

Planning Committee

(1st Meeting)

29th September 2022

Part A (Non-Exempt)

All members were present, with the exception of Connétables D.W. Mezbourian of St. Lawrence and M. O'D Troy of St. Clement, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Connétable K.C. Lewis of St. Saviour
 Connétable R. A. K. Honeycombe of St. Ouen
 Deputy M.R. Le Hegarat of St. Helier North
 Deputy T.A. Coles of St. Helier South
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy A. F. Curtis of St. Clement
 Deputy S.G. Luce of St. Martin

In attendance -

C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 P. Roberts, Planner
 G. Vasselin, Planner
 B. James, Planner
 G. Ball, Planner
 T. Gallichan, Trainee Planner
 K. M. LARBALÉSTIER, 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 5th and 20th May 2022, of the Committee as previously constituted, were taken as read and were confirmed by the Chair. |
| Planning Committee. | A2. It was noted that the Committee had previously discussed and agreed procedures and arrangements which set out certain statutory requirements under Article 9A of the Planning and Building (Jersey) Law 2002, at an informal meeting. In doing so the Committee had 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 communicate the new procedures.

Formal approval of the procedures and arrangements which set out the statutory requirements under Article 9A of the Planning and Building (Jersey) Law 2002, the full agreement between the Chief Officer and the Planning Committee and the Code of Conduct for members would be presented at the next scheduled meeting for formal approval by the Committee. It would also be necessary to appoint a Vice Chair.

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

P/2021/1666

A3. The Committee 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.

A site plan, drawings and a 3 dimensional model were displayed. An additional image was tabled in response to issues raised on site by members regarding the impact of the building on the daylight received by neighbouring properties. The so called '25 degree rule' had been used to establish the effect of the proposed building on existing properties. A reference line was taken at 2 metres on the existing building (this was the assumed position of the top of windows in the existing building) and a 25 degree line was then drawn towards the proposed building. If the whole of the proposed development fell underneath the line drawn at 25 degrees, there was unlikely to be a detrimental effect to daylight. However, if the proposed building fell above the 25 degree line in any way, it was likely that further tests would be required to establish the exact impact the proposed development would have. If the obstructing building was taller than the 25 degree line, it was still possible to achieve good daylighting, providing the obstruction was not continuous, and was narrow enough to allow daylight around its sides. In this particular case, it had been concluded that the proposed development would not be detrimental to daylight and would not have an unreasonable impact on existing neighbouring development.

The Committee noted that the application site was situated in the Built-Up Area and that Policies SP2, 3 and 4, PL4, GD1, GD6, NE1, NE2, H1, H3, ME1, TT1, TT2 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that this was an open and undeveloped area of land in a residential area, which formed part of the Built-Up Area (specifically termed a 'smaller settlement' area). Under the provisions of the Bridging Island Plan new residential development was generally permissible in this area. The application proposed a detached, 2 storey, 5 bedroom, pitched-roof dwelling located towards the rear (north) of the site, with principal elevations facing south across a new terrace and garden area. The new unit would meet the Department's required residential standards for new dwellings, to include a good-sized garden. The Department was satisfied with the design and appearance of the development and its impact on the general character of the area. The dwelling would be of a similar height within the landscape to surrounding buildings. The Department was of the view that the proposed development would not cause unreasonable harm to the residential amenities of those living nearby. Objections from neighbours and the highway authority were noted. With regard to the latter, the Department took the view that whilst the existing access road might not comply with standards for new estate roads, it was nevertheless entirely serviceable and workable, with at least 2 locations along its length where cars could pass. It was not believed that one additional dwelling

would create unacceptable problems of congestion or highway safety. There were no concerns regarding visibility (and therefore safety) at the junction with La Route de Noirmont. The provision of 3 parking spaces within the site was also considered to be acceptable. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

A total of 18 representations had been received from 9 individuals in connexion with the application and further representations received after the publication of the agenda had been circulated to members under separate cover. Responses from statutory consultees were also included within the Committee's agenda packs.

The Committee heard from Mrs. ■ Steedman, representing Mr. and Mrs. ■ Slous of the property known as Maison du Signal. Mrs. Steedman thanked the Committee for visiting Maison du Signal and advised that concerns existed regarding the accuracy of the submitted information in relation to the position of a boundary to the north of an existing hedge. In addition, very few levels had been submitted and this made it extremely difficult to understand the impact. Furthermore, issues relating to drainage (as raised by Mr. ■ Layzell in a written representation) did not appear to have been addressed. Mrs. Steedman went on to argue that the scheme was contrary to Policies GD1 and GD6 of the Bridging Island Plan. The sun path analysis illustrated shadowing in the winter months but did not provide any information on the impact on sunlight. Even with the opaque glazing proposed, Mrs. Steedman believed that the level of overlooking which would occur would be unreasonable. It was not clear whether the noise impact from the proposed plant room had been assessed and Mrs. Steedman stressed that this was, at present, a very quiet area.

The Committee heard from Ms. ■ Jandron, ■ Ms. Jandron made a most impassioned plea to the Committee ■ to refuse permission. Whilst the right to develop the application site was accepted, Mr. and Mrs. Slous believed that a much more sympathetic approach could have been adopted. Concerns existed regarding the overbearing impact of the proposed development and it was suggested that a scaffold profile should have been erected. This would better illustrate the loss of sunlight in the winter months. Ms. Jandron stated that the outlook from Maison du Signal would be adversely affected by the introduction of a solid gable. She was also concerned about the potential for pollution from a chimney flue. In conclusion, Mr. and Mrs. Slous were of the view that the proposed development would create a dominant enclosure which would have an adverse impact on ■ privacy.

■ Ms. Jandron ■ also had grave concerns about the proximity of the proposed development to both ■ home and the property known as Signal Post Cottage. She added that the application site was situated quite far back from the main road in a very quiet area used by walkers. Existing properties 'sat quietly away from the road' in this special area, which did not suffer from any light pollution. She urged the Committee not to support the application and request the applicant to re-consider the approach adopted.

The Committee heard from Mr. ■ Brinkworth ■ who also believed that the proposed development would have an overbearing impact on ■ single storey property. He referenced the comments of the highway authority and also stated that he was concerned that large construction vehicles would be unable to manoeuvre on site and this could give rise to highway safety issues. Mr. Brinkworth also noted that the sun path analysis measured the impact to 3 pm and he suggested that an assessment later in the evening

would be useful. He too was disappointed that a scaffold profile had not been erected.

The Committee heard from the applicant, Mr. ■ Parker and his agent, Mr. ■ Smith. Mr. Smith advised that all levels were accurately shown and a topographical survey had been undertaken. A satisfactory drainage assessment had also been carried out by the Department and the proposed development would not have any impact in this regard. In terms of the sun path analysis, 3 pm was the end time used to measure the impact as the shadows were much longer (the same applied in the winter) in the evening so virtually every property in the immediate vicinity would have an impact. Large vehicles would be able to manoeuvre on site so there would be no need to reverse onto the main road. Mr. Smith confirmed that there would be restricted opening on obscure glazed windows and that the proposed pool house was permissible under permitted development rights.

Mr. Parker advised that the proposed new development would be occupied by his family. They had no desire to cause any upset or distress and would seek to ensure that construction work was carried out in the most considerate manner.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, decided to refuse permission, contrary to the Department's recommendation. Members cited the tests set out in Policies GD1, GD6, SP5, NE3. More specifically, the Committee considered that the proposed development was too close to the boundary and the scale, mass and design were incongruous in this setting. The impact on the health and well-being of neighbours and on the natural environment were also raised.

As the Committee's decision was contrary to the Department's recommendation, the application would be re-presented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

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

P/2021/1675

A3. The Committee 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.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP2, 3 and 4, PL4, GD1, GD5, GD6, NE1, NE2, H1, H3, ME1, TT1, TT2 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application proposed the demolition and replacement of an existing dwelling within the Built-Up Area. The existing building dated from the 1930s and it was considered that a satisfactory case had been made for its demolition. The proposed new dwelling would be larger and the built form would be repositioned further south within the site (still within the Built-Up Area). The large open garden area to the east, which was within the Green Zone, would be unaffected by the proposed development. Concerns regarding the contemporary design in this context were noted. Notwithstanding these concerns, the Department was satisfied with the architectural approach which had been adopted as well as the landscape impact of the development. It was not believed that the proposed development would have an unreasonably overbearing impact or result in a sense of enclosure (the policy test set out under the Bridging Island Plan). A limited number of windows would face neighbouring properties and those that did would serve bathrooms or stairwells and would be either obscure glazed or positioned so as to

additional landscaping was also proposed. The applicant was willing to accept a condition requiring the submission of a landscaping plan. In conclusion, Mr. Stein stated that the scheme complied with all relevant policy tests.

The Committee heard from Mr. Skudder, who also stated that architectural character in the area varied and that the proposed development was considered acceptable in this context. The new dwelling would also be lower than the existing.

In response to questions from the Committee, the applicant confirmed that waste water would be pumped from the application site to the main foul sewer via a private drainage system.

Having considered the application, the Committee, with the exception of Deputies S.G. Luce of St. Martin and Connétable K.C. Lewis of St. Saviour, refused permission, contrary to the Department's recommendation. Members cited the tests set out in Policies GD6, NE3, SP3 and 5 of the 2022 Bridging Island Plan and expressed concerns regarding the scale, mass and design of the development, the relationship with the Coastal National Park and the landscape and seascape impact.

The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

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

A4. The Committee 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

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, 2, 3, 4, 5 and 7, PL2, GD1, GD2, GD5, GD6, GD10, NE1, NE2, HE1, H1 H2, H3, H4, ME1, C18, TT1, TT2, TT3 and TT4, WER 6 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application proposed the demolition of the existing dwelling and associated structures and the construction of 13 x 2 bedroom residential units. The site was located within the Built-Up Area in a highly sustainable location close to all amenities. The Spatial Strategy directed new housing development towards the Built-up Area to protect the countryside and in particular, focused on the primary and secondary main urban centres of St Helier and Les Quennevais (Policy PI2 refers). The proposed apartment building would be sited well back from the site frontage in a similar position to the existing house. The front boundary would be landscaped with the existing leylandii hedge at the front being retained to the east of the widened vehicle access. Additional landscaping to all boundaries was proposed and more generally the site would be heavily landscaped with existing and proposed new trees and hedges. This would help screen the development from public vantage points from La Route Orange.

The Committee noted that a previous application had been refused for 3 reasons (application reference P/2020/1533 refers). It was considered that revised scheme addressed the previous reasons for refusal and complied with the relevant policy tests. Consequently, the Department was recommending approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a suitable Planning Obligation Agreement (POA) within

6 months of the date of the decision, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), to secure the following –

A financial contribution [REDACTED] towards the provision of a bus shelter for the town bound bus, 2 bus shelters and noticeboards to the east of the site and for traffic calming in the area.

It was recommended that the Committee delegate authority to the Head of Development and Land (Regulation) to grant planning permission on completion of the POA.

The Committee heard from Mr. Tredinnick [REDACTED] [REDACTED] Mr. Tredinnick stated that whilst he accepted that the existing dwelling was of no architectural merit, it did blend in with other developments in the vicinity. Previous proposals had failed to gain support from neighbours and Mr. Tredinnick viewed the proposal to screen the development with trees as a tacit acceptance that it was not appropriate in this context. He also believed that ‘greenwashing’ was at play in an attempt to secure permission on the basis of the environmental credentials of the scheme. Mr. Tredinnick was of the view that the existing Leylandii trees were nearing the end of their life and were unlikely to survive any construction works so the new building would be visible. Any new trees would take some considerable time to mature and would also be deciduous. The footprint of the new building would be larger, and the structure would be one metre higher. Consequently, Mr. Tredinnick asked how the revised scheme overcame previous concerns, with specific reference to massing. He believed that the scheme was essentially the same as the refused scheme and he concluded by stating that the proposed development failed to protect the Island’s identity, which was a key aim of the Bridging Island Plan.

The Committee heard from Mr. [REDACTED] Pill of KE Planning, who focussed on the landscaping proposals. He stated that, to the untrained eye the proposals appeared comprehensive but in fact gave rise to questions due to inconsistencies and omissions. He noted that a number of ornamental, smaller species with a short life span were proposed, as opposed to natural and native species. The planting scheme lacked detail and the condition proposed by the Department would not address this. Landscaping on the west side would not be required if the design quality was better. Maintenance management proposals were also unclear and he too believed that there was a danger that the existing Leylandii hedge would need to be replaced in future.

The Committee heard from Mr. [REDACTED] Langlois, [REDACTED] He believed that the scheme failed a number of key policy tests, to include GD1, 4 ad 7 and NE2. In his view, the proposed development was too high at 3 storeys and the mass too great (the revised scheme represented only a 10.4 per cent reduction). Whilst the previous application had generated 100 letters of objection, Mr. Langlois felt that repeated attempts to secure permission by revising the scheme had the effect of ‘wearing people down’ to the extent that, in many cases, they no longer submitted written objections.

The Committee heard from Mrs. [REDACTED] Steedman, who represented the immediate neighbours of the site. Whilst it was accepted that there was a presumption in favour of development in the Built-Up Area, consideration also had to be given to the impact on the landscape character and a holistic view of all relevant policies had to be factored into any assessment. Mrs. Steedman believed that the scheme did not align with the vision and purpose of the Bridging Island Plan and did not overcome the previous reasons for refusal. It was accepted that the site was capable of

development but the proposed scheme was not considered appropriate and increased the potential for harm from overlooking and light pollution. There was too much uncertainty around heights and levels. The area was characterised by single detached dwellings in large plots and an apartment development was considered to be out of keeping with this. Both Clos des Sables and Dene Close had been referenced, the character of these areas was entirely different. Mrs. Steedman noted that the implementation of the landscaping proposals on the western boundary would require permission from the owner of a neighbouring property. In conclusion, she stated that the application failed to meet the tests set out in Policies SP3, 4, 5, GD1, 6 and NE3.

The Committee heard from Connétable M.K. Jackson of St. Brelade, who noted that there had been a significant number of objections to the application and as Parish Connétable he supported these objections. He added that the POA appeared to make only a very small contribution to the community need.

The Committee received a delegation representing the applicant company comprising: Ms. ■ Bliss and Messrs. ■ McDonald, ■ Huckson and ■ Nicholson. Mr. Nicholson referred to the previous reasons for refusal and stated that he believed these had been overcome with the revisions to the scheme. He stated that the new policy framework supported the development of sites like this and reminded the Committee that one third of the sites which had been proposed for rezoning had been rejected so the housing need had to be met on brownfield sites. The application site was well located within the secondary urban centre of Les Quennevais and the density of sites like this had to be optimised to meet the demand for housing. Having noted the conditions proposed by the Department, and in particular, condition No. 7, Mr. Nicholson advised that whilst this was abridged, the applicant was willing to comply with a fuller standard landscaping condition.

Mr. McDonald addressed the Committee, stating that the reduction in the number of units would have the effect of minimising the visual appearance of the building so that it was not overly dominant. The roof profile had also changed, with the eaves height being broadly the same as the neighbouring property to the west. The elevations had been redesigned with views being directed to the south. Additional landscape screening would ensure privacy, as opposed to hiding the development. The amount of car parking on the site had also been reduced and 50 per cent of the building would be covered by a green roof. The scheme would set a new standard for design with a 'fabric first approach'. The proposed development would meet the 20 per cent energy reduction target and the extensive landscaping proposed would act as a carbon offset. Water would be managed and reduced and sustainable transport initiatives were included. In conclusion, it was felt that the development would sit comfortably within its setting and would enhance the quality and sense of place. In response to a question from a member regarding residents' access to the garden area to the south, Mr. McDonald advised that this would be achieved by using the path around the edges of the site. However, some reservations were expressed regarding the practicality of this arrangement, especially from the ground floor accommodation and Mr. McDonald offered to review this arrangement.

The Committee heard from Ms. Bliss, who focussed on the landscaping scheme. She advised that the scheme was supported by nurture ecology and 70 per cent of the site would be retained as open space. Ongoing management of the landscaping would be undertaken with the highest level of stewardship and would be driven by the creation of wildlife habitats, grassland, new dry stone banks for reptiles, loft for bats and additional trees and hedging to create a wildlife corridor. A species protection plan had been devised and Nurture Ecology would be retained for 5 years for monitoring purposes. The scheme would prioritise native and selected evergreen species based

on space available. Sustainable drainage solutions and permeable paving were also proposed.

Mr. Huckson summarised the points made by members of the delegation and added that the scheme would deliver homes in a sustainable location whilst providing significant landscape improvements and ecological enhancements, which went well beyond policy requirements. A new granite wall would be constructed, as required by the Parish of St. Brelade and transport requirements would be funded from the POA contribution. Mr. Huckson believed that it was possible to develop the site whilst also safeguarding the natural environment. The Committee noted that a detailed landscape plan which included maintenance arrangements could be provided and it was noted that the applicant company had considerable experience in this area through previous developments. Building standards which far exceeded those currently seen in the Island would be adopted and this ambitious scheme would be viewed as an exemplar.

Having considered the application, the Committee was unable to reach a majority decision with Connétable P. Le Sueur of Trinity, Deputies T.A. Coles of St. Helier south, M.R. Le Hegarat of St. Helier north and S.G. Luce of St. Martin supporting the application and Connétales R.A.K. Honeycobme of St. Ouen and K.C. Lewis of St. Saviour, Deputies A. Curtis of St. Clement and A. Howell of St. John, St. Lawrence and Trinity being minded to refuse the application and members cited Policies H1, H4, GD1, GD5, GD6 and SP3. Those members who did not support the application, expressed a variety of concerns to include, insufficient justification for demolition, increased occupancy and traffic movements, the provision of car parking, the scale of the development and the number of units proposed, access to the communal amenity area, the well-being of residents and neighbours, placemaking, the housing mix and the landscaping proposals.

Where the Committee was unable to reach a majority decision, applications were determined in the negative, in accordance with agreed procedures. Consequently, the application was refused and the Committee noted that it would be re-presented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

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

P/2021/1782

A5. The Committee 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.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, 2, 3, 4, 5, GD1, GD2, GD3, GD5, GD6, GD10, H1 H2, H3, H4, NE1, HE1, ME1, C18, TT1, TT2, TT3 and TT4, WER 1 and UI3 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that permission was sought for the demolition of the existing buildings and frontage wall, the removal of some trees and planting replacements, the creation of a replacement access from the highway in a more central position on the frontage and the construction of 11 x 2 storey dwellings around a central shared green. Parking for each dwelling was to be provided along with private gardens and visitor parking spaces were proposed on the eastern side of the site. In terms of materials, the buildings would be faced with local granite, render and timber cladding under slate roofs. The stated intention of the development was to deliver appropriately designed family homes in close proximity to local amenities.

development might be fully understood. He concluded by stating that the height of the development would be overbearing, green corridors had been ignored and that one house in particular (referenced above) should be removed due to the impact he believed it would have on [REDACTED] property.

The Committee heard from Mr [REDACTED] Langlois, who asked the Committee to consider the cumulative effect of development in the area and the impact this would have on traffic movements and highway safety, particularly given the proximity to the primary school. He believed that density levels on the site were too high. He also questioned the rationale for cutting down so many trees when a climate emergency had been declared and pointed out that any new planting would take a considerable amount of time to mature. Mr. Langlois felt that it was unlikely that families would be able to afford the homes on the proposed development.

The Committee heard from Connétable M.K. Jackson of St. Brelade, who stated that this area could not bear any further increase in traffic volumes as this would exacerbate existing problems. He did not believe that the provision of car parking on the site was sufficient for residents or visitors and there was no public parking nearby. In terms of refuse, it was noted that this would have to be collected from the main road due to access and time constraints. Turning to the impact of the proposed development, the Connétable believed that the eastern boundary would have a detrimental impact on Les Blanches Banques and an adjacent garden. He urged the Committee to require the erection of a scaffold profile to fully demonstrate the impact of the development. The Connétable was also concerned that the proposed dwellings would be beyond the reach of families, and he felt that a much lower density development was required. He concluded by stating that little consideration appeared to have been given to 'right-sizing'.

The Committee heard from Messrs [REDACTED] Nicholson, [REDACTED] Collins, [REDACTED] Le Lay and [REDACTED] Witham. Mr. Le Lay advised that the scheme focussed on the delivery of high quality family homes which were sympathetic to the character of the area and which were situated next to the school and local amenities.

Mr. Collins added that the scheme was in accordance with the relevant Bridging Island Plan Policies and that the development would provide much needed family homes. He understood that there had been interest in the site from other developers who had wished to construct larger properties. The proposed development had been designed to accentuate interaction between residents and the rear private amenity areas exceeded the requirements. The parking provision was generous and it was likely that additional informal car parking could be achieved in some areas. Bicycle charging points would also be installed. The proposed development would achieve good energy credentials and high quality materials would be used. This was a sustainable location. In terms of the design approach, an existing property to the north-east was of a similar character and the roadside elevation was in keeping with existing development. Finally, density levels were in accordance with surrounding development and there had been considerable support for the scheme.

The Committee heard from Mr. Witham, who focussed on the landscaping scheme, which proposed a number of enhancements. At present the site comprised unmaintained trees and a tree survey had recommended the removal of 33 of the existing trees. This was supported by the Department's Arboricultural Officer, and it was noted that 47 new trees would be planted. The proposals had been formulated in consultation with Nurture Ecology with the emphasis being on biodiversity. Birch, Hawthorne, Chestnut Maple, Apple and Plum trees were all included within the landscaping scheme together with mixed species hedging, 2 shelters for hibernating

creatures, permeable boundaries and bird and bat boxes. The topography of the site had been carefully considered and a sustainable drainage solution was proposed. The retaining wall had been designed with root systems in mind and the new semi-mature trees would be planted on the roadside boundary. Granite sets to reduce the speed of cars were shown and the new houses would be positioned around a central shared space.

Mr. Nicholson addressed the Committee, advising that the existing single dwelling on this large site in the Built-Up Area was in a poor state of repair and there was also evidence of fire damage. Reference was made to Policy PL2, which directed development to sites in sustainable locations. There were no issues with infrastructure, no Listed Buildings on the site and it was not in a flood zone. The character of the area differed to that of the Fair Acre site (Minute No. A4 of the meeting refers) and Mr. Nicholson drew attention to density levels on nearby developments. The density levels proposed on the application site sat below the thresholds set out in the Bridging Island Plan. The design of the development took the specific characteristics of the site into account and high quality soft landscaping materials would be used. The applicant was a builder with a proven track record and there would be no value engineering of the scheme. The provision of car parking had been balanced against relevant policy requirements and was supported by the Department's transport section. 2 designated visitor spaces would be included together with the opportunity for additional forecourt parking, as referenced by Mr. Collins. It was pointed out that there was a bus stop close by and good cycling routes. Parents and children would be able to walk to the nearby primary school. A refuse store would be constructed just inside the threshold of the development and the Parish of St. Brelade had been consulted in this regard. Mr. Nicholson reminded the Committee that there had been twice as many letters of support than objections and the scheme complied with all relevant policy tests.

Having considered the application, the Committee, with the exception of Deputy M.R. Le Hegarat of St. Helier north, decided to refuse permission, contrary to the Department recommendation. Members expressed concerns about the density of the development, traffic intensification, the provision of car parking and the impact on neighbouring residential development and the absence of green space. Members felt that it was regrettable that more trees had not been retained and the Chair expressed the view that the proposed development did not respect the building line on Route Orange.

The Committee noted that the application would be re-presented at the next scheduled meeting for decision confirmation and to set out the detailed reasons for refusal.

Bel Royal
Primary
School, La Rue
de Haut, St.
Lawrence:
proposed
installation of
4G antenna
and cabinets.

A6. The Committee received a report in connexion with an application which proposed the installation of telecommunications equipment, namely one 4G antenna and 3 equipment cabinets at Bel Royal Primary School, La Rue de Haut, St. Lawrence. The Committee had visited the application site on 27th September 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 SP2, 3, 4, 7, GD1, 6, 8, NE1, CI1, TT1, TT2, UI2 and UI4, of the 2022 Bridging Island Plan were relevant.

P/2021/1949

The Committee was advised that the siting, scale and design of the telecoms equipment was considered appropriate and would not have an unacceptable impact on the character and amenities of the surrounding area, in compliance with Policies GD6 and UI4. The development would also provide much needed improvements to the poor local network, including servicing the operation of the school. The Committee's attention was drawn to Policy UI4 (Telecoms and other masts and equipment), which required the submission of an International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines compliant certificate to demonstrate that the electromagnetic frequency (EMF) emissions of the antenna would not have a detrimental impact on health. This had been submitted and reviewed by specialist officers within the Environmental Health Team, who had concluded that the proposed antenna would operate within acceptable levels. If approved, a condition would be imposed to ensure that the antenna was operated in accordance with the emissions levels set out in the document. In summary, the Department was of the view that the proposal was fully compliant with the relevant Island Plan Policies and was, therefore, recommending approval of the application, subject to the recommended conditions set out the Department report.

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

The Committee discussed the application and noted that it was understood that the proposal emanated from a request from the former Headteacher to improve mobile phone coverage in the school. The Committee noted that there were no representatives from either the school or the Children, Young People, Education and Skills (CYPES) Department in attendance and the Chair felt that it was important to hear the views of the current School management in relation to the proposal, particularly given the number of objections received (many of which were from parents of pupils). Consequently, the Committee decided to defer consideration of the application in order to afford representatives of the school and/or the CYPES Department the opportunity to present their views. It was agreed that officers from the Environmental Health Team would also be asked to attend the meeting.

On a related matter, and in response to a question from Connétable D.W Mezbourian of St. Lawrence, Mr. C. Jones, Senior Planner advised that there was no requirement to provide a health impact assessment with applications for telecommunications equipment.

Le Feugere de
La
Marquanderie,
La Route
Orange, St.
Brelade:
various works.

A7. The Committee received a report in connexion with an application which proposed the construction of a first-floor extension over the existing garage to the north elevation of the property known as Le Feugere de La Marquanderie, La Route Orange, St. Brelade. It was also intended to construct an orangery to the south to replace an existing conservatory and a first-floor extension to the south-east over the existing single storey wing of the building. The Committee had visited the application site on 27th September 2022.

P/2022/0515

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP2, 3, 4, 5, PL2, GD1, 6, NE1, NE3, H1, H4, TT1 and TT4 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site comprised a substantial detached dwelling which was surrounded by residential development on both sides and to the north, including the 3-storey apartment block of Dene Court to the immediate east. The southern portion of the site and associated curtilage of the property lay outside of the Built-Up Area. The proposals included front and rear first-floor extensions, both of which would incorporate a cat-slide roof to mirror existing projections at the front and rear on the western side of the property, in addition to a replacement conservatory/orangery of a comparable scale and footprint. The proposed design was considered to be of a high standard and would sensitively reflect the character and built vernacular of the existing property, without detriment to the immediate street scene or the wider landscape setting outside of the Built-Up Area to the south. Furthermore, the proposed development was considered to sufficiently safeguard the amenities of surrounding residential properties, and in particular the apartments within the adjacent block of Dene Court to the east. Therefore, the application was considered to accord with Policies PL2, GD1, GD6 and NE1 of the Bridging Island Plan 2022.

10 letters of representation had been received, 2 of which set out the concerns of the residents of the adjacent apartment block of Dene Court, with a further 8 representations having been received from the same household (one of the apartments at Dene Court).

The Committee heard from Mr. ■ Stein, representing the residents of Dene Court. Mr. Stein advised that the proposed development would have an unacceptable, overbearing and oppressive impact on the residents on the western side of Dene Court due to the proximity and height of the development, contrary to Policy GD1.

The Committee heard from Ms. ■ Munz-Jones ■ who advised that ■ the proposed development would have a detrimental effect of ■ enjoyment of ■ property.

The Committee heard from Ms. ■ Newman ■ She believed that the proposed development would have an overbearing impact and would be quite oppressive, adversely affecting well-being and resulting in a loss of sun light.

The Committee heard from Ms. ■ Biesz ■ who did not believe that the site notice had not been displayed in a prominent enough position.

The Committee heard from Ms. ■ McKinnon, Architect, who advised that the scheme had been designed to protect neighbouring amenities and, in particular, west facing windows on the neighbouring property. A daylight analysis had been carried out and this had concluded that the amount of daylight received by Dene Court with

the proposed development in place would far exceed Building Research Establishment guidelines. It was noted that, at present, there was currently a roof terrace facing south on the application site and 2 storey high trees along the boundary. The proposed development would result in a reduction in the level of overlooking. Ms. McKinnon believed that the submitted analysis demonstrated that the proposals would not create an oppressive enclosure and she noted that Dene Court was 3 storeys high and overlooked the application site and blocked light. A good level of privacy had been provided between the 2 sites and to the west there would be only one bed and 2 bathrooms on each floor.

Having considered the application, the Committee, with the exception of Deputies M.R. Le Hegarat of St. Helier north and A. Howell of St. John, St. Lawrence and Trinity, endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed in the Department report.

Ventana, Le
Chemin du
Moulin, St.
Ouen:
proposed
extension and
greenhouse
(RFR).

A8. The Committee received a report in connexion with a request for the reconsideration of an application which had been determined by the Department under delegated powers and which proposed the construction of a 2 storey extension to the east elevation of the property known as Ventana, Le Chemin du Moulin, St. Ouen. It was also intended to construct a greenhouse to the north of the property. The Committee had visited the application site on 27th September 2022.

Connétable R.A.K. Honeycombe of St. Ouen did not participate in the determination of this application.

P/2021/1505

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

The Committee noted the planning history of the site, which included the approval of, among other things, a glazed extension over the existing pool with a linked structure to main house (application reference P/2016/0643 refers) and a 2 storey extension to the north elevation, together with 2 ground floor extensions to the south elevation (application reference P/2020/1232 refers).

The current proposal sought to construct a 2 storey extension to the east elevation and a new greenhouse to the north of the property. The prospective extension would increase the footprint of the existing dwelling by an additional 69.25 square metres, allowing for an enlarged dining room, gym, bedroom and dressing area. The proposed extension was considered to be out of character with both the existing building and the surrounding landscape by virtue of its design, which was considered to be visually incongruous and unsympathetic to its environment.

The Committee was advised that the application had originally been determined and refused in accordance with Policies GD1, GD7, SP4 and NE6 of the 2011 Island Plan. On receipt of the request for reconsideration, the Department had re-assessed the application against the Bridging Island Plan Policies and refusal was recommended on the grounds that the proposal would result in the addition of an inappropriate and visually prominent extension in this sensitive location. Whilst the Department's position had not changed as a consequence of the adoption of the Bridging Island Plan, the reasons for refusal had been updated to reflect the Bridging Island Plan Policies H9, GD6 and PL5. It was recommended that the Committee maintain refusal on this basis.

The Committee heard from the applicant's agent, Mr. ■ Godel, who referred to the

reasons for refusal (as set out in the original officer report) and, in particular, the second reason which related to the increased floor space. In this context he pointed out that the permit issued in 2016 had now lapsed so was irrelevant. Consequently, the combined total amount of additional floorspace arising from the 2020 approval and the scheme under consideration was less than that approved under the 2016 and 2020 applications. Mr. Godel did not believe that the increased floor space was excessive and he pointed out that the 2020 permit included covering in an existing terrace area. The current proposals included a modest rear extension with minimal visual impact, especially from the public realm. Mr. Godel believed that the proposed design of the development was sympathetic to the existing dwelling and it would blend in seamlessly. He did not understand how the development could be deemed unsympathetic to the environment. In fact, he argued that the hipped roof reduced the impact of the development. The first reason for refusal also referred to sustainable development and Mr. Godel stated that sustainability could be judged in a number of ways, and he advised that it was proposed to replace the existing oil-fired boiler with air source heat pumps. An enlarged greenhouse for growing plants and vegetables was also proposed.

Having considered the application, the Committee endorsed the Department recommendation to refuse permission for the reasons set out in the accompanying report.

Millemont, Les
Varines, St.
Saviour:
revised plans.

P/2017/1029

A9. The Committee received a report in connexion with a request for the reconsideration of an application which had been determined by the Department under delegated powers and which proposed revisions to the approved plans in respect of the property known as Millemont, Les Varines, St. Saviour. The Committee had visited the application site on 27th September 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was on the Eastern Cycle Route Corridor. Policies SP3, 4 and 5, GD6, PL5, NE2 and NE3 and NE7 of the 2022 Bridging Island Plan were relevant.

The Committee was apprised of the planning history of the site, which included the approval of an application in 2018 (contrary to the Department's recommendation) for various alterations and extensions to the existing habitable buildings at Millemont to facilitate the creation of 7 residential units. Subsequently, 2 further applications seeking approval for minor amendments to convert a garage and store to habitable accommodation and various internal and external alterations to 2 units had been approved.

The Committee noted that the current application proposed the creation of a new vehicle entrance on to Les Varines and it had been refused on the grounds that it involved creating an opening in an existing roadside wall and bank, significant excavation to create a ramped vehicle access with visibility splays and the removal of a number of trees. The scheme was considered to have a serious detrimental impact on the character of the area, contrary to Policies SP3, 4 and 5, GD6, PL5, NE2 and NE3 and NE7 of the 2022 Bridging Island Plan. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mr. ■ Falle and his agent, Mr. ■ Wildbore-Hands. Mr. Wildbore-Hands advised that the Department reports did not reference the approved landscaping plan and he assured the Committee that there was no intention of removing any more trees than was absolutely necessary to

facilitate the proposal. The volume of materials which were to be excavated was not as significant as it might first appear. The Parish of St. Saviour had been consulted in relation to the proposals and, following revisions to the scheme, had been satisfied with the application. Moving the access point closer to the main house on a straighter section of road and would be safer. Finally, the Committee was advised that several years ago the landowner had provided an informal footpath for use by the public.

Mr. Falle advised that when the original scheme had been designed it had been anticipated that the existing entrance would be sufficient to serve the development, but this had proved impractical. Consequently, various alternatives had been considered and the proposed new access arrangements were considered to be the most suitable. The new access had been designed in a similar manner to the existing access on Les Varines and landscaping would make it visually attractive.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report.

Spion Kop
Farm, Le
Chemin du
Moulin, St
Ouen:
proposed
demolition and
redevelopment
of dwelling/
outbuildings
(P/2021/1734).

A10. The Committee received a report in connexion with a request for the reconsideration of an application which had been determined by the Department under delegated powers and which proposed the demolition of an existing dwelling and outbuildings at Spion Kop Farm, Le Chemin du Moulin, St Ouen and the construction of a new 6 bedroom dwelling with associated landscaping scheme. It was also proposed to extinguish the existing vehicular access and create a new vehicular access onto La Chemin du Moulin. The Committee had visited the application site on 27th September 2022.

Connétable R.A.K. Honeycombe of St. Ouen 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 Coastal National Park and that Policies SP2, 3, 4 and 5, PL5, GD1, GD5, GD6, NE1, NE2, NE3, ERE1, H1, H9, ME1, TT1, WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application had originally been assessed and refused on the basis of the 2011 Island Plan Policies SP1 and NE6. On receipt of the request for reconsideration, the Department had re-assessed the application against the 2022 Bridging Island Plan Policies and it was recommended that the Committee maintain refusal on the grounds that the proposal was contrary to Policies SP2, SP4, SP5, PL5, NE3 and H9 of the 2022 Bridging Island Plan. Whilst the Department accepted that this simple and modest farm group was in generally poor condition and that demolition and redevelopment were acceptable in principle, concerns existed with regard to the scale and impact of the proposed new dwelling.

The Committee heard from Mr. ■ Godel, representing the applicant. Mr. Godel advised that he wished to present some new images to the Committee which he hoped would illustrate that the decision to refuse the application had been subjective and erroneous. However, the Chair advised that the Committee had to consider the application on the basis of the refused submission. Mr. Godel continued, advising that the floorspace of the proposed new dwelling was smaller than that of the existing dwelling (the case officer advised that it was only marginally smaller). However, Mr. Godel argued that a reduction in floorspace was within the spirit of the Island Plan Policies. He added that, in his view, measuring footprints in developments like this was 'a nebulous concept' as the proposed development was more compact so it could be argued that it had a significantly smaller footprint. The increase had only

arisen as a result of efforts to reduce the visual impact. Mr. Godel referred to another development in the Coastal National Park which was in a prominent location where the floor space and footprint had increased significantly. In this particular case the Department report had stated that the visual impact had been reduced by virtue of the design approach. Mr. Godel believed that the application under consideration reduced the visual impact and he stated that the proposed new dwelling would replace an ugly and inefficient building. Landscape and ecological improvements would substantially improve the appearance of the site. At present the landscape consisted of overgrown grass and the scheme came with 'a whole swathe of improvements'. Whilst increased areas of hard standing had been deemed problematic by the Department, Mr. Godel suggested that there had been some 'double counting'. Had the application included an area to the west and omitted the roof terraces this would have represented a reduction. In terms of the height of the building, Mr. Godel advised that the ground floor would be excavated so the vast majority of the lower area would not be visible. Again, he referred to another recently approved scheme where a similar approach had been adopted.

Having allowed Mr. Godel additional time to make his presentation the Chair asked him to conclude and respectfully requested that he refrain from criticising the case officer. The case officer conceded that double counting might have occurred but he stood by the overall assessment of the scheme.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing, the Committee also suggested that some demarcation between the domestic curtilage and agricultural land was required. A number of members were not convinced that the case for demolition had been made and it was agreed that this should be added as a reason for refusal.

Maison Fosse
au Bois, La
Route de
Vincelez, St.
Ouen:
proposed
variation of
condition of
permit.

A10. The Committee received a report in connexion with a request for the reconsideration of an application which had been determined by the Department under delegated powers and which proposed the variation of a condition attached to the permit associated with planning application reference P/2006/0747 for development at Maison Fosse au Bois, La Route de Vincelez, St. Ouen. The Committee had visited the application site on 27th September 2022.

Connétables R.A.K. Honeycombe of St. Ouen and Deputy K.C. Lewis of St. Saviour did not participate in the determination of this application.

P/2021/1835

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies PL3 and GD1 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application had originally been assessed and refused on the basis of the 2011 Island Plan Policy GD1. On receipt of the request for reconsideration, the Department had re-assessed the application against the 2022 Bridging Island Plan Policies

The Committee noted that the application proposed the variation of condition No. 7 of the permit which stipulated that no trees on the site should be felled, lopped, topped or in any way destroyed or removed. This condition had been added to the permit issued in respect of the development of 3 new dwellings with garaging, parking and associated landscaping. The applicant was seeking the variation of the condition to permit the removal of a row of Leylandii trees and their replacement with a Laurel hedge to be maintained at a height of 2 metres. The application had

been refused on the grounds that the proposed height of the new hedge would result in unacceptable overlooking to the first floor north gable window and amenity space of the neighbouring property to the south, known as Le Retour, contrary to Policy GD1 of the Bridging Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. ■ Noel ■ who advised that she objected to the application on the basis that it would have a significant impact on ■ privacy. She explained that the applicant had previously removed a tree in 2020 and had failed to replace this, despite giving an undertaking to do so. The proposed new hedge would take several years to grow if properly nurtured. Ms. Noel was also concerned that removing the trees would be detrimental to wildlife.

The Committee heard from the applicant, Mr. ■ Hunt, who advised that the residents of 2 of the new dwellings which had been constructed, which were known as Maison Lucille and Maison Marguerite Le Feuvre, were being adversely affected by the Leylandii trees which reduced the amount of natural light received by the properties. Mr. Hunt did not believe that the proposal would be prejudicial to the privacy enjoyed by La Retour as neither the property or its garden would be visible at ground level from Maison Lucille and Maison Marguerite Le Feuvre. He believed that the proposed hedge should provide adequate privacy at first floor level to the garden of La Retour. He also offered to carry out additional planting to ensure privacy to the first-floor gable window at La Retour. Maison Marguerite Le Feuvre was offset from La Retour so there would be no view into the gable window. The trajectory view from the windows into the garden of La Retour meant that only a distant part of the garden and the driveway would be visible, resulting in little impact on privacy. Mr. Hunt advised that the Department had suggested that a 3 metre high hedge would be more appropriate, but he was concerned that this too would cause shadowing and loss of light, particularly as the hedge would be only 6.4 metres away from Maison Lucille and Maison Marguerite Le Feuvre. In concluding, Mr. Hunt offered a compromise solution which involved planting a so called 'lollipop' tree in order to afford greater privacy to La Retour. However, the Chair advised that the Committee had to determine the application as submitted.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing so members urged neighbours to work together to reach a solution as it was likely that the existing trees would have to be replaced at some point in the future.