the ecological report recommendations. The first step would be to remove the 'belly' which was hanging from the rock face and she stated that there was a danger of this falling at any time. The case officer advised that an ecological report had now been submitted and he drew the Committee's attention to the proposed conditions which would be attached to the permit if permission was granted. He advised that the condition requiring the submission of an ecological report would be replaced with a standard condition relating to the implementation of a species protection plan.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chair and Deputy G.J. Truscott of St. Brelade, Vice Chair expressed support for the application and decided to grant permission, subject to the conditions detailed within the officer report, as amended. In approving the application, members accepted that detailed engineering proposals would be submitted at the Building Bye Laws stage. Both the Connétable of Trinity and Deputy Truscott advised that their concerns related specifically to the visual impact of the proposed new terrace on the landscape and not on Portelet Bay Apartments. Whilst Deputy Morel supported the application, he was not convinced that the proposal would not result in an intensification of use and believed that a pre-booking system would be beneficial. However, the Deputy did not believe that the proposed development would result in any adverse visual impact and noted that the café predated Portelet Bay Apartments, which he described as a 'an enormous structure which dominated the Bay in an unpleasant way'. All members applauded the applicants for the efforts they had made to restore the café and the natural environment and acknowledged the cultural importance of beach cafés in the Island.

Ronez Quarry,  
La Route de  
Nord, St. John:  
proposed  
extension of  
quarry and  
reconfiguration  
of moto-cross  
track.

P/2016/0714

A8. The Committee considered a report in connexion with an application which sought approval for the extension of Ronez Quarry, La Route de Nord, St. John and the realignment of the moto-cross track to the west of the quarry to facilitate the same. The Committee had visited the application site on 22nd June 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and the Green Zone and had been safeguarded for mineral extraction. Policies NE6, NE7, SP1, SP4, SP5, GD1, GD7, NE1, NE2, ERE1, SCO4, NR3, MR1, MR3, MR4, MR5, MR6 of the 2011 Island Plan were of particular relevance. Attention was also drawn to the Jersey Mineral Strategy (JMS): 2000 – 2020. The document sought to provide an appropriate framework to ensure the provision and supply of construction aggregates within the Island for the period 2000-2020. In respect of Ronez Quarry, the document identified the need for an expansion of the quarry in order to ensure continuation of supply. An expansion to the west (as now proposed) was considered to be the most appropriate option, as this would have the least effect on neighbouring properties, as well as being in an area where the granite reserves were believed to be of better quality. The JMS had fed into the 2011 Island Plan process, as well as the updated 2014 Island Plan, resulting in the currently-adopted policies. The Committee's attention was also drawn to the Minerals, Waste and Water Study (MWWS): December 2020. The MWWS was intended to support land use proposals and planning policies contained within the emerging bridging Island Plan. The MWSS included detailed analysis of the Island's main quarries and extraction sites. In respect of Ronez Quarry, it stated; 'unconstrained reserves available within current

permissions amounted to only 0.3 million tonnes, or less than 3 years production at current rates. This fell well short of supplying the forthcoming planning period, let alone the planning requirement to leave in place a landbank of reserves available for the longer term'. The study went on to recommend a continuation and expansion of quarrying activities at Ronez. Finally, the Committee noted the details of emerging policy from the draft bridging Island Plan, which made provision for a sustainable supply of minerals and for the extension of safeguarded mineral sites on Field Nos. 31 and 32, Ronez Quarry (St. John) and Field No. 966, La Gigoulande Quarry (St. Peter/St. Mary).

The Committee noted that the application proposed a westerly extension to the quarry workings. This would release around 2.5 million tonnes of granite, extending the life of the quarry by around 15 - 20 years (dependant on the rate of production). The quarry would be extended into 2 agricultural fields (Nos. 31 and 32), as well as the existing Sorel moto-cross track, which would be reconfigured.

The current application did not seek permission to intensify quarrying operations (increase production or output); nor did it seek to alter the processing and dispatch arrangements of materials. If approved, it would simply allow the status quo to be maintained into the longer term. 2 fields would be lost and the moto-cross track would need to be re-aligned to facilitate the expansion. The 2014 Island Plan recognised the strategic importance of the quarry to the Island and a westerly expansion of quarry workings had been anticipated for a number of years. Such an expansion was directly supported within the Plan as it was considered to be vital to ensuring an adequate supply of construction aggregate over the coming two decades. It was acknowledged that the expansion area lay within the Coastal National Park and that approval would result in the loss of agricultural land. Explicit support for a westerly expansion at Ronez had been carried forward into the emerging draft bridging Island Plan, which was currently out for consultation. Some re-alignment of the existing moto-cross track would be necessary and the original proposal to reposition the track further to the south (into Field No. 32) had been revised in light of public comments. The re-aligned track was now no closer to nearby dwellings than was the case at present.

With the implementation of an appropriate landscaping scheme and ecological enhancement, the visual and environmental impacts of the development would be mitigated. Approval was recommended, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement to secure appropriate mitigation measures.

A total of 21 letters of representation had been received in connexion with the application. The Committee's attention was also drawn to the responses received from statutory consultees.

Before commencing its consideration of the application, the Committee's attention was drawn by Connétable D.W. Mezbourian of St. Lawrence to a public comment which requested a planning inquiry. The case officer advised that such inquiries were only convened where there was a significant departure from policy. In this particular case the proposed extension had long been identified and included within various policy documents, as set out above.

The Committee heard from Mr. ■■■ McCarthy, who believed that there had been no public consultation in respect of the application and he highlighted the need for an environmental impact assessment. This was an 'enormous project' which would have a significant impact on a sensitive area. He reminded the Committee that the bridging Island Plan had yet to be approved and suggested that there were alternative and more sustainable solutions for the provision of construction materials. He noted

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that documentation associated with the application had been completed before the existing Island Plan had been adopted and he argued that the impact on wildlife was, therefore, unknown as knowledge had accelerated in the interim. Mr. McCarthy did not believe that the Committee was in receipt of sufficient information to determine the application and repeated concerns regarding a lack of public consultation. He added that members of the public did not vote in elections because of a lack of trust in Government decision making. He urged the Committee to defer consideration of the application to allow time for the submission of an environmental impact assessment and for proper consultation.

The case officer confirmed that the application had originally been submitted in 2016, but had been readvertised when it had been reactivated in 2020. All objectors had received notification of the fact that the application was to be considered by the Committee on 24th June 2021.

The Committee heard from Mr. ■ Osborne, Managing Director, Ronez Quarry, who confirmed that, prior to the submission of the application in 2016, public exhibitions had been held together with liaison with the Parish. ■■■■■■■■■■

■■■■■■■■■■ In terms of the survey which informed the habitat management and species protection plans, this had been updated in 2010, 2013, 2017 and 2019 and reconfirmed in 2021. The applicant company had demonstrated that it could reasonably mitigate the impact of the proposal. Whilst it was recognised that quarries were unpopular in some quarters, construction was an economic enabler. Whilst construction technology evolved aggregates were needed, recycling rates of aggregates were very high in Jersey by international standards. The importation of aggregates was not an attractive option and would require a lot of land and the environmental and financial cost of importation had to be borne in mind. The MWWS supported the extension of Ronez Quarry. As an aside, the Committee was informed that 200,000 tonnes of aggregate would be required for the new hospital project – this represented 2 years of production. As a business Ronez was proud of its environmental credentials and Mr. Osborne provided the Committee with details of a range of initiatives undertaken by the applicant company and information on low carbon products such as lower cement content concrete and trials for cement free concrete. The applicant company was a respectful operator heavily focused on long term sustainability and the application proposed a continuation of the status quo to serve a valid need.

The Committee heard from Connétable A. Jehan of St. John, who expressed support for the application. An initial objection by the Parish authorities had been withdrawn as a result of revisions to the scheme. Complaints received by the Parish related primarily to sporting activity so work had been undertaken with clubs to co-ordinate events to minimise the impact. The Connétable stated that the applicant company had a good environmental track record and made a significant contribution to the Island economy. He urged the Committee to approve the application.

In response to a question from Deputy M.R. Le Hegarat of St. Helier regarding land restoration, Mr. Osborne advised that the proposal would not encompass all of the fields and whilst there would be some soil disruption, one of the outcomes of re-routing the moto-cross track was that it opened up the field to a more natural land form which could be seeded in agreement with the Department. In addition, Mr. Osborne confirmed that it was unlikely that there would be any change in terms of hours of operation, with only the occasional early opening to supply concrete to the market.

Ms. ■ Safe of Nurture Ecology, representing the applicant company, advised that base line surveys revealed relatively low value habitats and expressed the view that the proposals would not result in a breach of wildlife legislation. She added that a

bird survey had been undertaken 2 weeks earlier.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, endorsed the recommendation to grant permission, subject to the imposition of certain conditions and on the basis of the entering into of a POA to secure appropriate mitigation measures. It was noted that the Connétable of St. Lawrence was opposed to the application on the grounds of the impact on the landscape, which she described as ‘the destruction of the north coast’. She was also opposed to the loss of agricultural land in the Coastal National Park.

La Pulente  
slipway, La  
Route de la  
Pulente, St.  
Brelade:  
installation of  
food kiosk and  
associated  
seating  
(RETRO-  
SPECTIVE).

MS/2020/1782

A9. The Committee considered a report in connexion with an application which sought retrospective approval for the relocation of a mobile food kiosk and associated seating on La Pulente slipway, La Route de la Pulente, St. Brelade. The Committee had visited the application site on 22nd June 2021.

Connétable P.B. Le Sueur of Trinity, Chair, Deputy G.J. Truscott of St. Brelade, Vice Chair and Deputy M.R. Le Hegarat of St. Helier, did not participate in the determination of this application. Deputy K.F. Morel of St. Lawrence acted as Chairman for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies NE6, SP1, SP2, SP4, SP5, SP6, SP7, GD1, GD7, HE1, EVE3 and EVE4 of the 2011 Island Plan were of particular relevance.

The Committee noted that the food kiosk had been relocated from the top of the slipway due to pending construction works to a toilet block (to facilitate the creation of a new and unrelated café business). It was considered that retrospective permission could be granted under exception 8 of Policy NE6. The kiosk was seen against the backdrop of the adjacent high embankment and it was a typical timber structure, which was considered appropriate relative to existing buildings and its landscape context. It was not viewed as harmful to the landscape character. With regard to the highway implications of the proposal, any additional traffic over and above that associated with the previous location of the café near the top of the slipway, would be limited. Additional parking was available on the slipway and there was also a large public car park nearby. Neither the Parish of St. Brelade nor the Infrastructure Housing and Environment Transport Section had objected to the application and the access arrangements were considered satisfactory.

Approval was recommended subject to the imposition of certain conditions detailed within the officer report.

36 letters of support and 7 letters of objection had been received in connexion with the application.

The Committee received Mr. ■ Collins, MAC Architectural Services and also noted the presence of Advocate ■ Austin, representing the Parish of St. Brelade, should the Committee have any questions. Mr. Collins advised that permission was being sought for a one year temporary permit to allow the kiosk to continue trading. It was noted that the business had been operational for 5 years without issue and a 6,000 signature petition had been submitted in support of its retention. There had been no objections from statutory consultees.

The Committee heard from Senator S. Pallett, a former Parish Connétable, who advised that he had issued the original permit for the kiosk. He confirmed that the business was well run and had operated thus far without issue.



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Connétable D.W. Mezbourian of St. Lawrence noted a recommendation from the Environmental Health Department that the applicant undertake to connect to the mains water supply. The case officer advised that this was not a planning matter and would have to be resolved by the applicant in consultation with the Environmental Health Department. In response to a further question from Deputy Morel regarding emergency access, the kiosk operator, Mr. [REDACTED] Sutton, advised that an area would be sectioned off for queuing. He added that this had only been an issue when the Covid restrictions had required a 2 metre distance and this had extended the length of the queue.

Having considered the application, the Committee granted permission for a period of one year, subject to the imposition of certain conditions detailed within the officer report.

No. 8 Clos de  
l’Ancienne  
Forge, St.  
Mary:  
proposed  
extension.  
  
P/2021/0184

A10. The Committee considered a report in connexion with an application which sought approval for the construction of a 2 storey extension to the north-east elevation of No. 8 Clos de l’Ancienne Forge, St. Mary. The Committee had visited the application site on 22nd June 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, GD1 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the proposal involved the construction of a 2 storey extension to the north-east elevation of the property. The additional space would comprise a new open plan kitchen and dining area at ground floor level and a new master bedroom and en-suite at first floor level. The extension would increase the internal living space by a further 44 square metres. The proposal was not considered to cause significant harm to the amenities of any neighbouring properties or have a detrimental impact on the character of the dwelling and the wider setting. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. [REDACTED] Baker, [REDACTED] [REDACTED] Mr. Baker informed the Committee that the case officer had visited his property and had stated that the garden was much smaller than she had imagined and that the proposed development would be ‘invasive’. Mr. Baker alleged that the officer had ‘indicated concern’ about the impact of the proposals on his property so he had been surprised to learn of the Department’s recommendation for approval and felt that he had been misled. The proposed development would extend along the garden by 17 feet and Mr. Baker believed it would reduce light to his garden and result in damp and mould. The proposed development did not follow the natural line of the property and would have a severe detrimental impact on [REDACTED] property. He added that loss of light would be experienced between 3 and 4 pm and that 95 per cent of sunlight would be eradicated (based on a sun tracker programme). He had suggested the erection of a scaffold profile to illustrate the impact, but this had not materialised. Mr. Baker went on to discuss the impact of the proposed development on [REDACTED] health. [REDACTED]



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The Committee was advised that the application sought to demolish the existing boundary wall at the above property and create a vehicular access onto St. Saviour's Hill, adding extra parking amenities. Guidelines provided by the Highway Authority stated that a new access would only be permissible where visibility requirements could be met and where peak traffic flow did not exceed 400 vehicles per hour. Neither criteria could be met in this instance and there was insufficient space for manoeuvring on site. The Highway Authority had been consulted on multiple occasions in relation to the application and had maintained an objection throughout. The application failed to meet the policy tests and had been refused on the grounds that it was contrary to Policies GD1 and BE8 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. ■ Ruane and his agent, Mr. ■ Nicholson of MS Planning, who referred the Committee to a report prepared by KR Synergy, transport and traffic consultants, which had been submitted in support of the application and which considered the application of highways guidance. Mr. Nicholson advised that, if permission was granted, the applicants wished to drop the kerb and there would be no impact on pedestrian visibility. He added that 4 neighbours already benefited from direct access and the applicant was not aware of any road traffic accidents in the area. Visibility was not an issue and the applicant's neighbour supported the application. With reference to the 2019 highways guidance, there had been no public consultation in respect of the document and it had not been formally adopted by the Minister. The existing rear parking area was impractical and manoeuvring was difficult and visibility was obscured. This was a material planning consideration which Mr. Nicholson believed should be considered.

Mr. Ruane explained the practical difficulties associated with the current parking arrangements and the safety issues which arose as a consequence. He also highlighted the fact that the proposal would also benefit neighbours.

Having considered the application, the Committee was unable to reach a unanimous decision with Deputy G.J. Truscott of St. Brelade, Vice Chair and Connétable D.W. Mezbourian of St. Lawrence endorsing the recommendation to refuse the application and Deputies K.F. Morel of St. Lawrence S.G. Luce of St. Martin expressing support for the application. Consequently, in accordance with agreed procedures the application was determined in the negative and permission was refused.

No. 25 Lewis Street (land parcel to the rear of No. 23 Peirson Road), St. Helier: proposed new dwelling (RFR).

P/2020/1592

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of a garage at No. 25 Lewis Street (land parcel to the rear of No. 23 Peirson Road), St. Helier and the construction of a 2 bedroom residential unit with integral garage. The Committee had visited the application site on 22nd June 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application and Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, SP7, GD1, GD7, HE1, H6, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application related to a single-storey, flat-roofed double-garage fronting directly onto Lewis Street, together with the adjoining garden area to its rear. Originally, these structures had been associated with No. 23 Peirson Road. It was understood that this property was now under separate ownership. The application proposed the demolition of the existing garage and the construction of a new 2½ storey, 2 bedroom dwelling. Although the proposed dwelling met the required minimum standards, the Department was concerned that, if approved, the scheme would lead to a cramped form of development which would result in a poor relationship with No. 23 Peirson Road, which was just 6.8 metres away. In addition, the windows of No. 23 overlooked the garden area. Accordingly, the application has been refused on the grounds that it was contrary to Policy GD1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee received the applicant's agent, Mr. ■ Wildbore-Hands. Mr. Wildbore-Hands argued that the relationship would not be unreasonable, stating that the arrangement of windows within the 2 properties (proposed and existing), which included some obscure glazing, was such that it effectively prevented overlooking. The application site was in the Built-Up Area and the proposal was modest and complied with the relevant standards. The scale of the nearby Victorian buildings had informed the design and green space between the proposed development and Peirson Road had been maintained. Reference was made to the recent refusal of a scheme on a nearby site on the basis of the importance of this space. The proposed development was appropriate in this context and proposed a single dwelling, as opposed to apartments. The Historic Environment Section considered the proposed development to be a successful addition to the street and there had been no objection from the Parish of St. Helier or the Highway Authority. Mr. Wildbore-Hands referred the Committee to a number of schemes which had been permitted in the vicinity of the application site, 2 of which were 4 storey developments and one of which was only 1.6 metres away at ground floor level from a neighbouring property. The proposed development would be 6.8 metres away at ground floor level from the neighbouring property. Mr. Wildbore-Hands also referred the Committee to the Royal Court judgements in the cases of Winchester versus the Minister for Planning and Environment (2014) and Boyle and Kehoe versus the Minister for Planning and Environment (2012). Finally, reference was also made to the approval of a development at the property known as Le Hauteur and the consideration given to the need for housing in the Island. In response to a question from Deputy K.F. Morel of St. Lawrence regarding access for maintenance, Mr. Wildbore-Hands advised that the means of access would be through the property.

Having considered the application, the Committee was persuaded by the arguments made and concluded that the proposal would not lead to a cramped form of development or a poor relationship with No. 23 Peirson Road. In addition, overlooking to the garden area was not considered to be an issue. Consequently, permission was granted, contrary to the Department's recommendation. The application would be represented at the next scheduled meeting for formal decision confirmation.

La Nouvelle  
Croix, La Rue  
Guerdain,  
Trinity:  
proposed new  
extension and  
annex (RFR).

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of a single storey extension at the property known as La Nouvelle Croix, La Rue Guerdain, Trinity and its replacement with a new 2 storey extension. It was also proposed to construct a one bedroom annex to the north elevation of the property. The Committee had visited the application site on 22nd June 2021.

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Helier did not participate in the determination of this application and Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, 2, 3, 4, 6 and 7, GD1 and GD3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application had been refused for 2 specific reasons, as follows –

*By reason of the location, scale, massing and poor-quality design, the proposal would be detrimental to the character of the area in which it was located and would appear dominant and out of character in the street scene. In addition, the proposal would be harmful to the setting of nearby grade 3 Listed heritage assets. The development would provide poor-quality living conditions. The proposal was, therefore, contrary to policies SP7, GD1, GD3, GD7, BE6, and HE1 of the 2011 Island Plan.*

*No electric vehicle charging points or cycle parking was proposed, contrary to Policies GD1, SP6 and TT4 of the 2011 Island Plan.*

*No details of waste or recycling facilities were proposed, contrary to policies GD1 and WM5 of the 2011 Island Plan.*

It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. ■ Le Chevalier and his agent, Mr. ■ Stein of MS Planning. Mr. Stein noted that there had been no objections from statutory consultees, to include the Historic Environment Section and only one objection from a member of the public concerning the overbearing impact of the proposal and the potential for loss of light. Mr. Stein stated that the siting of the proposed extension away from any neighbouring properties meant that this would not be the case. The nearest property was 13 metres to the north west. In addition, the proposed extension would measure only 6 metres by 8 metres and would be attached to a dwelling with dimensions of 14½ metres by 15½ metres on a site which was 60 metres long. Moreover, the site was in the Built-Up Area, which was identified as the optimum location for new residential development. Cycle parking had not been shown as the property benefitted from a garage and garden shed and Mr. Stein added that he was unaware of any other applications for single dwellings which had been refused on this basis. Furthermore, there was no policy requirement for electric charging points and these were usually only required for larger residential developments. Finally, it was noted that permission had been granted for a 2 storey extension on the application site in 1999 and refusal of the application would set a most undesirable precedent and would run contrary to the aims of the existing Island Plan and the draft Bridging Island Plan.

Mr. Le Chevalier advised that it was intended that he would occupy the proposed annex.

Having considered the application, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chair, was persuaded by the arguments made and decided to grant permission, contrary to the Department's recommendation. It was noted that the application would be represented at the next scheduled meeting for formal decision confirmation.

No. 6 Tunnell  
Street, St.  
Helier:  
proposed  
change of use  
(RFR).

P/2021/0037

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the change of use of No. 6 Tunnell Street, St. Helier from office accommodation to residential. The Committee had visited the application site on 22nd June 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application and Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, 2, 3, 4, 5, 6 and 7, GD1, GD4 and GD7, BE6, BE10, E1, H4, H6, TT4, TT7, WM5, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site comprised a 2 storey, flat-roofed building containing a one bedroom apartment and commercial uses (previously used by a media broadcasting company). The application proposed an additional floor, alterations to the fenestrations and the conversion of the building to provide 8 flats. The surrounding area consisted of relatively low-level residential dwellings and a public park was due to be created opposite the site. The application site benefitted from being situated in a sustainable Town centre location where the Island Plan supported new housing. However, the design was considered to be of a poor-quality and would be detrimental to the character of the area and harmful to the amenity of the occupants of the adjacent dwellings. Approval would result in poor-quality living conditions and the proposed car parking arrangements were also poorly designed with inadequate bicycle parking, no motorcycle parking and no facilities for electric vehicle charging. No waste recycling facilities were proposed. The proposal was, therefore, contrary to policies GD1, GD7, SP6, SP7, TT4, BE6, WM5, and TT4 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicants' agents, Messrs. ■■■ Collins of MAC Architectural Services and ■■■ Stein of MS Planning. Mr. Stein considered the decision to refuse the application 'harsh' when compared with other approved schemes. He stated that the applicant was being penalised for retaining the building, even though this was more sustainable than demolition and that some latitude was usually applied when an existing building was retained. The scheme proposed 2 additional units, in accordance with the aims of the Island Plan and reference had been made by Mr. Stein in a supporting letter to other approved developments which failed to meet approved standards and where discretion had been applied. The proposed recessed storey meant that the development would not be over-scaled and it was recalled that permission had been granted for 3, 4 and 5 storey buildings on the nearby Jersey Gas site in 2016. The scale was considered to be reasonable and the submitted drawings showed that the proposed development would be no taller than existing development in the area and would have a marginal impact on the street scene. In terms of shadowing, an analysis had confirmed that there would be some shadowing at limited times. The urban context meant that the proposed development would not be overbearing and all units, save for one, complied with internal standards and all benefitted from generous amenity space. The provision of car parking was considered to be proportionate in this context, with 4 spaces for 8 units being proposed and the scheme had been revised to show 12 cycle spaces and an electric charging point. The Parish of St. Helier had not objected to the application. Professional advice indicated that issues relating to a culvert could be addressed. In response to a question from a member, Mr. Collins confirmed that the building would be insulated to comply with current building regulations.



scale of the extension were considered appropriate in this context and there had been no objections from neighbours when the profile had been erected. Details of the landscaping scheme could also be conditioned if the Committee was minded to approve the application.

The Committee received Mr. [REDACTED] Fell, representing the applicant. [REDACTED]

[REDACTED] Whilst they normally agreed on fundamentals, in this particular case the Listed Building was unusual because of its configuration. The rear of the building had originally been buried into the hillside. A disappointing and unsympathetic conversion in 2000 meant that the character of the rear was dismal and, coupled with structural problems, a certain amount of development was required to get the Listed Building 'back in shape'. The main objection appeared to relate to the impact of the rear extension. However, the back of the building had no history and the perceived effect on the setting was not fully understood. Mr. Fell stated that there were 3 distinct settings; the rear – where the massing of the extension had been well thought out so that it would not damage the Listed Building; the parking area – there would only be a glimpse of the new extension from that setting and it could be further toned down, as suggested by Mr. Buesnel; and, the setting of the group – the impact was so marginal it could not be described as harmful. In conclusion, the proposed development would not be harmful in heritage terms and would bring the building back to life. It did not dominate the wider group or the primary frontage.

It was confirmed that the proposed development would not be visible from Mont de la Routier, as evidenced by the profile which had been erected (in response to a question from Deputy K.F. Morel of St. Lawrence). Furthermore, the site would be excavated 2 metres from the current deck level.

Mr. [REDACTED] Felton, Landscape Architect addressed the Committee and advised that a mature oak tree which would be lost would be replaced with 3 new trees in the lower garden. The lower part of the west garden would remain largely unaltered and landscaping would be enhanced.

Having considered the application, the Committee, with the exception of Deputy Truscott, endorsed the recommendation to refuse permission for the reasons set out above. Deputy Morel added that whilst the proposed extension would not be visible, the main issue for him was the scale of the development.

Crown  
House/Hall,  
Journeaux  
Street, St.  
Helier:  
proposed  
demolition and  
redevelopment  
(RFR).

A16. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of the commercial premises known as Crown Hall, Journeaux Street, St. Helier and its replacement with 2 x 3 storey residential dwellings. Various alterations to Crown House (a Listed Building) were also proposed, including the creation of office accommodation on the ground floor (with the necessary change of use), the reinstatement of the main entrance onto Great Union Road and the creation of 2 vehicular access points onto Journeaux Street. The Committee had visited the application site on 22nd June 2021.

P/2020/1687

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hagarat of St. Helier did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Crown House was a Listed Building. Policies GD1, GD3, GD7 and H6 of the 2011 Island Plan were of particular relevance.



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The Committee noted that the application site was located at the junction of Journeaux Street with Great Union Road, within the Built-Up Area. The site was occupied by a Listed building (Crown House) and a single storey building attached to the rear (Crown Hall). The application concerned the demolition of the Hall, used most recently as a gym, and its replacement with 2 x 3 storey houses with associated vehicular entrances. Also proposed were some minor changes to disconnect the Listed building from the Hall and reinstate a front entrance. The principle of the demolition of Crown Hall and its replacement with a residential development was considered to be acceptable in this location. The Department's concerns related to the scale of the proposal. The height of the proposed houses (9 metres) and their close proximity to the northern boundary (1.6 metres), which backed directly onto residential properties on Great Union Road, would cause unreasonable harm to those properties by reason of overbearing impact, shadowing and overlooking from terraces and windows in the proposed development. Likewise, the proposed 3 bedroom houses would have inadequate and poor quality amenity space. In addition, visibility splays had not been indicated on the proposed site plan for the new vehicular entrances and this was required by the Parish of St. Helier to prove highway safety. Whilst the Department was mindful of the Built-up Area location, the proposal was considered to represent an overdevelopment of the site which would impact on neighbouring properties to an unreasonable degree and would offer poor quality accommodation to prospective occupants. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. ■ Curtis, who noted that non-compliance with Policy E1 had not been included in the reasons for refusal and he referred to specific policy tests. Mr. Curtis was of the view that there was demand for affordable sites like this for community uses. He went on to reference Policy SP5 and advised that he had argued against proposals for No. 63 Halkett Place, St. Helier for the same reasons. Mr. Curtis stated that if the Committee was minded to approve the application, the appropriate tests set out in Policy E1 should be met. In concluding, he advised that it was his intention to write to members to set out in more details the importance of Policy E1.

The Committee heard from the applicant's agent, Mr. ■ Dennis of Origin Architecture. Mr. Dennis advised that there had been a number of discussions with the Department over a prolonged period and this had culminated in positive pre-application advice. There had been no notice of the requirement to provide visibility splays. He informed the Committee that the employment space at the front of the site would be retained. The scheme had attracted no objections and complied with all relevant policies. Whilst the amenity space was less than that required, this had been addressed in the design approach, with 'an inside outside relationship' having been adopted. Furthermore, the amenity space had been arranged more closely with the standards for apartments as this was considered most relevant. He believed that Policy GD1 allowed for greater latitude and Mr. Dennis expressed the view that the scheme was significantly better than some which had recently been approved with little or no amenity space. The scheme exceeded the space standards, was appropriate in this context and proportionate to neighbouring development. Screening existed in the form of an existing wall, reducing the potential for overlooking. It had to be borne in mind that the application site was located in the Built-Up Area and some degree of overlooking was inevitable. In concluding he stated that the proposed development would remove a 'bad neighbour', would provide homes and enhance the character of the street and the Listed Building.

The case officer advised that the requirement of the Parish of St. Helier to provide visibility splays had been published on the Department's website on 8th June 2021. Mr. Dennis noted that this fell outside the consultation timeframe and stated that he

had not been aware of this and would have provided the information. He added that Journeaux Street was one-way.

In response to a question from the Connétable of St. Lawrence regarding the amenity space, the case officer confirmed that north facing terraces which were enclosed on 3 sides and which were overlooked, were not considered to represent inviting spaces for families.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, endorsed the officer recommendation to refuse permission for the reasons set out above.

Meadow View,  
Le Douet  
Farm, Le Mont  
de la Greve de  
Lecq, St.  
Ouen:  
proposed  
change of use  
of ancillary  
building to  
residential unit  
(RFR).

A17. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the change of use of an ancillary building at the property known as Meadow View, Le Douet Farm, Le Mont de la Greve de Lecq, St. Ouen to form a separate residential unit with associated parking and a garden. The Committee had visited the application site on 22nd June 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

P/2020/1811

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site was located within a small residential enclave in the Green Zone. The application related to an existing ancillary building within the garden area of Meadow View, which had permission to be utilised as a pool house. The scheme proposed the change of use of this building to form a separate residential unit. The building had been erected in 2016/17 and the approved drawings showed a gym area, sauna, shower and hydro pool. A condition had been attached to the permit requiring the development to be carried out in strict accordance with the approved drawings. However, it was clear that the layout did not accord with the approved drawings and the building comprised 2 en-suite bedrooms, a kitchen and lounge, contrary to the 2016 permission. Irrespective of the current unauthorised layout, the change of use of an ancillary building to form a separate unit (to legitimise the current unauthorised development) within the Green Zone was contrary to policy and could not be supported. The application had been refused on the grounds that it was contrary to Policies NE7, GD1 and GD7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. ■ Graham and his agent, Mr. ■ Stein of MS Planning. Mr. Stein stated that an electronic mail message had been sent to the Department on 4th February 2019, requesting permission for the use of the building as a residential unit ■ and that the Department had acceded to this request (again via an electronic mail message). Mr. Stein explained that ■

■ the building was now used as guest accommodation. Mr. Stein referenced permits which had been granted in respect of Thornhill Farm and a property known as Le Hauteur, stating that these illustrated that the Committee had 'shown its hand' in terms of the conversion of ancillary dwellings into separate dwellings. He concluded by stating that there would be no harm to the landscape character and no external changes were proposed.

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The Committee noted that the Department refuted the claim that permission had been granted via an electronic mail message and confirmed that no amended plans had been received, as requested by the case officer, and no permission granted for a residential use, which would be contrary to policy in any case. Furthermore, the Department had no record on file of the electronic mail message referred to by Mr. Stein, save for the copy provided by the applicant.

Mr. Graham [REDACTED]

[REDACTED] confirmed that the family had decided not to construct a pool and had installed a surface level hydro pool instead. However, this had been located on a patio area and not within the building, which Mr. Graham advised he had used as a gymnasium.

Several members stated that they had been 'flabbergasted' during the site visit to note that the building was being used as a separate residential unit, contrary to the planning permission granted. Members also took the view that the contents of the electronic mail message, which was alleged to have been received from the Department and which was read by Mr. Stein, were ambiguous to say the least. The Committee took the view that, as an experienced industry professional, Mr. Stein should have been aware that an electronic mail exchange certainly did not constitute planning permission. However, Mr. Stein argued that the contents of the message confirmed a change of use.

Having considered the application and having expressed considerable concern with regard to the unauthorised use, the Committee unanimously endorsed the officer recommendation to refuse permission for the reasons set out above. In doing so, the Committee recognised that this was now a compliance issue and noted that consideration would be given as to how to address the matter.

Belfry Cottage,  
La Rue du  
Bechet,  
Trinity:  
proposed  
garage (RFR).

A18. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a timber garage at the property known as Belfry Cottage, La Rue du Bechet, Trinity. The Committee had visited the application site on 22nd June 2021.

P/2020/1508

Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD7 and HE1 of the 2011 Island Plan were of particular relevance.



Meeting  
24.06.21