

KML

PLANNING COMMITTEE

(10th Meeting)

30th September 2021**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence and Deputies R.E. Huelin of St. Peter and K.F. Morel of St. Lawrence, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair  
 Deputy G.J. Truscott of St. Brelade, Vice Chair  
 Deputy L.B.E. Ash of St. Clement  
 Deputy S.G. Luce of St. Martin  
 Deputy M.R. Le Hegarat of St. Helier  
 Deputy J.M. Maçon of St. Saviour

In attendance -

P. Le Gresley, Director, Development Control  
 (not present for item Nos. A7 – A11)  
 C. Jones, Senior Planner  
 E. Stables, Senior Planner  
 L. Davies, Planner  
 G. Vasselin, 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.

Minutes.

A1. The Minutes of the meeting held on 15th July 2021, having been previously circulated, were taken as read and were confirmed.

Cyril Le Marquand House, Union Street/The Parade, St. Helier: proposed demolition and redevelopment.

A2. The Committee considered a report in connexion with an application which sought permission for the demolition of Cyril Le Marquand House, Union Street/The Parade, St. Helier and its replacement with a new 7 storey Government Headquarters office building with associated landscaping and public realm improvements. The Committee had visited the site on 28th September 2021, during which time it had requested that the Principal Historic Environment Officer attend the public meeting on 30th September 2021, to provide advice in relation to an objection raised by the Historic Environment Section (HES).

P/2021/0669

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 – SP7, GD1, 3, 4, 5, 6 and 7, HE1 and 5, NE1, BE5, E1, TT2, 4, 8 and 9, NR1 and 3, NE7, LWM2 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee was informed that the scheme included a substantial financial contribution [REDACTED] to cover the cost of a new bus shelter and works to the public realm. The combination of a new, high profile civic building, in conjunction with significant public realm improvements, provided the opportunity for comprehensive regeneration in this part of St Helier. The scheme would also bring economic benefits. The consolidation of staff into a single enlarged building would release other sites within the Government's portfolio for redevelopment and would increase footfall in St. Helier and the use of public transport.

The proposed height, scale and mass of the building were critical to delivering a consolidated office space for staff in a landmark building. Policy GD3 required the highest density of development commensurate with good design. Whilst it was acknowledged that the scheme proposed a tall building (30 metres high), the existing building was taller at 42 metres (at its highest point).

The application had attracted 9 letters of representation. It was supported by the majority of statutory consultees (subject to conditions and the entering into of a Planning Obligation Agreement (POA) to secure the financial contribution detailed above) with the exception of HES. HES had objected on the grounds that the replacement building failed to preserve or enhance the setting of nearby Listed Buildings and Places due to its height and siting. This view was not shared by the Department. It was acknowledged that the building projected forward of the existing building line, but the height was substantially reduced (at its highest point). The proposal delivered significant street repair and the public realm improvements would improve the relationship between the Cenotaph and Parade Gardens. As such, the proposed development was considered to satisfy Policy HE1 in terms of enhancing the setting of nearby Listed Buildings and Places. The scheme had evolved in response to comments from the Jersey Architecture Commission (JAC), which body had not objected to the scale. The proposed development was considered to satisfy all relevant Island Plan policies and the draft Supplementary Planning Guidance for the site.

It was recommended that the Committee 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 to secure a contribution [REDACTED] to cover the cost of a new bus shelter and works to the public realm.

The Committee heard from Ms. [REDACTED] Ingle, Principal Historic Environment Officer, who advised that, Parade Gardens (Grade 2 Listed) lay to the west and north-west of the site and to the south-west was the Grade One Listed Cenotaph. A number of other Listed Buildings surrounded the application site. With regard to commentary in the Department's report regarding the view of the JAC, Ms. Ingle reminded the Committee that the role of the JAC was to offer an objective view and she highlighted the fact that the scheme had been 'fairly well advanced' by the time it had been presented to the JAC so there had been little opportunity to make amendments. She asked the Committee not to rely on statements to the effect that there had been no objection to the height and scale of the building. Ms. Ingle advised that the proposed new building had to be considered in the context of the wider setting. The existing building was prominent and could be viewed from a number of locations and this did not appear to have been taken into account when considering a replacement building. The visual impact of the proposed new building had not been addressed and the scheme proposed an equally damaging 7 storey-block of a larger mass and scale, even though the height had been reduced. The architecture of the building was also considered to be unremarkable and not well connected to the street or its locality. Consequently, the HES could not support the application and

felt that the impact on York Street would be significant and articulation would not overcome this impact.

The Committee heard from Mr. ■ Pinel, who advised that any new public or civic building should lead the way in terms of its response to climate change. Mr. Pinel was disappointed with the proposal to replace one enormous building with another and questioned the message this sent to the younger generation at a time when a climate emergency had been declared. He also noted that no street trees or permeable surfaces had been incorporated. Mr. Pinel suggested that the Government should lead by example. He advised that the applicant had responded to his initial written objection by referring to BREAM targets, a sustainability assessment method which used certain standards to rate developments which enhanced the well-being of the people who lived and worked in them and helped protect natural resources. Mr. Pinel reminded the Committee of the impact of the demolition of the building and the embodied carbon. He stated that if the Government was serious about achieving carbon neutrality by 2030, steps had to be taken now and he viewed the proposal negatively in the context of climate change. Mr. Pinel asked why a waste strategy had not been included within the submitted application and expressed the view that references to waste in the report appeared to be inconsistent. There was no indication of the amount of waste materials which would be produced, where these would go or if they would be reused. References to 280 tonnes of concrete appeared surprisingly low. In conclusion, Mr. Pinel urged the Committee to refuse permission.

The Committee heard from Mr. ■ McCarthy, a Consulting Engineer. Prior to his address, Mr. McCarthy requested that those present observe a period of silence in memory of the late former Deputy R.C. Duhamel of St. Saviour, who had served as a member of the former Island Development Committee and successive Planning Committees; ultimately becoming Minister for the Environment and the first Chairman of the Environment Scrutiny Panel. Mr. McCarthy described Mr. Duhamel as the ‘father of environmental science’ and lamented the loss of a great champion of the environment.

Turning to the proposal, Mr. McCarthy described it as harmful and detrimental to the human right to health. He believed that environmental impact assessments which were submitted with applications in the Island were not sufficiently detailed. He made specific reference to documents submitted in respect of the redevelopment of The Limes and the extension of Ronez Quarry and advised that, ultimately, there would be accountability in the Court of Human Rights in Strasbourg. He reminded the Committee that 250 years ago the public had made their feelings on profiteering clear during the corn riots and this had led to more democratic processes. In the name of democracy, Mr. McCarthy urged members to support an investigation into whether the application was misleading. He alleged that the environmental impact assessment was inadequate and he stated that a member of the JAC was also employed by the applicant. He felt that the proposed new building would be an easy target for terrorists and would be harmful to the health and wellbeing of the occupants and the surrounding area. He asked for an assessment of the ‘healthiness’ of this ‘deep plan building with limited natural light’.

The Committee heard from Mr. ■ Scate, Director General, Infrastructure, Housing and Environment Department, representing the Government of Jersey. Mr. Scate explained the need for the proposed new building and outlined the benefits of rationalising the Government estate, freeing up 10 other sites if permission was granted. The proposed new building would have excellent environmental credentials and would provide much improved working conditions. The scheme would have a regenerative impact on the area and would provide economic stimulus. In terms of

the public realm improvements, the applicant had worked with the Parish of St. Helier in this context and there were aspirations to enhance the wider public realm in the future. The proposed new building would allow members of the public to access a number of services in one location and staff would no longer have to travel between sites.

The Committee heard from Messrs. ■ McDonald, Axis Mason Architects, ■ Nicholson, MS Planning and ■ Huckson, Dandara Limited. Mr. Nicholson addressed the Committee, advising that the proposed new office use was entirely appropriate in this location and would increase footfall and vitality. The building would accommodate a number of Government Departments and would facilitate easy access for customers. It would also free up several Government owned sites and the proposed new building would be a vast improvement on the existing building. A high quality, modern and flexible workspace would be provided and the building had been designed to achieve the BREAAAM excellence standard. It would be only one of handful of buildings in the Channel Islands to achieve this standard.

Mr. McDonald stated that the aim was to create a distinctive piece of civic architecture, which was locally relevant in both design and construction. Approval of the application would result in investment in the local economy and the scheme met the requirements of the brief. BREAM excellent building status had been achieved and a high quality flexible working space would be provided in a welcoming and safe environment. Turning to the consultation process and the JAC peer review, there had been eight months of detailed design development and the scheme had been amended in response to comments received. It was noted that the form of the building had been redesigned with reference to local town architecture, the scale of the roof reduced and more detail had been added to the façade. Mr. McDonald concluded by stating that the scheme would provide a modern sustainable office space for Government employees and would improve the setting of Parade Gardens and the Cenotaph.

Mr. Huckson advised that the Government of Jersey had entered into a development agreement with Dandara Limited for the provision of a new Government headquarters. If permission was granted, the existing building would be demolished and replaced with a bespoke office building, as part of the move to modernise Government services. Accommodating staff in the proposed new building would free up 11 sites for housing. There had been significant engagement with Government Departments and the JAC throughout the life of the application and, if approved, the development would be complete by 2024. The proposed new buildings would respond to local characteristics and floor plans to functional requirements. The building would benefit from natural daylight and flexible working opportunities arising from shared facilities. A sole tenancy arrangement would provide exclusive control of services. The building included multiple access points in response to requirements arising from the Covid-19 pandemic and had been assessed using BREAM standards obtaining the highest score in the Channel Islands and would be in the top 10 percent of sustainable buildings internationally. The application did not seek consent for wider public realm works and these would be determined in consultation with stakeholders. However, there would be immediate improvements to the public realm, to include new footpaths. The POA would ensure funds for wider public realm improvements were secured. The proposed design responded to consultation feedback and would provide a bespoke solution for the Government and the public. The scheme would enhance the setting of Parade Gardens and the Cenotaph and would deliver local value and community benefits. The construction of a new Government Headquarters would reduce the Government estate by 45 per cent and reduce the carbon footprint. The working environment would be improved and would enable greater team working and collaboration in support of first-class

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service delivery. Finally, the scheme represented a significant piece of regeneration and street scape repair, whilst also being considerate to the setting of surrounding Listed Buildings and in compliance with relevant Island Plan policies and Supplementary Planning Guidance.

In response to a question from Deputy S.G. Luce of St. Martin, the case officer confirmed that the JAC had not had sight of the current scheme, but had considered a previous incarnation. Mr. Huckson added that several recommendations which had arisen from the initial review of the scheme by the JAC had been adopted. However, Deputy Luce noted that the JAC had supported the inclusion of an atrium and this had not been incorporated in the proposed development. Mr. Huckson advised that the depth of the floor plate meant that there would be sufficient natural light on all 4 elevations so the inclusion of an atrium was not necessary. Turning to the view of the JAC on the height, scale and mass of the building, Mr. McDonald advised that whilst there had been no specific objection, more façade articulation had been required and the scheme had been amended in response. With regard to questions in relation to how the Department would validate the BREEAM rating, it was noted that building had been assessed as exceeding the 'excellent' standard and that if permission was granted a condition could be attached to the permit to ensure that this standard was achieved.

The Committee heard from Ms. ■ Baxter, Heritage Consultant who referred to written comments submitted in a letter dated 3rd September 2021, in support of the application. Ms. Baxter noted that whilst the objection from HES made reference to visual impact and archaeological assessments, no reference had been made to the heritage statement prepared in support of the application. This specifically assessed the impact of the proposal on built heritage assets and this omission called into question the rigour of the approach adopted by the HES. The scheme was believed to accord with the specific requirements of Policy SP4 and the reductions in scale and mass and greater articulation of facades was considered to exceed the policy requirement. Furthermore, the removal of Cyril Le Marquand House was recognised as being beneficial in terms of the significance of surrounding buildings. The proposed new building would not be as tall as Cyril Le Marquand House and the elevations would reflect the historic built context and utilise classical proportions in their composition. All of these aspects integrated the building into the context more successfully than the existing building. The reduction in height reduced the incidences of glimpsed views of the proposed new building and, when combined with public realm improvements which reinstated the historic relationship between the Grade One Listed Cenotaph and the Parade Gardens ensured that the proposed building more than satisfied the requirements of Policy HE1.

Having considered the application, the Committee, with the exception of Deputy Luce (who did not believe that the proposed development was 'inspiring enough' and was disappointed with the roof design) endorsed the recommendation to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of the entering into of a POA, as detailed above. The Committee also directed that an additional condition be attached requiring independent verification of the BREEAM standard prior to occupation. In arriving at its decision, some members of the Committee challenged the figures set out in the waste management plan and sympathised with the views expressed by Mr. Pinel, particularly as the existing building had been constructed only 39 years ago. The Chairman also expressed reservations regarding the increased mass towards the Parade, but concluded that overall improvements to the public realm and the removal of Cyril Le Marquand House would be beneficial in terms of the setting of heritage assets.

No. 6  
Clarendon  
Road, St.  
Helier:  
proposed  
extension/  
garden  
shed/repairs.  
  
P/2021/0507

A3. The Committee considered a report in connexion with an application which sought permission for the construction of a first-floor extension to the east elevation of No. 6 Clarendon Road, St. Helier. It was also proposed to construct a garden shed to the east of the site and carry out repair work to the west elevation guttering. The Committee had visited the site on 28th September 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies GD1 and 7, BE6, HE1 and HE2 of the 2011 Island Plan were of particular relevance.

The Committee was informed that, whilst only 2 representations (one objection) had been received in connexion with the application, as the applicant was a sitting States Member it fell to the Committee to determine the application, in accordance with agreed procedures.

The scheme proposed a first-floor extension to the east elevation of this Grade 3 Listed Building, together with repairs to a gutter to the west and the construction of a garden shed to the east. Initial concerns raised by the Historic Environment Section (HES) (regarding visual prominence; re-use of the historic window materials; submission of joinery details; relocation of the shed and design) had been addressed through the submission of amended plans and HES now supported the scheme. The proposal was considered to satisfy the relevant Island Plan policies and was recommended for approval, subject to the imposition of a single condition, detailed within the officer report.

Ms. [redacted] Ingle, Principal Historic Environment Officer responded to questions from Deputy G.J. Truscott of St. Brelade, Vice Chair, in connexion with the loss of an original historic window. She confirmed that there was a balance to be struck in this case and HES was satisfied with the fenestration pattern.

In response to a question regarding the roof material, Mr. [redacted] Cornick of Mac Architecture confirmed that zinc would be used.

Having considered the application, the Committee endorsed the recommendation to grant permission, subject to the imposition of the condition detailed in the officer report.

Bay Croft, La  
Route de la  
Haule, St.  
Lawrence:  
proposed  
demolition and  
redevelopment.  
P/2019/0113

A4. The Committee, with reference to its Minute No. A5 of 16th October 2019, considered a report in connexion with an application which proposed the demolition of the existing dwelling and garage at the property known as Bay Croft, La Route de la Haule, St. Lawrence and their replacement with 7 x 3 bedroom apartments with garages and integral storage. In addition, a new vehicular access and landscaping were proposed. The Committee had visited the site on 28th September 2021.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, SP2, SP6, SP7, GD1, GD3, GD4, GD7, GD8, NE2, H6, TT4, TT8, TT13, TT14, LWM2 and LWM3 of the 2011 Island Plan were relevant.

The Committee recalled the planning history of the site, which included the refusal of 2 previous schemes on the grounds of overdevelopment and impact on neighbours. Bay Croft was a one and half storey detached dwelling located on a substantial plot (approximately 2,280 square metres/24,500 square feet). The dwelling was set back from the road by around 23 metres, with large garden areas to both the front and rear. The property had a single point of access from the main

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road at the south eastern corner of the site. The site was surrounded on three sides by residential development, including the Parc du Rivage private estate.

The current application proposed 7 apartments towards the southern end of the site, broadly in place of the existing dwelling, together with associated parking/garages, an access road and landscaping. The overall scale and mass of the development had been reduced, particularly in the northern part of the site. A traditional design approach had been adopted which was reminiscent of Victorian-era buildings in the vicinity.

The site formed part of the Built-Up Area wherein new residential development was generally focused and encouraged. Under the provisions of the Island Plan Spatial Strategy, sites within the Built-Up Area were required to be developed to the highest reasonable density, commensurate with good design, adequate amenity space and car parking, and without having an unreasonable impact on adjoining properties. A number of public comments had been received in relation to the application expressing the view that whilst the architectural approach represented an improvement over previous schemes, the scale of the development remained a concern.

The new development was set some way back into the site, retaining the landscaped shared garden along the roadside. Overall, the design and impact of the development from the public realm to the south, was considered to be acceptable. As with previous applications, an objection has been raised by the Highway Authority. Although the repositioned site entrance would comply with the required technical standard (with regard to its width and visibility), concerns existed regarding the intensification in the use of the site in the context of the capacity of the road. The Department was of the view that this was an under-utilised site, forming part of the Built-Up Area, which had redevelopment potential under the broader provisions and aims of the Island Plan. If traffic levels were considered to be an issue then transport policy within the Island should be considered, to include facilitating and incentivising modes of transport other than private cars.

On balance, the Department believed that the application was in accordance with the relevant policies of the Island Plan; in particular, Policies SP1 (Spatial Strategy), GD1 (General Development Considerations), GD3 (Density of Development) and H6 (Housing Development within the Built-Up Area). Consequently, it was recommended that permission be granted, 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 (POA) to secure a contribution of £8,100 towards cycle infrastructure in the vicinity of the site and a requirement for revisions to road markings to extend the right-turn pocket for west-bound vehicles entering the site. In the event that a suitable POA could not be agreed within three months of the date of approval, the application would be returned to the Committee.

A total of 9 letters of representation had been received in connexion with the application.

The Committee heard from Mr. ■ Williams, ■ who suggested that if permission was granted the applicant should be required to provide bus shelters on the eastern and western routes to encourage bus use. The case officer responded by advising that the scheme did not meet the threshold which triggered the requirement for the provision of a bus shelter, as set out in the Supplementary Planning Guidance (SPG). Consequently, the Committee could not require this as part of any grant of planning permission. Mr. Williams pointed out that a pedestrian refuge had been relocated some years ago and there had been incidence of this being

struck by vehicles travelling west from Parc du Rivage. The proposed new entrance would be only a few metres away and Mr. Williams felt that this would exacerbate the problem.

The Committee heard from Ms. ■ Keeping, who supported Mr. Williams in his request for bus shelters and believed that the absence of a shelter was a disincentive to using public transport during inclement weather. Ms. Keeping also asked the Committee to consider requiring obscure glazing in certain first floor windows to prevent overlooking of her amenity area.

The Committee heard from Connétable D.W. Mezbourian of St. Lawrence, who spoke on behalf of residents. The Connétable believed that whilst the scheme represented an improvement over previous schemes, she was concerned about the objection from the Highway Authority and the Department's stance in response to this. She referred the Committee to the requirements of Policy TT14 of the 2011 Island Plan and believed that the Committee usually erred on the side of caution in such cases and placed significant weight on the views of the Highway Authority. The Connétable noted that if off-site highway improvements were made the objection would fall away. Turning to the Department report, the Connétable expressed considerable concern at what she interpreted as an implied (and possible unintended) criticism of those who had submitted representations in respect of earlier schemes and the perception that these should somehow be given less weight. She reminded the Committee that this was a democratic process and she feared that comments of this nature could deter public participation. The case officer advised that it had not been his intention to imply any criticism, but rather a mechanism by which to state that residents' concerns remained.

The Committee heard from the applicant's agent, Mr. ■ Godel. Mr. Godel advised that whilst Policy TT14 precluded the formation of new entrances, it did not prevent the relocation of existing entrances or the increased use of those entrances. Consequently, he did not believe that the scheme contravened the aforementioned policy. He understood that the aim of the policy was to limit traffic entering the particular section of road to avoid congestion, as opposed to any specific safety concerns. In response to the Connétable of St. Lawrence's comments regarding the weight given to objections from members of the public, Mr. Godel confirmed that all objections had been carefully considered and a public consultation meeting had been held. Based on comments received the scheme had been amended. With regard to the potential for overlooking, the applicant had offered to obscure glaze or remove a window on a living room to the south of the building. Other windows which overlooked neighbouring sites were bedroom windows and an opaque glazed window which served an en suite bathroom. On the top level there were windows to a dressing area on the east and a kitchen to the west – the former would be opaque glazed. The applicant was willing to consider opaque glazing on other windows if the Committee felt this was appropriate. With regard to screening balconies, a lattice painted timber screen would serve the level 2 terrace, but there would be no screening on the upper levels. Mr. Godel pointed out that the property known as Beau Rivage, a property to the west and the property known as Kirkstone benefitted from projecting balconies. He did not believe a preponderance of privacy screens on apartments buildings to be very aesthetic and urged the Committee not to require the same.

The Connétable of St. Lawrence wished to clarify that her comments in relation to the objections received had related to her perception of statements in the Department report and not the consideration of objections by the applicant or the agent. Deputy J.M. Maçon of St. Saviour added that the Committee gave sufficient weight to all objections, irrespective of the planning history of sites.



had properly assessed the impact of the proposal in this context. There was no reference in the Department report to Policy HE1. The application site was also in the Coastal National Park, which was afforded the highest level of protection. Whilst policy exemptions existed, Mr. Nicholson did not believe that these applied to the application under consideration. The application fell to be considered under Policy NR10 and Mr. Nicholson noted that telecommunications antenna would only be permitted where it could be demonstrated that all practical possibilities of sharing facilities had been fully explored. He stated that the other antennae on the building were not mobile telephone masts so this was not a mast sharing site. Therefore, he concluded that the application also failed to satisfy the requirements of Policy NR10. Finally, Supplementary Planning Guidance Note No. 12 (July 2009) stated that certain locations should be avoided for television, radio and other antennae. These included in front of the building line of a property, above the roof line and other particularly conspicuous locations. The application failed on all three counts. Mr. Nicholson urged the Committee to refuse permission.

The Committee heard from Mr. ■ Francisco of Waddington Architects and ■ Knight of Jersey Telecom. Mr. Francisco sympathised with objectors in terms of the length of time it had taken to determine the application. During that time the scheme had been amended in response to concerns expressed with the size of the equipment having been reduced. There had been no objection from the Historic Environment Section and additional information had been provided in relation to the fixings together with a structural engineering proposal, which had been accepted. Mr. Francisco stated that the building had been used for communications for decades. The proposed mast would be the same size as masts approved on other sites and the same height as the existing mast. The colour of the mast could be changed to suit the context. In terms of visual impact, there would be very little change and it was noted that there were already antennae from other providers on the building.

Mr. Knight advised that the application was the last in a series of antennae replacements. He explained that when the original antennae had been erected, the applicant company had been directed towards using this particular site in order to avoid using new sites. There were some issues with the existing equipment in terms of the customer experience. Whilst there was no intention of adding capability, as with other sites, the equipment was 5G ready should the regulator permit this. Mr. Knight explained the manner in which the signal degraded and he also referenced the independent testing process.

In response to Mr. Nicholson's comments regarding the application of policy, Mr. ■ Le Gresley, Head of Development and Land, advised that the Department report referenced Policies NR9 and 10, both of which provided latitude and referenced the Coastal National Park and the Green Zone. Where environmental impacts were identified these were mitigated as far as was possible. Mr. Le Gresley believed that the case had been made.

Having considered the application, the Committee endorsed the Department recommendation to grant permission, subject to the imposition of certain conditions detailed within the report. In doing so the Committee requested that consideration be given to the colour of the equipment in consultation with the Department. Finally, having found the application site to be in an unsatisfactory state, the Committee requested officers to liaise with Jersey Property Holdings with a view to improving the appearance of the site.



The case officer advised that the exit had been designed to ensure that this would not occur and that any light would hit a blank gable wall opposite the exit. In concluding the Connétable reminded the Committee of the Green Zone location of the application site.

The Committee heard from the applicant, Mr. [REDACTED] Trevellyan of CCA Galleries International Limited and his agents, Mrs. [REDACTED] Steedman of KE Planning and Mr. [REDACTED] Skudder, Architect.

[REDACTED]

Mr. Trevellyan was passionate about the Island and was seeking to put Jersey on the cultural map. [REDACTED]

[REDACTED] The property division of Mr. Trevellyan's company specialised in restoring Listed Buildings [REDACTED]

[REDACTED]

[REDACTED] In essence, his passion for restoring Listed Buildings had led to the acquisition of Millbrook House Hotel, which he wished to restore and revive in a sensitive manner, with due respect to the flora and fauna. The scheme would see the removal of 70 Sycamores and their replacement with indigenous species. A landscape architect [REDACTED]

[REDACTED] would oversee the project.

The Committee heard from Ms. [REDACTED] Burns of Visit Jersey, who expressed support for the scheme and highlighted the benefits both in terms of the tourism product and the contribution the project would make to the local economy. Ms. Burns stated that it was important to encourage the establishment of new hotels in the Island, particularly in the light of the reduced number of tourism beds. Demand for this type of accommodation was growing and research revealed that visitors wished to stay in 4 or 5 star accommodation. Pent up demand for indulgent and socially conscious holidays had arisen as a result of travel restrictions brought about by the pandemic. There were only 2 x 5 star hotels in the Island at present so the proposed development presented an exciting and much needed addition to the luxury market. Sustainable tourism was extremely important with multi-generation visitor accommodation and year-round tourism opportunities being sought. The project would provide an authentic visitor experience and aligned with carbon neutrality goals.

The Committee heard from Mr. [REDACTED] Smith of Jersey Business, who expressed support for the project and referred the Committee to his written submission. As the Island emerged from the pandemic it was vital to have more resilient and sustainable businesses and the applicant's business plan was confident and strong and the venture which would contribute to the wider economy. A critical aspect for the Island was year-round connectivity for tourism and business. Environmental sensitivity and the promotion of culture were crucial to helping Jersey thrive.

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Mrs. Steedman addressed the Committee, drawing parallels between the application and the approved Jersey Sports Academy development. The scheme was of a high quality and the product would significantly enhance both the experience of visitors and Islanders alike. The applicant had considerable experience in the restoration of historic buildings. Whilst project viability was essential, the protection and enhancement of the environment were also crucial elements of the scheme. The former hotel use had operated for a number of years and had generated vehicle trips to and from the site. A transport assessment which had been commissioned in connexion with the proposed development and this had not identified any highway safety issues. The application was supported by both the Historic Environment and the Natural Environment Sections and accorded with relevant Island Plan Policies.

Mr. Skudder addressed the Committee advising that he had consulted the Highway Authority in respect of the access/egress arrangements and the proposed approach had been endorsed. The location of the vehicular access presented the best solution in terms of visibility and came out opposite a blank wall. Alternative locations had been explored and these would have a greater impact on ecology and would mean vehicles passing more neighbouring properties. The Committee also received advice from the transport expert for the scheme who confirmed that the site access junction had been designed to enable full visibility in both directions. In response to a question from Deputy J.M. Maçon of St. Saviour regarding the policing of the internal one way system, it was noted this would be managed in the usual way with signage or a barrier arrangement.

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

Part of Field  
No. 534, Le  
Mont de la  
Hague, St.  
Peter:  
construction of  
storage  
structures/hard  
standing area  
(RETRO-  
SPECTIVE).

A7. The Committee considered a report in connexion with a retrospective application which sought permission for the construction of certain storage buildings for hay and agricultural equipment on part of Field No. 534, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

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 located in the Green Zone and was a Listed Place. Policies NE7, ERE1, ERE6 and HE1 of the 2011 Island Plan were relevant.

P/2020/1644

The Committee was advised that the application related to a small area within Field No. 534, which was located centrally within Home Farm. An area of concrete hardstanding had been formed and an L shaped building erected to store hay and agricultural equipment. As the site was within an agricultural field and the proposed use related to the grazing of animals, which was an agricultural use, the Department had no objection to the application, subject to the condition that the use remained agricultural. It was recommended that permission be granted on this basis.

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

The Committee heard from Mr. [REDACTED] Coleman, [REDACTED] [REDACTED] Mr. Coleman advised that he had [REDACTED] [REDACTED] seen many changes made to the application site. He thanked the Department for identifying the unauthorised works which had been carried out and expressed concern at the arguments which had been made in support

of the unauthorised works, most of which he believed attempted to 'skim over' the legal requirements. Arguments based around the fact that the site was not visible from public view were considered unacceptable and Mr. Coleman stated that if this rationale was followed through to its conclusion planning permission would not be required for works which were not visible from the public realm. Moreover, it was a matter of fact that hedges would eventually die or could be cut down. He cited destruction of views as only one consequence of the screening of the application site.

Turning to the issue of traffic, Mr. Coleman stated that basing arguments around an absence of complaints said more about tolerance than anything else. He believed that unannounced traffic surveys should be carried out so that traffic patterns could not be altered to give a false impression of vehicle movements. Mr. Coleman informed the Committee that lorries arrived at the application site early in the morning 7 days a week. He also highlighted the fact that traffic levels had been suppressed as a result of Covid related restrictions. The Green Lane network around Mont de la Hague and Rue de la Hague were used by large numbers of pedestrians, horses and cyclists and were a long standing and cherished amenity and Mr. Coleman had understood that restrictions existed with regard to the use of the Green Lane network by large vehicles. He did not believe that the uses on the application site had not impacted on traffic levels.

The applicant also sought to justify certain unauthorised uses on the basis that charitable organisations were permitted to use the site for storage purposes. Whilst the work of these charities was laudable, using a populist argument as a means to justify unauthorised works was inappropriate and the nature of occupancy should not lend an 'air of respectability'. In any case, there was no guarantee that the site would be used by charitable organisations for storage purposes in perpetuity. Mr. Coleman turned to certain inconsistencies about the agricultural status of the application site and the privileges which this status afforded. Mr. Coleman believed that supporting documentation dated 11th June 2020, made a number of contradictory statements in the context of whether the application site was a working farm. He added that if the use of agricultural buildings on the site had not been changed to commercial there would be no need for new buildings. The process of law had been breached denying Islanders the legal right to comment on development proposals on the application site. Mr. Coleman found it difficult to accept that the applicant had acted in ignorance, given the planning history of the site [REDACTED]

[REDACTED] The law was the arbiter of right and wrong and a fair rules-based planning process existed, whether this was convenient or not. The law protected one man's actions from adversely affecting another man. Mr. Coleman was of the view that the only justification for the works on site was economic and he urged the Committee to refuse all of the submitted applications. He added that the removal of an unauthorised field storage facility on Field No. 542 had been required and this had been far less intrusive than the works carried out on the application site. If the Committee permitted the unauthorised works, then the integrity of the whole process was called into question and the change of use of land could be undertaken at the expense of others.

Mrs. [REDACTED] Steedman, representing the applicant, advised that both [REDACTED] were unable to attend the meeting due to the stress associated with the matter. However, the Parish Connétable would speak on behalf of the applicants. Mrs. Steedman also referenced 3 letters of support from the parochial authority which she would pass to the Department for publication. In the meantime, Mrs. Steedman offered to assist the Committee by inviting various individuals to address members on specific matters relating to the applications.

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The Committee received Mr. [REDACTED] Young, a parishioner who was very familiar with the application site, having taken items for donation to the Headway facility on the site [REDACTED]

[REDACTED] Mr. Young advised that the applicant worked extremely hard to maintain the site and he described him as a 'farmer'. Whilst technically there had been a breach of law, Mr. Young believed that worse breaches had occurred elsewhere in the Island. The storage containers on the site could easily be moved and a change of use for storage purposes sought. [REDACTED]

[REDACTED] There was considerable support for the applications and Mr. Young advised that he rarely saw large lorries on the surrounding road network. In concluding he stated that this was a very pleasant area to live in and, in his view, the applicant had improved the Parish.

In response to a question from Deputy S.G. Luce of St. Martin with regard to what crops were grown on the farm, Mr. Young advised that whilst he could not answer this question, he had seen works which we believed were associated with a working farm.

The Committee heard from Mr. [REDACTED] Refault, [REDACTED] Mr. Refault advised the Committee that the applicant also owned land outside of the application site which was farmed. Mr. Refault was the Chairman of Headway and he advised the Committee that the charity relied on heavily on donations and the applicant had donated '10s of thousands of pounds' to the charity. Mr. Refault was also a Director of St. George's school, which shared boundaries with the application site. At a recent board meeting it had been confirmed that the use of the application site presented no issues for the school and that good relations were enjoyed with the applicants. Whilst Mr. Refault acknowledged the need for land control policies he did not believe that these always 'fitted the need'. [REDACTED]

The Committee heard from Connétable R. Vibert of St. Peter, who advised that the applicant was a major landowner who leased land to farmers, in a similar manner to Mr. Coleman. The amount of work carried out by the applicant on the land had reduced [REDACTED] Mrs. Steedman added that the applicant maintained the hedges and carried out some maintenance work on the land, where this was not undertaken by tenants. The Connétable continued, stating that he had agreed to represent the applicants as they were 'too upset' to address the Committee. The applicants had not set out to create problems and there had never been any complaints about the 'minor works' carried out on the site. The site could not be viewed from the public realm and was well away from other residential properties with St. George's school being the closest neighbour and having made no complaints. Many of the activities on the site supported the work of Island for charities for which the applicant did not seek recognition – 11 containers on site were used by Headway charities and the shipping containers had been in situ for over 20 years and this had been verified by a Centenier. The containers had originally been cited closer to the entrance to the farm, but had been relocated 4 years ago when the land had been developed for housing. The Connétable stated that activities on the site did not generate excessive traffic or noise and visits to the containers took place less than once a fortnight. Heavy goods vehicles (HGV) were not used regularly. A traffic consultant employed by the Infrastructure, Housing and Environment Department to carry out an analysis had not sought to contact the Parish so it was unclear as to how the specific conclusions had been reached. The Connétable advised that there were an average of 8.6 vehicle movement per hour



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applicants had received correspondence threatening enforcement action. From the outset the applicants had sought to engage with the process to regularise the development and the legislation allowed for the submission of retrospective applications. In terms of trip generation, the Committee had been made aware of the school traffic and other established businesses such as A.C. Mauger, Dunells and Rebecca Loos. In terms of work carried out by the Occupying forces, these included the construction of a large concrete slab and there had also been damage to Field No. 534, which had affected the quality of the land. Consequently, the agricultural value of the land was questionable. In 1988 permission had been granted for the reprofiling of the land but work had been halted due to the cost and effort involved, which had been considered disproportionate to the value gained. In terms of the Listed status of the field, it was understood that a review was being undertaken. The shipping containers had been in situ for a number of years and Mrs. Steedman believed they had been relocated at the suggestion of the late former Deputy R.C. Duhamel of St. Saviour, in his capacity as Minister for the Environment. In terms of the use of the site for the storage of mobile homes and camper vans, Mrs. Steedman pointed out that the site was well screened and Rue des Sapins (which had a speed limit of 30 miles per hour) was a well-used road. Mrs. Steedman advised that she was able to help the Committee in arriving at its decision and in seeking to do so acknowledged that whilst the shipping containers and camper vans could be stored on a site in the Built-Up Area, there was unprecedented demand for such sites for residential development. If the Committee refused permission she asked where the charities would go. She disputed suggestions of highways safety issues arising from the uses and advised that alternative uses were permissible where there was no agricultural use. There was no demand for the use of the yard for agricultural purposes and even if such demand existed this would likely generate more vehicle trips. Mrs. Steedman contended that the on-site activities did not harm the character of the area and she expressed the view that there had been many changes since the rural economy policies had been approved in 2011. Policy ERE2 allowed the Committee to support the proposals and the Island Plan required a holistic assessment of applications. Article 19 of the legislation also allowed the Committee to have regard to all material considerations and grant permission where exceptional circumstances existed. Mrs. Steedman suggested that this was relevant in the context of the applications before the Committee.

The Committee discussed the applications and received advice on what was permissible in terms of the General Development Order (in the context of field shelters, fencing and access to fields). Members were also advised that the retention of the track leading to the WWII re-enactment area until after the Liberation celebrations in 2022 might be possible. The Committee felt that it would be useful to learn more about the history of the site, specifically the concrete slab referred to in the area which was used for the storage of camper vans and the works carried out by the Occupying forces, which were alleged to have affected the quality and agricultural viability of the land. Deputy Luce also asked about the status of the area of hardstanding around the containers – which did not form part of the submitted applications and the hedges which had been planted to separate the containers from the donkey stables.

The Committee decided to defer consideration of all of the submitted applications pending the receipt of further information.

Part of Field  
No. 534, Le  
Mont de la  
Hague, St.  
Peter: hard

A8. The Committee considered a report in connexion with a retrospective application which sought permission for the hard surfacing of a track through part of Field No. 534, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

surfacing of track. Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application.

P/2020/1645 A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was a Listed Place. Policies NE7, ERE1, ERE6 and HE1 of the 2011 Island Plan were relevant.

The Committee noted that the application sought retrospective permission for the hard surfacing of a track through Field No. 534, which was located centrally within Home Farm. A strip of tarmac had been laid in 2015, presumably over hardcore, for a distance of 65 metres in an east-west direction across the field. The tarmac had been laid in preparation for a particular 'living history' event at an authorised World War II re-enactment area to the east of the site many years ago, to aid access across the field. This unauthorised development should have been removed. The application was contrary to Policies NE7, HE1 and ERE1 and was recommended for refusal.

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

All oral representations in relation to Minute Nos. A7 – A11 were recorded under Minute No. A7 of the meeting.

The Committee decided to defer consideration of all of the submitted applications pending the receipt of further information.

Field Nos. 534 and 536 (land between), Le Mont de la Hague, St. Peter: siting of storage containers and other storage structures.

A9. The Committee considered a report in connexion with a retrospective application which sought permission for the siting of 11 containers and 3 storage structures on a strip of land between Field No. 534 and 536, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

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 located in the Green Zone and Policies NE7 and ERE1 of the 2011 Island Plan were relevant.

MS/2020/1646

The Committee noted that the site was located centrally within Home Farm, on a strip of land between Fields Nos. 534 and 536. The application sought retrospective permission for 11 mobile structures, 2 covered areas and a general storage area. The mobile structures were metal shipping containers currently used for storage by Headway and the Freedom Church. The covered areas and general storage area were used by the applicant for storing agricultural machinery.

The site was located within the Green Zone and was classed as agricultural land. The relevant policies were restrictive and the siting of the shipping containers for general (non-agricultural) storage use by parties other than an agriculturalist was not a permissible use within the terms of the Green Zone Policy, or policies protecting agricultural land. Whilst the Department had no objection to agricultural storage uses, the mobile containers were not acceptable structures for long term use or for non-agricultural uses. The application was, therefore, not compliant with policy and was recommended for refusal on this basis.

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

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30.09.21

All oral representations in relation to Minute Nos. A7 – A11 were recorded under Minute No. A7 of the meeting.

The Committee decided to defer consideration of all of the submitted applications pending the receipt of further information.

Home Farm,  
Le Mont de la  
Hague, St.  
Peter:  
construction of  
storage  
structures/hard  
standing area.

A10. The Committee considered a report in connexion with a retrospective application which sought permission for the change of use of an existing yard to facilitate a dry storage use and for car parking at Home Farm, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

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 located in the Green Zone and Policies NE7, ERE1 and GD1 of the 2011 Island Plan were relevant.

P/2020/1647

The Committee noted that aerial photographs showed that the site had been used for growing vegetables until 2018, but had progressively been hard surfaced and was now used for the storage of vehicles. The site was located within the Green Zone and was classed as agricultural land. The relevant policies were restrictive and the use of the land for the parking of vehicles as a commercial enterprise was not a permissible use within the terms of the Green Zone Policy, or policies protecting agricultural land. The application was not, therefore, compliant with policy and was recommended for refusal.

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

All oral representations in relation to Minute Nos. A7 – A11 were recorded under Minute No. A7 of the meeting.

The Committee decided to defer consideration of all of the submitted applications pending the receipt of further information.

Home Farm,  
Le Mont de la  
Hague, St.  
Peter:  
construction of  
stables/store/hard  
standing.

A11. The Committee considered a report in connexion with a retrospective application which sought permission for the construction of stables, an associated store and the formation of a hardstanding area at Home Farm, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application.

P/2020/1649

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies NE7, ERE1 and ERE6 of the 2011 Island Plan were relevant.

The Committee was advised that the application related to a small, elongated site to the immediate north of Field Nos. 536 and 537, which was located centrally within Home Farm. An area of concrete hardstanding had been formed and 2 structures erected; a 4 bay stable building and a store building. The use of the site for the stabling of grazing animals, which was an agricultural use, was considered acceptable and the application was recommended for approval, subject to the imposition of certain condition detailed within the officer report.

A number of letters of representation had been received in connexion with the application, some of which did not specifically refer to this particular application.

All oral representations in relation to Minute Nos. A7 – A11 were recorded under Minute No. A7 of the meeting.

The Committee decided to defer consideration of all of the submitted applications pending the receipt of further information.

Committee  
meeting dates:  
2022.

A12. The Committee approved the following schedule of dates for site visits and public meetings in 2022 –

January - 11th and 13th  
February – 1st and 3rd  
March - 8th and 10th  
April - 5th and 7th  
May - 3rd and 5th  
August - 23rd and 25th  
September - 27th and 29th  
October - 18th and 20th  
November - 15th and 17th  
December - 6th and 8th

Details of times and venues would be confirmed and meetings dates may be subject to change following the elections in June 2022.