

LP/KML/KS

PLANNING COMMITTEE

(21st Meeting)

5th May 2022**PART A (Non-Exempt)**

All members were present, with the exception of Deputies L.B.E. Ash of St. Clement, R.E. Huelin of St. Peter, J.M. Maçon of St. Saviour, K.F. Morel of St. Lawrence, and Connétable D.W. Mezbourian 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 M.R. Le Hagarat of St. Helier (not present for items A1 to A4)
 Deputy S.G. Luce of St. Martin
 Connétable M. Troy of St. Clement (not present for items A7 to A13)

In attendance -

G. Duffel, Principal Planner (not present for item A8)
 J. Gladwin, Senior Planner
 C. Jones, Planner
 L. Davies, Planner
 R. Hampson, Planner
 P. Roberts, Planner
 G. Vasselin, Planner
 K. Ambrassa, Trainee Planner
 J. Gibbons, Trainee Planner
 T. Ingle, Principal Historic Environment Officer
 L. Plumley, Secretariat Officer, States Greffe (items A1 to A8)
 K.L. Slack, Secretariat Officer, States Greffe (items A9 to A13 - notes only)

Note: The Minutes of this meeting comprise Part A only and Minutes No. A9 to A13 were produced by Mrs. K.M. Larbalestier, Principal Officer, Specialist Secretariat, States Greffe from notes of the meeting taken by Ms. K.L. Slack, Secretariat Officer, States Greffe.

Minutes

A1. The Minutes of the meeting held on 7th April 2022, having been previously circulated, were taken as read and were confirmed.

Rockmount
 View Farm, La
 Vieille
 Charriere,
 Trinity:
 proposed sub-
 division of
 dwelling
 (RFR).

A2. The Committee, with reference to Minute No. A11 of its meeting of 7th April 2022, considered a report in connexion with an application which sought approval for the sub-division of the existing 5 bedroom dwelling known as Rockmount View Farm, La Vieille Charriere, Trinity to provide one 2 bedroom and one 3 bedroom dwelling. The Committee had visited the application site on 5th April 2022.

Deputy S.G. Luce of St. Martin did not participate in the determination of this application.

P/2021/1628

The Committee recalled that it had been minded to approve the above application, contrary to the Department's original recommendation that permission be refused on the grounds that it was not in accordance with the Green Zone Policy, as set out in the 2011 Island Plan. The States Assembly had since adopted the 2022 Bridging Island Plan and consequently the proposed development was now considered acceptable within the revised policy context and the application was recommended for approval. The application was re-presented for the purpose of formally confirming the Committee's decision.

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

Les Homets,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition
new dwellings/
replacement
extension/re-
organisation of
car parking.

A3. The Committee considered a report in connexion with an application which sought approval for the demolition and replacement of an extension to a detached dwelling known as Les Homets, La Grande Route des Sablons, Grouville, and the construction of 3 new residential dwellings within the garden of the property. The Committee had visited the application site on 3rd May 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Shoreline Zone of the Built-Up Area ('BUA'), the Primary Route Network and was on the Eastern Cycle Route Corridor. Policies SP1, 2, 3, 4, 5 and 7, PL3, GD1, 5, 6 and 9, NE1, HE1, H1, 2, 3, and 4, TT1, 2, 3, and 4, WER 6 and 7 of the 2022 Bridging Island Plan were relevant to the application.

P/2021/0870

The Committee noted that the site comprised a single detached, 2 storey dwelling, with a later extension on the southern elevation and a large garden to the southern side of the house. Within the eastern part of the garden there was a protected evergreen oak tree. There was also a Grade 3 Listed Conway Tower to the north of the site, incorporated into a 20th Century residential property.

It was proposed to retain the existing dwelling, with a replacement extension, on the northern part of the site and to construct 3 x 2 storey residential dwellings with associated gardens, garages and parking within the garden. In addition, each house would have a balcony, providing an additional 10 square metres of amenity space. Each house was to be fitted with below ground rainwater harvesting tanks to service the garden and living wall areas; a roof mounted photovoltaic panel system and electric charging points for bicycles and cars. A 1.5 metre wide public pavement to the front of the site and a bus shelter were also proposed and these would be secured by way of a Planning Obligation Agreement ('POA'). The Committee was advised that similar proposals had been withdrawn in 2020 (applications reference Nos. P/2019/1670 and P/2019/0553 refer).

It was noted the site was in the BUA, in a sustainable location with a good bus service and that the Spatial Strategy within the Bridging Island Plan 2022 directed new housing development towards the BUA to protect the countryside. The Island Plan did not prohibit the development of existing gardens and the proposal was not considered to result in the overdevelopment of the site or be detrimental to the character of the area or the coastline. Consequently, it was recommended that permission be granted subject to the imposition of certain conditions detailed within the Department report.

The Committee was in receipt of all letters of representation which had been received in connexion with the application, including a number of late submissions.

The Committee heard from Mr [REDACTED] Le Gresley, [REDACTED] [REDACTED]. He believed that the development would have a significant impact on [REDACTED] home and would result in the over development of the site. He was concerned about the height of the properties and noted that only one other nearby property, [REDACTED] was 3 stories high and this had a significant visual impact, especially when viewed from the beach. Mr. Le Gresley was also concerned that neighbouring properties would suffer a loss of light, especially in the morning and he noted that the plans did not show that west facing windows on the units would look directly into [REDACTED] resulting in a loss of privacy. For these reasons, Mr. Le Gresley did not concur with the Department's assessment of the impact on neighbouring properties. With regard to parking provision, he noted that one car parking space was allocated to each unit, with an additional space located in the garages for 3 of the 4 properties. Given that garages were frequently used for storage rather than parking, Mr. Le Gresley believed that there was insufficient provision for parking, which would lead to people parking on the road. Although he was not opposed in principle to some development on the site, he strongly objected to the current proposal and urged the Committee to reject the application.

Mr. [REDACTED] Bree addressed the Committee. He [REDACTED] [REDACTED] was concerned about the impact on bio-diversity. He was also concerned about the impact of the proposed development [REDACTED] due to the potential for increased traffic. In his opinion, the location of the proposed bus stop would present a highway safety risk, which would be compounded by people reversing up the nearby slipway to the road. In broader terms, he did not believe that the site was suitable for development on the basis that global warming would ultimately result in flooding.

Mr. [REDACTED] Dodd addressed the Committee. He [REDACTED] [REDACTED] was objecting to the proposals personally and on behalf of his client, Mr. [REDACTED] Walker, [REDACTED]. The Committee declined Mr. Dodd's offer to view footage of the application site which had been filmed from a bus.

Mr. Dodd continued, noted that the site fell within the shoreline zone and bordered a Ramsar wetland site that formed part of the Coastal National Park ('CNP'). He was of the view that the application contravened a number of the Bridging Island Plan Policies including SP3, SP4, SP5, GD6 and GD9. He described the architectural approach as 'mundane' and believed it did little to contribute to a sense of place, nor did it promote and protect Island identity. Mr. Dodd was also concerned that the proposed dwelling would obscure shoreline views, contrary to Policy GD9. He also asked why an ecological assessment had not been undertaken, as he had understood this to be a requirement and asked for consistency of approach. In relation to Policy WER7 – Foul Sewerage, Mr. Dodd understood that an assessment to test increased demand was required and this did not appear to have been undertaken, despite the increase in occupancy.

The Committee heard from Mr. [REDACTED] Floyd, [REDACTED]
[REDACTED] Mr. Floyd wished to bring to the Committee's attention to an alleged historic foreshore encroachment within the application site. He noted that the application site included a strip of land measuring approximately 2.2 metres wide, inside the western face of the sea wall, which he believed was owned by the States of Jersey. Mr. Floyd stated that the applicant's plans for this land appeared to be contrary to Policies BE4 of the Island Plan and SP3 of the Bridging Island Plan, which required such land to be publicly accessible. He noted that the foreshore was a public amenity for the enjoyment of all and the proposed wall and vegetation around the strip would constrain access. Mr. Floyd advised that the aforementioned policies supported the removal of the historic foreshore encroachment and the re-establishment of a public right of way as part of the application. He urged the Committee to reject the application on the basis that it was contrary to policy and would have an adverse effect on public views of the shoreline.

Deputy C.F. Labey of Grouville addressed the Committee, noting that she had sought clarification in relation to the alleged historic foreshore encroachment on a number of occasions. It was recalled that Deputy Labey had been instrumental in bringing forward a foreshore encroachment policy, which had been adopted by the States in 2021. Deputy Labey noted that the Department report made no mention of the matter and she wished to know how it would be dealt with.

The Committee heard from Mr [REDACTED] Le Gresley, [REDACTED]
[REDACTED]
[REDACTED]

He was concerned that his written representations had been truncated on the planning website and was assured by the Chair that the Committee received full and unredacted copies of all written representations.

Mr. Le Gresley advised that the proposed new dwellings would be 3 storeys high, and not 2, as set out in the description. He considered the layout of the third storey to be constrained by the design of the proposed dwellings. Mr. Le Gresley also considered the design quality to be poor and the materials to be inappropriate in this context. His most pressing concern related to loss of privacy due to overlooking, which he felt had not been considered. Regarding the assessment by the Highway Section of the Infrastructure, Housing and Environment ('IHE') Department, Mr. Le Gresley believed that this did not take account of the experiences of local people, who were familiar with the traffic problems in the area. He was concerned about the potential for highway safety issues arising from the relocation of the bus stop. Finally, Mr. Le Gresley informed the Committee that he had witnessed severe flooding at the application site on 2 occasions in 2014, and the application made no reference as to how this would be managed.

The Committee heard from Mr. [REDACTED] McCarthy, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Turning to the proposal, he expressed disappointment that more emphasis had not been placed on ecology, particularly as the applicant also owned the Botanic Gardens at Samarès Manor. Mr. McCarthy described the application as 'inadequate, misleading and false', noting that a previous application had included the foreshore encroachment and proposed to fell a tree which was not owned by the applicant. He expressed concern that an Environmental Impact Assessment ('EIA') had not been submitted as part of the application, as he believed this to be a legal requirement. The application site was located between 2 important wetlands, forming an ecological corridor which should be protected and improved. He

questioned how the scheme could constitute a net environmental gain.

Mr. McCarthy stated that the application was not, in his view, compliant with the Island Plan, the Zero Carbon Strategy, and the Paris and Kyoto Agreements. He believed that denying the public the opportunity to participate in the EIA violated human rights and that children's human rights to health and a sustainable environment would also suffer. In conclusion, Mr. McCarthy informed the Committee that he was awaiting a response from the Department in connexion with the matters raised. In the meantime, he urged the Committee to defer its decision.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that a Grade 3 Listed Conway Tower dating from the 18th Century, was located adjacent to the application site. She noted that whilst the tower was significant as an integral part of a group of surviving Conway Towers in Jersey, its interest had been diminished by the addition of an early 20th Century house and alterations. Views of the tower from the south had been compromised to a degree by existing development and it had been challenging to assess the impact of the proposed development on the setting. On balance, it was felt that the proposals would not have a detrimental impact on the setting sufficient to trigger a heritage objection, though it had been a nuanced decision. With regard to the protected evergreen Oak tree, Ms. Ingle informed the Committee that she understood the tree to be provisionally Listed.

The Committee heard from [REDACTED] Mr. [REDACTED] Fitz, and Messrs. [REDACTED] Wildbore-Hands, Architect, and [REDACTED] Nicholson of MS Planning.

Mr. Wildbore-Hands highlighted the location of the application site within the BUA, wherein Policy SP2 supported the redevelopment of such sites. He explained that it had been decided to deliver family homes rather than flats, whilst retaining the existing building. Mr. Wildbore-Hands noted the importance of optimising the use of such sites to protect the Green Zone. He considered density levels to be appropriate and stated that the proposed development made best use of the land available and was in proportion with existing properties. The development met both internal and external space standards and made use of the roof space. Mr. Wildbore-Hands advised that the parking provision had been reduced, compared to the previous scheme, to decrease reliance on private vehicles and take account of the sustainable location of the site. With regard to the concern about overlooking, Mr. Wildbore-Hands stated that no windows would overlook Sunninghill. In summary, he advised that the traditional form of the pitched roofs would sit comfortably within the scale of the existing building; contemporary accents would add interest to the elevations and zinc would be used at roof level only; infrastructure improvements would be provided; ecological aspects such as thermal insulation, rainwater harvesting tanks, air source heat pumps and photovoltaic panels were included. In conclusion, Mr. Wildbore-Hands advised that the site was not within the southeast coast Ramsar site, was not in a flood risk zone and that the strip of land which constituted the foreshore encroachment was not in the applicant's ownership.

Mr. [REDACTED] Nicholson addressed the Committee, highlighting the challenge inherent in delivering much needed housing whilst preserving the Green Zone, as set out in the Bridging Island Plan. He noted that the application site was located in the BUA, and it was proposed to retain the existing house, which was beneficial from a sustainability point of view. Mr. Nicholson advised that the proposed development maximised opportunities and that the proposed new dwellings would sit lower than the existing house; had large garages which would provide storage as well as parking; was architecturally appropriate and well-integrated with the landscape. There had been an initial assessment by an ecologist and a plan was in place to ensure

that the protected tree, which was not located on the application site, was not affected. Mr. Nicholson advised that the scheme had been designed to take account of the historic foreshore encroachment, which was not a material consideration in the context of the application. He highlighted the highway improvements which would arise, to include safer access points and noted that the IHE Department had requested the relocation of the bus stop. Mr. Nicholson advised that the drainage had been designed appropriately and the development would benefit from rainwater harvesting to support irrigation. He informed the Committee that a full EIA had not been undertaken as the development did not meet the threshold for the requirement of the same. In concluding, he stated that the scheme would not result in harm to neighbouring properties or the general character of the area. He urged the Committee to approve the application.

In response to a question from the Committee, officers confirmed that an EIA was not required in this instance and the Natural Environment Officer, IHE had advised that, if permission was granted, a condition could be attached to the permit requiring an ecological assessment could be conditioned. It was also confirmed that the historic foreshore encroachment was not a material consideration in the context of the determination of the application.

Having considered the application, the Committee unanimously refused permission, contrary to the Department's recommendation, due to concerns about the design, height and density of the development; parking provision and manoeuvrability; and the impact on the seascape. Whilst the Committee recognised that the Bridging Island Plan supported residential development within the BUA, the scheme was not considered appropriate for this particular site, for the reasons outlined above. The Committee noted that the application would be re-presented for formal decision confirmation and to set out the reasons for refusal.

Energy from
Waste Plant,
La Collette, St
Helier:
formation of
headland.

A4. The Committee considered a report in connexion with an application which sought approval for the formation of a man-made headland around the coastal waters of La Collette, which was to be formed by filling the surrounding areas with waste cells in a series of layers. These would contain residual inert construction and demolition waste which was not suitable for recycling. The Committee had viewed the application site from various key locations on 3rd May 2022.

P/2016/1647

A site plan and drawings were displayed. The Committee noted that policies SP1, 2, 3, 4 and 6, PL5, GD1 and 6, HE1, NE1, 2 and 3, GD9, WER2, MW2, TT2 of the 2022 Bridging Island Plan were relevant to the application. The application site was located within Character Area 2 (La Collette) of the St. Helier Urban Character Appraisal – March 2021, and within Coastal Unit 10 (Grève d'Azette) of the Jersey Integrated Landscape and Seascape Character Assessment – May 2020. The Minerals, Waste and Water Study – December 2020 confirmed that La Collette landfill site had a finite void space and that it was the only site suitable for inert waste with no value to re-processors.

The Committee noted that at the time the application was submitted, in November 2016, the primary source of controlled waste was incinerator bottom ash, which formed the basis of the rationale for the headland development. Since then, the controlled waste generation profile had developed to include contaminated soils excavated from sites historically used for the disposal of incinerator bottom ash and asbestos containing materials exposed through Island-wide demolition and development. This had led to the application being held in abeyance at the request of the applicant whilst a full review of the submitted documents was undertaken. Following this, an amended statement had been submitted.

The Committee was informed that the proposed headland would comprise of northern and southern landforms. The main northern landform would be aligned in a north-northeast to south-southwest orientation and be approximately 380 metres long by 200 metres across at its widest point. The eastern facing slopes would be at an approximate gradient of one in 2, rising to a maximum height of 27 metres, or 40 metres above existing ground level. Slopes would have a gradient of approximately one in 3. At the southern end of the northern landform a tight valley would accommodate the emergency evacuation route with a gradient of one in 3. The southern landform would be orientated in a west north-west to east south-east alignment, being 250 metres wide by 75 metres wide. All side slopes would have a gradient of approximately one in 3, creating a maximum height of 16 metres, or 20 metres above existing ground level. The height of the headland was based on safe and stable slope gradients for waste and restoration soils and with the intention of creating the appearance of a naturally formed headland.

The Committee was advised that construction of new cells and capping and restoration of areas of the headland had been carried out such that the shape, form and scale of the headland as shown on the submitted plans could be achieved. At present, the principal source of waste deposited in the cells was contaminated soils from Waterfront developments. Other smaller volumes of contaminated soils were received from other sites around the Island. On occasion, ash and residues from localised incineration of waste were deposited in the cells. Assuming the redevelopment of the Waterfront progressed, the timescale to filling, capping, restoration and completion of the headland was estimated at 5 to 10 years.

The Committee noted that the headland would remain an operational waste management facility until it was capped and restored, at which point sections could incrementally be opened up for public use, subject to approval from the Health and Safety Inspectorate. This would enhance the character and appearance of the area by screening the industrial facility, especially from the coastal side. The proposals were considered acceptable with reference to the Bridging Island Plan and consequently the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee noted that one letter of representation had been received in connexion with the application.

Messrs. ■ Brewster, Principal Engineer, Infrastructure and ■ Fauvel, Acting Director, Infrastructure Housing and Environment ('IHE') Department, addressed the Committee, outlining the application details and confirming that the current height of the headland was 15 metres, or 29 metres above existing ground level and included waste from a number of recently permitted large developments. Mr. Brewster advised that it was his understanding that super filling to 8 metres above crest height had previously been approved. The Committee was advised that further details were required regarding previous approvals in order to determine whether retrospective permission was required for any works which had already been carried out.

Mr. Brewster informed the Committee that the loading and stability of the cells was addressed through the Waste Management (Jersey) Law 2005, and the licence under which the site was operated. If permission was granted, construction would only commence with the approval of the Waste Regulator, the site would be subject to stringent supervision and testing, and there would be a requirement for a design report, which would include a stability safety assessment.

In response to a question from the Committee regarding the risk of leachates, Mr. Brewster advised that the cells were constructed with impermeable membranes designed to perform under stress so that the waste remained contained. They also featured a leachate collection system for rainwater, which was removed and disposed of. Mr. Fauvel confirmed that there was no public access to the site at present. He advised the Committee that some waste was currently exported to the United Kingdom for recovery and recycling, however this did not include contaminated waste, for which the application site was the only suitable location in the Island. He confirmed that the proposals were designed to be structurally sound.

Having considered the application, the Committee decided to defer consideration of the application pending the receipt of up-to-date drawings; details of the proposed landscaping for the site, which should be of a high quality; and confirmation of which elements would require retrospective applications. Due to the length of time since the original submission of the application, the Committee requested that it be re-advertised with a description which accurately reflected the retrospective elements of the development.

Rifle Range,
La Rue de
Crabbé, St.
Mary:
construction of
States of
Jersey Police
shooting range.

A5. The Committee considered a report in connexion with an application which sought approval for the construction of a 50 metre shooting range, with associated structures, earthworks, and landscaping, for use by the States of Jersey Police ('SoJP'). The Committee had visited the application site on 3rd May 2022.

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

P/2021/1406

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and the Coastal National Park; was a Protected Open Space, a Water Pollution Safeguard Area and was within the Safety Zones for hazardous installations. Policies SP7, GD1 and 6, NE1 and 3, CI7, WER6, 7 and 8, TT2 and 4 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted that the existing SoJP shooting range was no longer compliant with relevant firearms training requirements and it was proposed to relocate it and construct a new facility on the application site, which lay between the Ministry of Defence Crabbé firing range and the Clay Pigeon Shooting range. The site formed part of the created boundary between the ranges and had no current use.

The 50 metre firing range floor would be surfaced with a mix of asphalt and gravel. At the southern end, the single storey firing shelter would have 3 masonry walls with the remaining firing elevation equipped with roller shutters which would be closed when the range was not in use. The shelter would have a pitched metal roof with a maximum height of 3.3 metres. At the northern end of the range there would be a 'bullet trap' constructed of rubber pellets or sand filled bags and a natural painted concrete 'stop butt'. The structure would be 12 metres high and structurally supported on all external sides with earth embankment. The surrounding area was occupied by similar shooting facilities to that proposed. The nearest residential or commercial properties were located 165 metres from the site.

The Department was of the view that the proposal accorded with the Bridging Island Plan in that it aimed to provide long-term safeguarding of public infrastructure (police training facilities) to ensure sustainable development in the Island. No significant adverse harm to neighbouring properties was envisaged. It was considered that adverse impacts to biodiversity and the landscape were limited and could be satisfactorily mitigated. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee was in receipt of all letters of representation which had been received in connexion with the application.

The Committee heard from Mr. ■■■ Benest, vice-president of the Jersey Rifle Association and Master in charge of shooting at Victoria College. Mr. Benest informed the Committee that the nearby ranges had been in existence since 1851 and operated under an 'envelope of restrictions' to ensure their safe use and operation. He advised that the proposed range was in the 'danger area' of the existing ranges, and it had not been established whether they would be affected if the application was approved. Mr. Benest understood that an assessment of the same had been requested from the Ministry of Defence and the National Rifle Association.

Mr. ■■■ Curtis, Chair of the Crabbé Clay Pigeon Shooting Club, addressed the Committee. He expressed disappointment at the lack of communication with users of the neighbouring ranges. He advised that the proposed range was located in the fall out zone from the Clay Pigeon Shooting range, so would affect the Club's activities. He informed the Committee that the Ministry of Defence had provided initial thoughts, to the effect that the existing ranges would likely be affected. Mr. Curtis feared that the Club would not be able to shoot whilst the proposed range was in use by the SoJP. He advised that whilst he was supportive of a new police range, he was concerned about the impact on nearby existing ranges. He stated that further details regarding the construction timeline for the proposed range would be required, as the operation of the nearby ranges would have to be restricted whilst construction was underway.

The Committee heard from Mr. ■■■ Tullow, range designer. Mr. Tullow advised that the design of shooting ranges in the United Kingdom was governed by the College of Policing and Ministry of Defence, using distinct but similar guidelines. These set out requirements to ensure the safety of ranges and permitted the use of overlapping ranges in certain limited circumstances, though this was not recommended by the Ministry of Defence. He noted that no change of use was proposed for the site, and that the proposed range was classed as a 'non danger area' range. Mr. Tullow confirmed that the existing SoJP shooting range was no longer compliant and it had been determined that the facilities could not be upgraded due to the footprint of the existing site, so a new range was required.

Mr. ■ Thomas, Police Firearms Training Sergeant, SoJP, addressed the Committee. He explained that he was responsible for firearms training for police officers, including reclassification training which took place at regular intervals throughout the year. In order to comply with the College of Policing requirements, it would be necessary for officers to be trained in 4 cohorts, 3 times per year, which did not constitute an increase with regard to the SoJP's current usage. On each occasion, the proposed range would be in use for 8 days at a time, on working days only, between the hours of 9am and 5pm, with shooting taking place between the hours of 10am and 4pm only. Mr. Thomas advised that the range would not be used outside of these hours or at weekends, thus minimising inconvenience to users of the nearby ranges which he understood were used principally in the afternoons, evenings and at weekends.

Mr. Thomas noted that there would be occasions when individual officers required firearms training on an adhoc basis, which would be scheduled in consultation with users of the neighbouring ranges. He informed the Committee that the SoJP firearms training calendar was planned one year in advance so there would be ample opportunity to consult neighbouring users to ensure they were not adversely impacted by the SoJP's planned activities. The possibility of an online booking system for the ranges was being investigated and Mr. Thomas emphasised the SoJP's willingness to manage timing conflicts and reschedule commitments, if necessary, in order to accommodate the users of nearby ranges.

In response to a question from the Committee, it was confirmed that the application had been submitted by Jersey Property Holdings. It was also confirmed that a landscape assessment was included in the conditions detailed in the officer report.

Having considered the application, the Committee endorsed the Department recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report. The Committee noted that it was incumbent upon the SoJP and the users of the nearby ranges to ensure there was appropriate coordination to ensure the safe operation of the ranges.

South Hill
offices, South
Hill, St. Helier:
proposed
demolition and
redevelopment.

P/2021/1617

A6. The Committee considered a report in connexion with an application which sought approval for the demolition of the existing office accommodation at South Hill, St. Helier, and its replacement with a residential development comprising 153 apartments spread across 3 blocks with associated basement car parking and landscaping. The scheme also included rock stabilisation works and the remodelling of the nearby children's play area. The Committee had visited the application site on 3rd May 2022.

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 and 7, PL1, GD1, 2, 3, 5, 6, 7, 9 and 10, NE1, 2 and 3, HE1, ER4, EO1, H1, 2, 3, 4 and 5, ME1, C14, 16, 18, TT1, 2, 3 and 4, WER1, 6, 7 and 8, UI3 of the 2022 Bridging Island Plan were of particular relevance. In addition to the relevant policies of the Island Plan, the Minister had also published detailed supplementary planning guidance for the site and a development brief had been adopted in October 2020. The Committee had sight of a full copy of the brief. Finally, it was noted that South Hill had been identified as a 'Key Opportunity Site' within the Southwest St. Helier Planning Framework - Supplementary Planning Guidance, which had been adopted in December 2019. Within this document, it was stated that the site would lend itself to a high-quality residential development or possibly a hotel, which responded to the topography and considered the prominence of the site in the context of views from the harbours and beyond.

The Committee was advised that the application proposed the comprehensive redevelopment of the site, with the exception of a Grade 4 Listed military building. The proposed development would comprise a total of 153 apartments (70 x one bedroom, 56 x 2 bedroom and 27 x 3 bedroom units), spread across 3 individual blocks, constructed on a podium above a ground level car park. The largest of the 3 blocks (the 'rear terrace') would be 8 storeys at its highest level and would contain 111 apartments. 2 smaller blocks would be situated towards the roadside edge, with the 'north pavilion' being a 6 storey block containing 22 apartments, plus a ground level café and the 'south pavilion' being a 5 storey block containing 20 apartments. The blocks would be separated by a central open public space (the 'Belvedere courtyard') which would be integrated with the adjoining children's playground. This playground, which was owned by the Parish of St. Helier, would be completely remodelled and made more accessible. A significant volume of excavation and rock stabilisation works were also proposed.

The Committee was advised that the existing poor-quality building and the large surface level car park did not make best use of this valuable site. The adopted development brief for the site set out the parameters for new development and envisaged a 'high quality of urban design' which delivered 'the optimum development yield', whilst protecting and enhancing the settings of nearby heritage assets and the surrounding natural landform. There was also a requirement for high quality public spaces and a focus on sustainable means of transportation. The use of public land to help deliver affordable homes was also referenced in the brief, together with the need to secure the maximum return from the site. Bridging Island Plan Policy H5 renewed expectations of delivering affordable homes on publicly owned land and it had been agreed that 15 per cent of the proposed new units would be allocated for affordable housing through the housing gateway. The proposed development would significantly increase the quantum of development on the site and the architectural design was considered to be of a high quality. Planting and landscaping would be critical to the success of the development. Parking would be provided in an underground car park with 0.4 spaces per unit being proposed, broadly in line with the requirements of the adopted supplementary guidance for the site. The scheme would also provide access to a number of 'car club' spaces, in line with the guidance. In consultation with the Parish and the Transport Section of the Infrastructure, Housing and Environment ('IHE') Department, 2 pedestrian crossings along South Hill would be provided together with a contribution towards sustainable transport infrastructure.

In conclusion, the application was considered to align with the relevant Island Plan Policies and the development brief. The Department was recommending approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of a Planning Obligation Agreement to secure the following –

- 15 per cent of the new residential units (equating to a minimum of 23 units) to be classed as 'Affordable Housing';
- a direct developer contribution [REDACTED] to be paid to IHE Transport to improve the provision of off-road walking routes;
- the developer was to undertake a programme of road improvement works to Parish-owned roads within the immediate vicinity of the site;
- direct provision of 7 electric 'car club' vehicles for the use by residents [REDACTED] to be made available prior to first occupation;
- prior to first occupation, a mechanism to ensure that the new car parking spaces were not sold to, or otherwise occupied by, non-residents; and,
- the ceding of an area of land along the South Hill roadside boundary (where

impact of the excavation and earthworks that would be required to create a level site and the resultant waste which would be generated. He noted that under resourcing appeared to be an issue for the Department in terms of regulatory controls. Mr. McCarthy urged the Committee to reject the application, which he felt was inadequate, misleading and false.

Mr. ■ Malet de Carteret, representing the National Trust for Jersey ('the Trust'), echoed Mr. Renouf's comments on the importance of the historic setting of the proposed development. He informed the Committee that the Trust had reached a different conclusion from the Historic Environment Team in that it believed that the proposals constituted the over development of the site and failed to protect the historic setting. Mr. Malet de Carteret commented that the proposed mix of housing consisted predominantly of one and 2 bedroom apartments, which, compounded by the preponderance of other developments of this nature, led him to question whether the proposals were consistent with the housing policies set out in the Bridging Island Plan. It would be more appropriate for a greater number of 3 and 4 bedroom units to be built to meet housing needs. He also expressed surprise at the low level of public engagement given the magnitude of what was being proposed.

The Committee heard from Messrs. ■ Farman, and ■ Nicholson of MS Planning and ■ Theobold Architect and Partner, FCB Studios and JAC Commissioner, on behalf of the applicant. Mr. Farman explained that a design competition had been held to identify the preferred scheme. The chosen design respected the setting of the Grade 4 Listed Building; focused on sustainability; met passive house standards and was aiming for BREEAM certification; and would deliver much needed housing in St. Helier. He stated that work was being undertaken to determine if the percentage of units classed as Affordable Housing could be increased. He noted that sales would be structured as flying freehold sales in order to ensure they could only be purchased by Island residents, and it was intended that the units would be owner occupied. Mr. Farnham emphasised the level of public consultation that had taken place, including engagement with the Parish of St. Helier.

Mr. Theobold noted that he was familiar with the local context. He explained that the application site and the backdrop created a rugged environment that was softened by the landscape. The green fringed horizon at the eastern edge of the application site would be retained and maintained in perpetuity, with the development being designed to integrate into the evergreen skyline. Stepped tiers created Architectural interest and reflected the former quarry use. A warm colour palette had been chosen to compliment the existing granite. Verdant balconies which would be irrigated and maintained by a management company were also proposed. Mr. Theobold outlined the public consultation process that had been undertaken, both in respect of the proposed development and the redesigned playground. The scheme included the retention and refurbishment of the Listed Building for a community use; ecological and public realm improvements; the latter resulting in enhanced public access. In conclusion, the application proposed the delivery of an exciting, high-quality landmark development in a significant new landscape.

Mr. Nicholson addressed the Committee, advising that the application site had been designated for housing in the 2011 Island Plan and the proposed scheme aligned with the development brief and the Bridging Island Plan; the latter supporting large scale developments in St. Helier. A full and comprehensive EIA had been undertaken as well as early public engagement, which might account for the relatively low number of level of objections. With regard to the housing mix, Mr. Nicholson noted that 17 per cent of the proposed accommodation consisted of 3 bedroom units, which compared favourably with other developments. He advised that the existing landform had informed the design, which was not believed to

challenge the primacy of the surrounding environment. The feedback from both the JAC and the Historic Environment Team was welcomed. The application site was not a designated geological Site of Scientific Interest, and the site referenced by Mr. Renouf was not within the application site. In concluding, Mr. Nicholson highlighted the extensive Planning Obligation Agreement which was proposed, including a financial contribution to IHE Transport which would enable public realm improvements.

In response to a question from the Committee, Mr. Theobald stated that a scaled back proposal would have a detrimental impact on the viability of the scheme. He informed the Committee that this was a landscape led scheme which made optimum use of the site. It was confirmed that the submitted drawings had been verified.

Having considered the application, the Committee, with the exception of Deputy M.R. Le Hegarat of St. Helier, who acknowledged the need to make the best use of 'brownfield' sites to protect the Green Zone from development, decided to refuse permission, contrary to the the Department recommendation. In doing so, the Committee recognised the need to provide housing and acknowledged the merits of the scheme. However, the height, scale and mass of the proposed development were considered to be overly dominant in the landscape and the impact on existing views was recognised. Connétable P.B. Le Sueur of Trinity, Chair, expressed concerns regarding the number of one-bedroom units proposed, the single aspect units in the largest block (the rear terrace) which would look out onto a rock face and the parking provision. He also questioned whether sufficient capacity to meet demand for local school places existed.

La Robeline,
La Rue de la
Robeline, St.
Ouen:
proposed
conversion of
outbuildings/
demolition of
storage
structure/
internal and
external
alterations.

P/2021/1840

A7. The Committee considered a report in connexion with an application which sought approval for the conversion of existing outbuildings to self-catering accommodation at the property known as La Robeline, La Rue de la Robeline, St. Ouen. It was also proposed to demolish an existing storage structure and carry out various internal and external alterations. The Committee had visited the application site on 3rd May 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that La Robeline was a Grade 2 Listed farm complex. Policies SP2, 4 and 5, PL5, GD1, NE1, HE1 and 2, EV1, ERE3, TT1, 2 and 4, WER7 of the 2022 Bridging Island Plan were of particular relevance.

The Committee was advised that the application proposed the conversion of unused traditional farm outbuildings to provide 6 self-catering units and this proposal was in accordance with the heritage and countryside policies of the 2022 Bridging Island Plan. The external changes to the farm group were viewed as minimal and were limited to changes required to bring the buildings into habitable use. The Historic Environment Team had raised some minor concerns with regard to certain alterations and these could be addressed by the imposition of conditions, if permission was granted. No physical extensions were proposed to any of the buildings and, therefore, the overall landscape impact remained unchanged. The application included the creation of a small timber lean-to structure built up against the western roadside wall to provide a bicycle and garden storage facility. It was noted that the application had been amended since it was first submitted, to relocate a proposed parking area away from Field No. 1182.

The conversion and re-use of this important historic Grade 2 Listed farm group would provide a viable future use and ensure its survival. The scheme accorded with the relevant policy context and there had been no objections from the highway authority. Consequently, it was recommended that permission was granted, subject

to the imposition of certain conditions detailed within the Department report.

The Committee was in receipt of all representations received in connexion with the application and noted the nature of the concerns which had been expressed.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the historic Grade 2 Listed farm group contained a very early 'boulangerie' dating from the 15th Century, now attached but originally a detached building. This structure would remain unchanged and did not form part of the scheme. A number of modifications to the scheme had been requested to ensure the retention of certain elements of historic fabric, and these could be secured by the imposition of planning conditions, as detailed within the Department report. Ms. Ingle advised that, if permission was granted, the Historic Environment Team would work with the applicant in this context.

The Committee heard from Mr. ■ Breeze, ■ who was generally supportive of the scheme, but was concerned about traffic intensification. Mr. Breeze was also concerned about the lack of designated parking for the self-catering units, which he feared would lead to indiscriminate parking. He emphasised the need for the erection of directional signage in order to avoid cars turning around on his property and asked the Committee to consider imposing a condition requiring the same.

Mrs. ■ Steedman, of KE Planning, addressed the Committee, on behalf of Mr. Breeze. Whilst there was no objection to some development of the site in principle, the amount and volume of what was proposed were considered problematic. She echoed Mr. Breeze's comments regarding the need for clear signage to mitigate the impact of additional traffic. Mrs. Steedman noted that the application site was close to the boundary of the Coastal National Park and the Protected Coastal Area, and that Policy PL5 required development in these sensitive areas to protect or improve the character and distinctiveness of the landscape and seascape character. She noted that the Department report did not reference the Jersey Integrated Landscape and Seascape Character Assessment and this was essential in the context of maintaining the rural character of the application site. It was unclear from the plans whether the self-catering units would have gardens.

In response to a question from Mrs. Steedman regarding the applicant's plans for Field No. 1182, it was confirmed that the field was in agricultural use and no change of use was proposed. Mrs. Steedman highlighted the impact of the proposed development in terms of increased noise and activity which would affect Mr. Breeze's property; queried the capacity of the sewerage network to absorb the additional usage that would arise; and advised the Committee of her view that the proposals amounted to overdevelopment. In concluding, she stated that the proposed development could not be supported under the Bridging Island Plan Policies.

21st meeting
05.05.2022

extension of
shed to
commercial
kitchen.

P/2022/0170

The Committee was advised that the application proposed the use of a temporary timber clad building as a restaurant during the months of April to September on Thursdays, Fridays and Saturdays only. Retrospective approval was also sought for an extension to the cider processing shed and the use of an existing outbuilding as a commercial kitchen in connexion with the applicant's catering business. The application also proposed the change of use of Field No. 1183A for car parking from April to September and the creation of a new access to this field onto La Verte Rue and a new field boundary.

The site was located in the Protected Coastal Area and the Committee was reminded of the relevant policy context and also the need to assess the proposals in the context of the diversification of agriculture and growth and expansion of countryside businesses through the re-use of existing buildings. It was highlighted that the application proposed the temporary change of use of an existing temporary building which had a defined use as a cider processing shed only (as set out in a Planning Obligation Agreement ('POA') dated 30 January 2018, signed by the applicant – P/2017/0138 refers). It was recalled that, in granting permission for the temporary shed, the Committee had been persuaded by the argument that the production of cider required 'round-the-clock' attention at certain periods in the processing. The justification provided for the temporary change of use related to the financial loss suffered by the business during the COVID-19 pandemic, when Island events had been restricted or cancelled, and the need to generate additional income to compensate for this loss. However, it was recognised that Government restrictions had now been removed and the Department was of the view that the application did not comply with the relevant Bridging Island Plan Policies. Consequently, it was recommended that the application be refused on the grounds that it was contrary to Policies SP3, GD6, PL5, NE3 and ERE1.

The Committee was in receipt of all representations received in connexion with the application and noted the comments received from statutory consultees.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that La Petite Robeline was a Grade 4 Listed Building, being a rural house dating from *circa.* 1700, which retained its exterior historic character, with interesting vernacular stonework. Ms. Ingle recalled that the existing temporary building - the cider processing shed - had been approved contrary to advice from the Historic Environment Team, who had objected due to the direct impact on setting. She noted that permission had been granted on the basis that the production of cider required constant attention at certain periods and the proposed change of use appeared to be at odds with this. It was recalled that the POA required the shed to be removed in the event that cider production ceased at the property, and the setting restored.

Ms. Ingle advised that the scheme was considered to have a detrimental impact on the historic setting, although it was recognised that the building could be further integrated. The conversion and extension of an existing shed to facilitate its use as a commercial kitchen was not viewed as temporary and the scheme included a new large flue, the long-term impact of which needed to be considered.

Ms. Ingle noted that the alteration of the field to facilitate parking would involve the loss of a rural wall, which would also have an adverse impact on the setting and the rural landscape. Whilst the need to create viable rural businesses was acknowledged, Ms. Ingle emphasised that this had been undertaken in a manner which did not impact the heritage characteristics. She concluded by re-affirming heritage concerns and expressed the view that the retrospective nature of certain aspects of the application should not lead to permanency.

The Committee heard from Mr. ■ Collins, of MAC Architecture, on behalf of the applicants, Mr. and Mrs. ■ Matlock. The applicants ■ and the application sought to facilitate the establishment of a unique seasonal restaurant unlike any other in the Island. The proposed restaurant would be open 3 nights a week and Mr. Collins pointed to the public outpouring of support that attested to the popularity of the venture.

Turning to the Department report, Mr. Collins advised that the construction of the kitchen meant that it could easily be removed. He confirmed that the applicants were willing to accept approval on the basis that it was linked to the existing conditions attached to the cider processing shed. The structure would be clad in timber to match the shed and conceal its appearance, in accordance with Policy SP3. Mr. Collins advised the Committee that the flue was required as there was a grill in the kitchen and, due to the backdrop of the shed, it was not considered to have a detrimental impact. He emphasised that the facilities were linked to the core business undertaken on the site, which was the local production of cider by La Robeline Cider Company. Mr. Collins believed the Department's assessment of the impact of the change of use on Field No. 1138A to be disappointing, as the formation of the proposed new banque had been included following discussions with the Department. With regard to the loss of part of the agricultural field, Mr. Collins countered that the field was not farmed and suffered from very poor access which was not suitable for modern farm machinery. He advised that the proposals sought to improve the access to the field and suggested that a landscape condition be imposed to resolve the matter. The parking area would only be in use when the restaurant was open, and the proposed bicycle stand was freestanding and not permanent. In conclusion, Mr. Collins noted that no objections had been received from statutory consultees, although he acknowledged the concerns raised by Ms. Ingle. He urged the Committee to support the application, which sought to protect local cider production, an important part of the Island's identity and heritage.

In response to a question from Deputy S.G. Luce of St. Martin, Mr. and Mrs. Matlock confirmed that the existing access to Field No. 1138A was narrow and unsuitable for modern vehicles. In addition, the area of the field by the access point was often waterlogged and was therefore unsuited for use as a car park. Mr. Collins added that it had been considered preferable to relocate the access point close to the existing building for ease of use and to condense the development.

In response to a question from Deputy G.J. Truscott of St. Brelade, Vice Chair, Mr. Collins confirmed that the kitchen had been built in line with health and safety and Building Control requirements. Mr. Matlock added that it had been 'signed off' as a commercial kitchen by Jersey Gas.

21st meeting
05.05.2022

Mrs. Matlock addressed the Committee and apologised for the retrospective nature of the application, having been under the impression that the works that had been undertaken were permitted development. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Mrs. Matlock informed the Committee that a temporary licence had been obtained from the Bailiff's Chambers and Public Health, to enable the company to offer dinners to regular customers at the application site, which had proved very popular and had been a lifeline for the business. The kitchen had been built to facilitate this essential offering. Mrs. Matlock noted that the Island events circuit had not yet returned to its pre-pandemic state and there were only a small number of public events the company could attend in 2022, [REDACTED] Levels of business at such events also tended to be affected by the weather, which had to be factored into the decision to attend, along with the preparation involved beforehand.

Mrs. Matlock continued, advising that competition in the market had increased post-pandemic, and the proposed temporary restaurant would provide La Robeline Cider Company with a reliable income stream that was not weather dependant. Mrs. Matlock emphasised that the temporary restaurant offering had 'saved' the business during the pandemic, and its continued operation would ensure La Robeline Cider Company remained viable in the long term. She assured the Committee that the Company intended to abide by the conditions of the POA and that the shed was a temporary feature. In concluding, Mrs. Matlock stated that the proposed restaurant would continue to champion and support local produce from 'Genuine Jersey' businesses and outlined the extensive public support for the venture.

Connétable P.B. Le Sueur of Trinity, Chair, advised that the Committee was aware of the degree of public support for the application.

The Committee heard from Mr. [REDACTED] Soar, Head of Hospitality and Tourism, Jersey Business in support of the application. Mr. Soar advised that looking ahead to the future, event-based tourism was seen as a key focus for the Island's tourism and hospitality industry. He noted that the proposed restaurant was a prime example of the type of unique, local experiences that Jersey had to offer. Mr. Soar added that authentic, local experiences such as this one should be encouraged as they were vital to the regeneration of the Island's tourism industry.

Mr. [REDACTED] Garton, of the Genuine Jersey Association, added his wholehearted support to the application, noting that La Robeline Cider Company was one of only 2 remaining local cider producers. He emphasised the importance of supporting this heritage business, which promoted local producers and farmed around 120 vergées of land.

The Committee heard from Mr. [REDACTED] Pountney, [REDACTED] in support of the application. [REDACTED]

[REDACTED] He advised that the proposed restaurant offered a unique experience, which was ideal for corporate hospitality events [REDACTED]

Mr. ■ Follain, ■ addressed the Committee to add his support for the application. He noted that the temporary restaurant was a successful and much-needed local amenity in St. Ouen and urged the Committee to grant permission.

Mr. ■ McMahon, ■ addressed the Committee. ■ he was fully supportive of the scheme. Mr. McMahon informed the Committee that ■ he believed it was important to support the unique local experience that was offered by the temporary restaurant. He expressed confidence in Mr. and Mrs. Matlock and wished to see the restaurant continue to operate; albeit that there would be an impact on traffic in the area.

Having considered the application, the Committee resolved to refuse permission solely on the formation of the new access involving the loss of a section of granite wall. In doing so, the Committee noted that the use of the existing agricultural shed as a temporary restaurant and retrospective aspects of the application were not considered to be contentious. Members also advised that a more appropriate and sustainable car parking proposal was required in order to overcome their concerns regarding the permanent loss of part of the agricultural field and the formation of a new access point in an existing granite wall.

Rose Cottage,
Le Chemin de
Creux, St.
Brelade:
various works
(RFR).

PP/2021/1749

A9. The Committee, with reference to Minute No. 12 of its meeting of 15th July 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers which sought approval for the demolition of an extension to the south elevation of the property known as Rose Cottage, Le Chemin de Creux, St. Brelade and the construction of a new single storey extension with basement. It was also proposed to demolish an existing garage and shed to the west of the site and construct a single storey extension with basement containing a swimming pool, with connecting corridors to the main dwelling. The existing roof covering was to be replaced with thatch and the west roof plane altered to form a pitched roof and gable. 2 existing chimneys would be replaced; 2 dormer windows installed to the east elevation; 3 existing windows to the west relocated and a new door installed; a new window would be installed on the first storey of the north elevation and various internal and external alterations were also proposed. The Committee had visited the application site on 3rd May 2022.

It was noted that the application had initially been assessed against the 2011 Island Plan and re-assessed against the 2022 Bridging Island Plan.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies PL5, NE3 and H9 of the 2022 Bridging Island Plan were of particular relevance.

The Committee recalled that a previous application had been refused on the grounds that it was contrary to Policies HE1, GD1, GD7, BE6 and NE7 of the 2011 Island Plan.

The Committee noted that the site was located within the Protected Coastal Area, where development should seek to protect or improve the special landscape and seascape character. The policy also required development to be sympathetically integrated into the specific locality and not to harm landscape character. Additionally, Policy NE3 - Landscape and Seascape Character, stated that development must protect or improve landscape character. Proposals should also improve the distinctive character, quality and sensitivity of the landscape, as identified in the Integrated Landscape and Seascape Assessment. The extension of existing dwellings should be appropriate in scale, design and material, be well landscaped and not visually prominent in the landscape and development should be restricted, including extensions to existing sites and buildings, relate to the existing development and not be visually prominent. Policy H9 - Housing outside of the Built-Up Area, stated that extensions to dwellings must be subservient and not disproportionately increase the size of the dwelling in terms of gross floor space, building footprint or visual impact. The Department was of the view that the application would disproportionately increase the gross floor space by approximately 300 square metres, which constituted a potential significant increase in occupancy. The Department was not satisfied that the policy tests set out in Policies NE3, PL5 and H9 of the Bridging Island Plan, had not been met. Therefore, the application had been refused on these grounds and it was recommended that the Committee maintain refusal.

The Committee considered the application and noted that the Department was of the view that the proposed extensions had been carefully and sympathetically designed and were subservient to the existing building. The siting and division of the accommodation reduced its scale and allowed the large floor area to integrate into the landscape so the scheme was not considered to cause harm to the landscape character. The Principal Historic Environment Officer was satisfied that the scheme would not have a negative impact on the setting of the nearby Grade 1 Listed Church and Churchyard. It was noted that the first floor of the main house included a suite (comprising of a bedroom, bathroom and dressing room) and this was capable of sub-division without the need for planning permission. It was also noted that proposals for the second floor had not been submitted, in spite of the fact that the elevations showed dormer windows in the roof space, so the potential also existed for the creation of additional bedrooms on the second floor without the need for planning permission. Furthermore, the same could be said for the ground floor pool, gym area and garage, which were all capable of conversion, resulting in the potential for a significant increase in occupancy. The floor area of the property would increase by approximately 300 square metres. The imposition of a Planning Obligation Agreement to ensure that the property remained as a 4 bedroom dwelling was not considered appropriate or permissible and legal advice confirmed this view. The Department had been unable to secure a reduction in the floor area to overcome the policy hurdles and was recommending that the Committee maintain refusal of the application for the reasons set out above.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that whilst Rose Cottage was not a Listed Building, it was situated in a highly sensitive location. The applicants had worked with the Department to manage the impact from a heritage perspective and the scheme was considered to be acceptable, subject to the imposition of certain conditions which sought to protect the structural integrity of the Fishermen's Chapel/archaeology.

The Committee heard from the applicant, Mr. ■■■ Moody and his agents, Messrs. ■■■ Stein and ■■■ Godel. Mr. Moody advised that the aim of the scheme was to create additional space which was suitable for modern ■■■ living. The applicants ■■■ required decent office space and a small gym, which they considered essential to their health and wellbeing. They were passionate about their home, its location and setting and were determined to undertake sympathetic improvements which would not have a detrimental impact on neighbouring Listed Buildings. There had been no objections to the application and Mr. Moody advised that the view had been expressed that the scheme would enhance the property and the landscape and would improve the view from both the beach and the road.

The Committee heard from Mr. Godel, who advised that a previous scheme had been refused on the grounds of design and the impact on the setting of the Fishermen's Chapel. There had also been issues around size and scale. The applicants and their agents had worked closely with the Department to arrive at a mutually acceptable scheme. The design had been significantly amended and there had been a reduction in the floor space of 149 square metres. The number of bedrooms had also reduced from 5 to 4 and the design of the southern extension had been altered. The previous proposals had not incorporated the west facing elevation, but the current scheme proposed extending the thatched roof onto that side and introduced a pitched roof. There would be little visual change to the building to the west other than improvements to the landscaping. The terraced area to the south had been reduced and the glass balustrading removed to avoid reflection and make the development more discrete. Mr. Godel believed that the scheme would enhance the existing property and the proposed development would not be visually prominent. In addition, improvements to the thermal performance would arise and consideration was being given to the installation of geothermal heating. Works to support the existing road would be carried out and both Rose Cottage and the neighbouring property would connect to the main foul sewer network.

Mr. Stein referred to the previously refused scheme and the 6 reasons for refusal. He believed that the scheme under consideration addressed the majority of those reasons, with the increased floor space and potential for increased occupancy having been cited by the Department as the remaining issues. Mr. Stein argued that the adoption of the Bridging Island Plan removed the constraint regarding increased occupancy in respect of extensions in sensitive locations. With regard to the potential for converting other aspects of the scheme to provide additional habitable accommodation, Mr. Stein stated that the applicants had no intention of doing this and he suggested that if this was a matter of concern, a condition could be attached to the permit requiring the retention of certain elements of the scheme for non-habitable use. Turning to the floor space, Mr. Stein advised that the current building had a floor area of 339 square metres and the previously refused scheme had proposed a floor area of 670 square metres, compared with the proposed development, which had a floor area of 521 square metres. Most of the additional floor area would be accommodated on the existing footprint. Finally, Mr. Stein noted that there had been no objections from the Historic Environment Team.

Having considered the application, the Committee was satisfied that the scheme overcame the reasons for refusal and decided to grant permission, subject to the imposition of certain conditions (to be agreed when the decision was formally confirmed) and to include the condition suggested by the Historic Environment Team.

21st meeting
05.05.2022

Field No. 325,
Le Charriere
Huet, St.
Ouen:
proposed
agricultural
shed.

P/2021/1835

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought retrospective approval for the construction of a shed to the north east of Field No. 325, Le Charriere Huet, St. Ouen. The Committee had visited the application site on 3rd May 2022.

It was noted that the application had initially been assessed against the 2011 Island Plan and re-assessed against the 2022 Bridging Island Plan.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies PL5, NE3 and ERE5 of the 2022 Bridging Island Plan were of particular relevance.

The Committee was advised that the preamble to Policy PL5 of the Bridging Island Plan, stated that development should protect or improve landscape character and demonstrate that particular care had been taken to ensure that they were sympathetically integrated into the specific locality and did not harm the landscape character. Additionally, Policy NE3 stated that development should protect or improve landscape character. Proposals should also improve the distinctive character, quality and sensitivity of the landscape, as identified in the Integrated Landscape and Seascape Assessment (ILSA). Given the location of the proposed site, the ILSA stated that the predominately undeveloped, small scale, intimate wooded character of the valley landscape should be protected and that any development should be adjacent to existing buildings, small in scale and with a particular emphasis on avoiding any new isolated buildings. Policy ERE5 stated that new agricultural buildings would not be supported unless they were incidental to the viability or running of the holding and existing buildings on the holding or within reasonable proximity of it and that existing buildings could not, with or without adaptation, be used for the proposed purpose. The Policy also referenced scale, location, design, material and colour, all of which sought to minimise visual impact. The Department was of the view that the scheme failed to satisfy the requirements of Policy ERE5 on the basis that the applicant was not a small holder and had not provided justification that the shed was essential or that the need could not be met by leasing or purchasing an existing shed. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee was in receipt of all letters of representation which had been received in connexion with the application.

The Committee heard from the applicant's agent, Mrs. ■ Steedman, who advised that the location plan which had been displayed was not the same as the submitted location plan. This concerned her because she had taken great care in drawing the 'red line' in order to illustrate the exact location of the site. The Committee confirmed that the location plan which had been displayed matched the location plan in members' agenda packs and members fully understood the extent of the site. Mrs. Steedman declined an offer made by the Chair for the Committee to defer consideration of the application in order to provide her with time to seek the clarity she desired.

The Committee heard from the applicant, Mr. ■ Twigger, who advised that the ■ area upon which the shed was constructed was not an agricultural field. The applicant wished to manage the woodland, which had been overrun by Sycamore trees and required the shed to store equipment which was essential to the maintenance of the land. Mr. Twigger outlined proposals for the woodland and the meadow (which had not been included with the application), which were designed

to visually enhance the area and create biodiversity. In response to questions from members, Mr. Twigger advised that the existing wooden steps had been there for some time and that he had merely replaced the wood. He also confirmed that it was not usual for vehicles to park on the site, but advised that during the Committee's site visit his father had parked his vehicle there.

The Committee heard from Mr. ■ Pill, Landscape Architect, who advised that he had prepared the landscape management proposals. The woodland was extensive and comprised a linear meadow, which formed part of the landscape setting to Grève de Lecq. It had been established post World War II and was in poor condition, being made up almost entirely of self-seeding Sycamores, which were invasive. There were a small number of Oak, Holm Oak and Pine trees and without intervention the potential existed for the Sycamores to intrude onto the meadow. The intention was to introduce more native species and erect nest boxes, bat boxes and insect hotels and to improve the meadow area with native trees, to increase biodiversity and landscape character. In response to a question from the Chair, Mr. Pill advised that existing ornamental conifers would be removed and replaced with native species over time.

Mrs. Steedman referenced a letter which she had submitted in which she had set out the history of the application. She confirmed that the applicant had, in the past, planted Leylandii trees on the site and these would be replaced in line with the woodland management plan which had been prepared. Mrs. Steedman stated that the Department had requested a landscaping scheme in an attempt to understand the purpose of the shed which had been erected on the site. However, she had been advised that it was not possible to submit this after the application had been refused under delegated powers as it was too late in the process.

Mrs. Steedman went on to discuss the purpose of the Planning and Building (Jersey) Law 2002, and stated that the application aligned with the aims of the same. The shed had been constructed on an area of non-agricultural, poor quality former dune land, which had a culvert running through it. The applicant cut felled trees into logs and sold these at a low price to raise money, which was reinvested in the land. He also made and sold squirrel and bird boxes. Although the land appeared to be included in the boundary of the field, it was not in agricultural use. Mrs. Steedman reminded the Committee of the definition of agriculture under the relevant legislation and noted that there was no mention of forestry or woodland related activities. Historic photographs showed that there had been a còtil on the site that was now overgrown, and this was the only other part of the land which was in agricultural use. The applicant wished to protect and maintain the woodland, in accordance with recent decisions to protect trees in law. If the Committee accepted the woodland required maintenance, then it must also accept the need to provide a structure to store tools. The applicant did not have an off-site depot in which to store tools but even if he did this would only serve to increase vehicle trips to the site. The proposals would enhance biodiversity and landscape character and there was public support for the scheme. In concluding, Mrs. Steedman stated that the reasons for refusal were not relevant as it appeared that the application had been assessed against the wrong policy framework. There would be no loss of agricultural land and therefore no requirement for the applicant to seek bonafide agriculturalist status. This was an enabling application and the applicant was willing to accept a condition tying the use of the shed to the land on which it was located. However, if the Committee was minded to approve the application, Mrs. Steedman suggested it might wish to seek a deferral in order to receive comments from statutory consultees on the landscaping scheme.

Having considered the application and acknowledged that an assessment of the proposal in tandem with the landscaping scheme would have been helpful, the

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Committee concluded that it had to determine the application as presented. Members unanimously refused permission on the basis that insufficient information had been submitted in order to justify the proposal, as opposed to the original reason for refusal.

Field No.
1245, The
Farm House,
Palm Grove,
St. Helier:
proposed
change of use
of Field No.
1245/new
parking
area/footpath.

P/2021/1612

A11. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought approval for the change of use of part of Field No. 1245, The Farm House, Palm Grove, St. Helier to domestic curtilage. It was also proposed to create a new parking area and footpath access on to National Trust land. The Committee had visited the application site on 3rd May 2022.

It was noted that the application had initially been assessed against the 2011 Island Plan and re-assessed against the 2022 Bridging Island Plan.

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 and the Green Zone and that the Farm House was a Listed Building. Policies PL5, GD6, NE3, ERE1 and HE1 of the 2022 Bridging Island Plan were of particular relevance.

The Committee noted that Policy PL5 stated that development proposals in the countryside should protect or improve its character and distinctiveness and that agricultural land would be protected. Policy ERE1 specified that the development or loss of agricultural land would not be supported unless in exceptional circumstances. Developments should also demonstrate that particular care had been taken to ensure that they were sympathetically integrated into the specific locality and that they did not harm landscape character. Additionally, Policy NE3 stated that development must protect or improve landscape character. Proposals must also improve the distinctive character, quality and sensitivity of the landscape as identified in the Integrated Landscape and Seascape Assessment. In this instance, the policy required the protection of the strong rural character of the remaining less developed areas and the intimate pattern of small fields and enhanced the protection of the historic fabric including farmsteads and their settings. This was also affirmed by Policy HE1, where the special interest of Listed Buildings or places or settings must be protected. Policy GD6 required a high quality of design that conserved, protected and contributes positively to the distinctiveness of the built environment, landscape and wider setting. The Department was of the view that the application did not protect or improve the landscape character in this location; would result in the loss of agricultural land and failed to protect the setting of the Listed Building. The Policy tests set out in Policies PL5, HE1, GD6, ERE1 and NE3 of the Bridging Plan were not considered to have been met. Therefore, it was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the Farm House was Grade 3 Listed and that the agricultural context was key to the character of the wider setting of the farm group. Quite significant engineering interventions would be required to facilitate the proposals, and this would fundamentally alter the rural character and would have an adverse impact on the setting. Consequently, the application could not be supported from a heritage perspective.

The Committee heard from Connétable A.S. Crowcroft of St. Helier, who outlined

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substantial works to clear the site. Mrs. Steedman advised that the concrete structure referred to was used to house essential drainage infrastructure and the applicant had approached the Department about this during construction and acknowledged that permission should have been sought prior to construction. The scheme would facilitate the creation of gardens and parking for 2 x 3 bedroom properties to have garden and parking and the applicant was willing to provide a landscaping scheme.

The Committee heard from Mrs. ■ Romeril, who advised that ■ in conjunction with a third party and ■ had redeveloped the outbuildings to generate funds. She confirmed that whilst planning consent had not been sought for the concrete structure, she had a certificate for the engineering works from a civil engineering company. Mrs. Romeril sought to convey how decisions had been made to proceed with the works without consent and she cited delays in the planning process which had arisen during the pandemic, certain compliance issues with neighbouring sites which had not been addressed and the need to carry out certain works to facilitate the completion of other works on the site. In response to a question from a member, Mrs. Romeril detailed the drainage works which had been undertaken.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who confirmed that she had worked with the applicant on the conversion of the farmhouse. She acknowledged that the setting of the group had been impacted by surrounding development. If the application was approved as presented, the Committee would be permitting 5 car parking spaces and 2 gardens on agricultural land and whilst public benefits would arise, the impact on the Listed Building and its setting, the visual impact in the wider setting and the rural setting of the farm group had to be carefully considered. If the Committee maintained the decision to refuse permission, it would provide the Department with an opportunity to consider what development was authorised and what was not. It was recognised that a Building Control permit had not been issued in respect of the concrete structure which housed the drainage infrastructure.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin (who supported the application on the basis of no further development of the site), decided to endorse the recommendation to refuse permission, for the reasons set out above.

Surville Farm,
La Rue de
l'Orme, St.
Martin: revised
plans.

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers which sought approval for revisions to an approved application (reference P/2019/0082) at Surville Farm, La Rue de l'Orme, St. Martin. The Committee had visited the application site on 3rd May 2022.

RP/2021/0913

It was noted that the application had initially been assessed against the 2011 Island Plan and re-assessed against the 2022 Bridging Island Plan.

Deputy S.G. Luce of St. Martin 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 Green Zone and that Surville Farm was a Listed Building. Policies SP3 and 4, GD1, GD6 and HE1 of the 2022 Bridging Island Plan were of particular relevance.

This Committee noted that the application sought consent for a number of revised changes to the approved plans in respect of the construction of a 3 bedroom dwelling

on site which had replaced a dairy unit. The proposed changes included the construction of a ground floor extension and the alteration of the fenestration layout. The building was not Listed and was not within the Listing of the farm group. However, it did have an impact upon the setting of the Listed asset and had been judged in this respect.

The Committee noted that the thematic policies of the Bridging Island Plan made several references to the protection of the Listed Buildings and their settings. Policies SP 3 and GD6 stated that proposals should reflect and enhance the unique character of the place in question, whilst protecting the Island identity, including the historic environment. Policy HE1 also required that proposals protected Listed Buildings, including their settings and special interests. As such, the policy included 4 specific tests, as follows –

- the prospective changes were demonstrably necessary to meet an overriding public policy objective or need;
- there was no reasonable or practicable alternative to delivering the proposal without harm to the heritage asset;
- that the potential harm that would be facilitated as a result of the proposal had been avoided, mitigated and reduced as far as was reasonable or practicable; and,
- it has been demonstrated that the public benefit of the proposal outweighed harm to the special interest of the heritage asset.

The Committee was advised that the Historic Environment Team believed that the proposed changes would have an adverse impact on the setting of Surville Farm and that the application did not pass the policy tests set out in Policy HE1. In addition, Policy GD1 stated that developments should not cause unreasonable harm to the amenities of neighbouring uses. It was noted that the Environmental Health Department had requested that more information be submitted in relation to the proposed flue and chimney, but this had not been received. Therefore, concerns remained that the potential existed for the proposal to facilitate an unreasonable impact on neighbouring amenities. Consequently, it was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that consent had been granted for the dwelling on the basis that it would be a ‘sensitive neighbour’ to the historic group. However, the proposed changes were considered to result in a more suburban feel and undermined the basic vernacular of the building. In response to a question from a member, Ms. Ingle confirmed that a corrugated iron building which was situated near to the site was not owned by the applicant and its presence did not provide a sufficient buffer to mitigate harm.

The Committee heard from the applicant, Mr [REDACTED] Luce, [REDACTED] [REDACTED] He outlined the details of the planning consent for the dwelling and noted that the overall built footprint had reduced by 50 per cent as a result of the removal of the dairy shed. In 2020, the applicants had implemented the permit by commencing the construction of the house. Mr. Luce advised that the applicants had not appreciated that some of the works proposed in the revised scheme could not be carried out in accordance with permitted development rights and work had ceased on the new dwelling as soon as this had become apparent. Whilst it was accepted that the dwelling was within the setting of the Listed Building, Mr. Luce stated that the works would not have any impact on the principal view. He concluded by stating that it had never been his intention to carry out any unauthorised works and he was upset and embarrassed at the position he found himself in.

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The Committee heard from Mr. ■ Farman representing the applicant. Mr. Farman confirmed that permission had been granted for the removal and replacement of the corrugated shed referenced above. He advised that once Mr. Luce's dwelling was occupied, the dormers, rooflights, sunroom, alterations to ground floor fenestration and the flues would all be permissible under permitted development rights. Whilst this did not excuse the fact that unauthorised works had been carried out, in a short period of time the majority of the issues raised by the Historic Environment Team and the Environmental Health Department would have been addressed. With regard to the visual impact from the public road, this was described as 'minor', as was the impact on the Listed Building. It was pointed out that there was a yard and approved modern buildings between the application site and the historic building. Mr. Farnham asked what benefit there was in refusing the application when most of the works would not require permission in a few weeks when the property was occupied, and he also noted that there had been no objections. Finally, turning to the comments of the Environmental Health Department, Mr. Farman stated that 2 woodburning fires were proposed and he did not believe that the emissions would have an unreasonable impact. The chimney and flue had been designed to comply with Building Bye-laws and the distance to neighbouring properties exceeded the minimum requirement. The required information had now been submitted to the Environmental Health Department.

Ms. Ingle accepted that the unauthorised works had arisen as a result of miscommunication, but reiterated that the works were not supported by the Historic Environment Team and she made particular reference to an orangery style building. She confirmed that permitted development rights had not been removed at the time the original consent had been granted.

Having considered the application, the Committee concluded that the applicant had acted in good faith and had stopped work immediately. Whilst members expressed reservations about the appropriateness of the orangery, it was agreed that overall the scheme was aesthetically pleasing and would not result in harm to the landscape character nor the Listed farm group. Consequently, permission was granted, contrary to the Department recommendation. The application would be re-presented for formal decision confirmation and the approval of any conditions which were to be added to the permit.

No. 31 Pied du
Côtîl, St.
Helier:
removal of
balcony/
construction of
extension.

P/2021/1662

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for the removal of a balcony and the construction of an extension at No. 31 Pied du Côtîl, St. Helier. The application also sought consent for the alteration of the steps to the main entrance and a reduction in the garden level to form a car parking area to the south elevation. Various minor internal and external alterations were also proposed together with retrospective permission for timber fencing, terraces and steps to the north of the site. The Committee had visited the application site on 3rd May 2022.

It was noted that the application had initially been assessed against the 2011 Island Plan and re-assessed against the 2022 Bridging Island Plan.

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 of the Green Backdrop Zone and that Policies GD8, GD6, GD1 and NE3 of the 2022 Bridging Island Plan were of particular

relevance.

The Committee was advised that the application sought consent for the introduction of a new car parking space and first floor extension to the primary elevation as well as retrospective permission for timber fencing, terraces and steps to the north of the site.

It was noted that Policy GD8 supported proposals which did not unacceptably increase visual prominence and new development had to be well related to existing development. Proposals should also show a sufficient quality of design, in accordance with Policy GD6, which stated that development should respect the relationship with existing buildings, having regard to the layout, form and scale (height, massing and density) of the development. Additionally, Policy GD1 stated that proposals should not unreasonably affect the level of privacy enjoyed by neighbouring properties. Furthermore, it had to be demonstrated that proposals would not cause harm to the landscape or seascape character area, in accordance with Policy NE3. Whilst this particular area had somewhat merged with the surrounding urban area it retained a distinct sense of place and development had to be appropriate in terms of scale, design and material; well landscaped; and not visually-prominent in the landscape. The Department was of the view that the application did not pass the aforementioned policy tests and was recommending that the Committee maintain refusal.

The Committee heard from the applicant, Mr. ■ Tinney and his agent, Mr. ■ Le Brocq. Mr. Le Brocq advised that whilst the refusal related to all of the works on site, the main area of concern was understood to be the works to the north. With this in mind, the applicant wished to ascertain which elements of the scheme might be acceptable to the Committee. Some of the works had been carried out in an attempt to reduce overlooking from neighbouring sites and the applicant was willing to take advice from the Department in terms of other aspects of the scheme, such as the steps at the front of the property.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, decided to maintain refusal in accordance with the Officer's report. In doing so the Chair stated that he did not consider the balcony to be a particular issue, but felt that other works required further consideration and the use of timber for the steps was viewed as inappropriate.