

KML/

PLANNING COMMITTEE

(34th Meeting)

15th October 2020PART A (Non-Exempt)

All members were present., with the exception of Deputies S.M. Wickenden of St. Helier, J.M. Maçon of St. Saviour and K.F. Morel of St. Lawrence, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
(not present for item No. A10)
Deputy G.J. Truscott of St. Brelade, Vice Chairman
(not present for item No. A3)
Connétable P.B. Le Sueur of Trinity
(not present for item Nos. A3 - A6, A8, A9, A11 and A13)
Connétable D.W. Mezbourian of St. Lawrence
(not present for item Nos. A1 and A11)
Deputy R.E. Huelin of St. Peter
(not present for item Nos. A12 – A15)
Deputy L.B.E. Ash of St. Clement
(not present for item Nos. A7 and A15)

In attendance -

P. Le Gresley, Director, Development Control
A. Townsend, Principal Planner
C. Jones, Senior Planner
L. Davies, Planner
R. Hampson, Planner
G. Urban, Planner
G. Vasselin, Trainee Planner
K.M. Larbalestier, Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Part A only.

Field No. 771
and Retreat
Farm, La Rue
de la Frontiere,
St. Mary:
proposed staff
accommodat-
ion.

A1. The Committee, with reference to its Minute No. A7 of 17th September 2020, considered a report in connexion with an application which proposed the construction of a 3 bedroom staff accommodation unit on Field No. 771 and Retreat Farm, La Rue de la Frontiere, St. Mary. The Committee had visited the site on 15th September 2020.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.

P/2019/1492

The Committee recalled that it had been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reason for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the basis that the

scheme failed to satisfy the requirements of Policies SP1, SP4, GD1, NE7 and H9 of the 2011 Island Plan.

Miramar
Hotel, Le Mont
Gras d'Eau, St.
Brelade:
proposed
demolition and
redevelopment.

A2. The Committee, with reference to its Minute No. A4 of 17th September 2020, considered a report in connexion with an application which proposed the demolition and redevelopment of the Miramar Hotel, Le Mont Gras d'Eau, St. Brelade and its replacement with 10 x 2 bedroom and 2 x 3 bedroom residential units with associated car parking and landscaping. The Committee had visited the site on 15th September 2020.

P/2020/0029

Having considered the application, the Committee had been unable to reach a unanimous decision and, in accordance with agreed procedures in respect of a tied vote, the application had been determined in the negative.

For the purpose of formally confirming its decision and setting out the reason for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the basis that the application was contrary to Policies SP7, GD1 and GD7 of the 2011 Island Plan.

La Rousse, La
Route de la
Baie, St.
Brelade:
proposed
residential
unit.

A3. The Committee, with reference to Minute Nos. A2 of 21st July 2016, and A7 of 25th January 2018, considered a report in connexion with an application which proposed the construction of a 5 bedroom residential unit with associated car parking and amenity space on the eastern side of the property known as La Rousse, La Route de la Baie, St. Brelade. It was also proposed to create a new vehicular access onto La Route de la Baie and construct a swimming pool to the west of site. The Committee had visited the site on 13th October 2020.

P/2020/0857

Connétable P.B. Le Sueur of Trinity and Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area of the Shoreline Zone and was in a Tourist Destination Area. Policies SP1, SP7, GD1, GD7, NE1, NE2 and BE4 of the 2011 Island Plan were relevant to the application.

The Committee recalled that 2 alternative schemes for the redevelopment of the site had been approved in recent years - one for a new dwelling and the other for tourism accommodation. The designs were broadly similar, but the structures were located on different parts of the site. Both applications had been submitted by the previous owners of the site – the neighbouring L'Horizon Hotel.

The application site was a vacant/cleared plot of land located in the centre of St. Brelade's Bay, to the immediate west of L'Horizon Hotel and adjacent to the pedestrian promenade. The site was accessed directly from Le Mont Sohier.

The current application proposed the construction of a new 5 bedroom residential dwelling, which was identical to the approved tourism unit. The submission of an application was required as a result of the intention to use the unit as a permanent residential dwelling.

The design of the current proposal had already been judged as acceptable by the Committee, having regard to the relevant policies of the current Island Plan (to

include the Shoreline Zone Policy). The proposed new dwelling was considered to be an attractive and well-designed contemporary building. Concerns relating to overlooking/loss of privacy in respect of the front terrace of the neighbouring property, which was known as El Cobre, had not been raised previously and the Department was satisfied that the proposed development would not cause unreasonable harm to that dwelling. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Department had received a total of 12 letters of objection from 10 individuals.

Connétable D.W. Mezbourian of St. Lawrence sought advice as to whether the Committee was able to comment on the scheme as proposed, given the planning history of the site. The case officer confirmed that this was a live application and, whilst the Committee could arrive at a different decision to that which had been recommended by the Department, the extant permits were a compelling material planning consideration.

The Committee heard from Mr. J. Harris, who stated that this was ‘not simply a rubber stamping exercise’. He argued that the proposed development did not comply with the relevant Island Plan Policies and he referenced Policy B4 - Shoreline Zone and the requirement to maintain public views to the foreshore and the sea. The Policy promoted the development of facilities which encouraged and enhanced access to and awareness of the coast and precluded development which obstructed significant public views to the foreshore. Development affecting the coastal strip of the Bay, as defined by the Shoreline Zone, had the potential to affect the special character of the whole Bay. Accordingly, replacement buildings should not generally be larger than that which was being replaced. At present there were clear views though to the beach and the sea beyond and Mr. Harris believed that these would be compromised as a result of the proposed development. Furthermore, the Department’s report made no reference to those parts of the Policy which specifically related to St. Brelade’s Bay. Mr. Harris reminded the Committee that Policy BE4 stated that the following types of development proposals would not be approved –

- new buildings or extensions to existing buildings, where such development would obstruct significant public views to the foreshore and sea; and
- development involving the loss of open spaces that were considered important for the preservation of public views to the foreshore and sea; within the Shoreline Zone for St. Brelade’s Bay, the following forms of development would not normally be approved;
- the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of gross floorspace, building footprint or visual impact than the building being replaced.

Mr. Harris believed that the application failed the Policy test in that the proposed new building would have a floor space of 514 square metres, whereas the former building had a maximum floorspace of 80 square metres (or 160 square metres counting the roof space). This meant that the footprint of the proposed new building would be over 3 times larger and would have a much greater visual impact than the former building. Mr. Harris urged the Committee to refuse the application and encourage the construction of a smaller building of the same footprint as the previous building. He felt this would address concerns of objectors.

The Committee heard from Messrs. N and J. Socrates of the property known as El Cobre. Mr. N. Socrates advised that the proposed development included a very large window with a Juliet balcony which would overlook the amenity space associated with El Cobre. A planting screen was proposed, but Mr. Socrates was not convinced that plants would survive in this exposed location and he added that for 3 or 4 days each month his terrace was flooded by the high tide, making it difficult for plants to survive. He believed that an existing shrub on the application site had failed to grow higher than 2 metres. Whilst acknowledging that the terrace at El Cobre was not private at present as it was not enclosed and could be viewed from the promenade, he informed members that a storm in 2012 had swept away a wall and planting (which Mr. Socrates intended to reinstate). He felt that the proposed scheme sought to take advantage of this lack of privacy. Mr. Socrates raised other issues such as the high boundary walls and the height of the proposed building. He also felt that the proposed residential use would be more intense than a tourism use and he urged the Committee not to be swayed by the planning history of the site and consider the application afresh. He was anxious to ensure that the privacy of El Cobre was protected.

Mr. J. Socrates addressed the Committee and explained that El Cobre was a multi-generation property and that the terrace was used by all occupants for all manner of things. He, too, was concerned about the impact on the of the large window [REDACTED]

The Committee heard from Advocate R. Colley, [REDACTED]. She described St. Brelade's Bay as 'a beautiful place to live' and one of the joys of this particular location and the openness of the amenity area associated with El Cobre meant that it provided a wonderful community space for those who lived there. Advocate Colley's own garden was set back a little, but even so it was almost impossible to grow plants there. Advocate Colley made some more general points regarding the depth of feeling of long term residents of the Bay about protecting its unique character and history. This meant that development should be appropriate and sympathetic. [REDACTED] in 1997, the former cottage on the application site had been more or less intact and had been owned by L'Horizon Hotel. Unfortunately, it had not been properly maintained and had become quite derelict. Even in its dilapidated state it had still been a beautiful space with wild flowers, roses and artichokes growing there. Advocate Colley believed that the former cottage had once been the home of a famous writer. With regard to the proposed development, Advocate Colley questioned how it would enhance the lives of tourists and residents. She concluded that it would not and she asked the Committee to take this opportunity to consider a more appropriate form of development for the site. She suggested that tourism accommodation was preferable to a residential unit as this would allow visitors to the Island to enjoy the beauty of the Bay whilst protecting its heritage.

The Committee heard from Mr. A. Socrates, who stated that 5 families lived at El Cobre. He expressed disappointment at the uncompromising approach of the applicant in terms of modifying the large window which would overlook the property. This was in stark contrast to the owners of a neighbouring site who had consulted with the occupants and amended their scheme to address concerns.

The Committee heard from Mr. D. Mason, [REDACTED]. He had considerable architectural experience and recommended that the applicant be requested to erect a scaffold profile depicting the west and south walls in order that the impact of the window on the west elevation of the proposed development could be properly

assessed.

The Committee heard from Mrs. B. Tibboni, a long term resident of the Bay who had objected to the previously approved schemes. She, too, felt that the proposed development was too large and she considered that the sea front location of the property should be taken into account.

The Committee heard from Messrs. C. Riva and I. Alder, representing the applicant. Mr. Riva acknowledged the depth of emotion expressed and noted the protracted planning history of the site. He explained that whilst the previous owners had initially wished to construct a self-catering unit, the subsequent pandemic and its financial impact on the tourism industry had led to the sale of the site. The new owners wished to construct a residential unit so a fresh application had been submitted. This had presented an opportunity to review the scheme.

The Committee was advised that 2 west facing windows and balconies at Hotel L'Horizon currently overlooked El Cobre. Furthermore, another property to the far west of El Cobre, where construction work was currently taking place, would include a generously proportioned terrace with glazing on all sides at first floor level. Mr. Riva concluded that buildings along the promenade were, in fact, interdependent in terms of view lines and the applicants wished to make the most of the attractive view out.

Mr. Riva resisted suggestions that the applicants had not been conciliatory and he advised that they had offered to lower the boundary wall for a distance of 2 metres to allow clearer views. He was not convinced by arguments that trees or plants would not grow in the Bay, particularly as a tree had been removed when the previous building had been demolished. Mr. Riva had been involved in another scheme near the Gunsite Café and he recalled that Holm Oaks had been planted and these were flourishing in a similarly exposed location. Consequently, he believed that a landscaped screen could be successfully grown between the application site and El Cobre.

Mr. Alder pointed out that the terrace at El Cobre was completely open to public view. He was aware that a scheme to improve the external appearance of the terraced area had been submitted some time ago. There was no indication of a screen between El Cobre and La Rousse on the drawings. The application under consideration proposed a soft screen which would provide the required privacy and plants would be protected by a glass screen. The land would be levelled and this would also afford protection for plants - the promenade level did not currently match the roadside level. Mr. Alder argued that a self-catering use would be more intense and that the proposed development would enhance privacy. He concluded by stating that there appeared to be some disparity in terms of the desire for privacy at El Cobre and the openness of the site.

In response to questions from members regarding the approved and proposed schemes, Mr. Riva confirmed that the scale of the development was the same as that which had previously been approved. However, the approved schemes had east facing windows with a blank wall facing El Cobre. Consequently, the current scheme was considered to represent an improvement. The Director, Development Control, explained that the proposed dwelling was linear in form in order to maintain partial vistas through the sites, in accordance with the Shoreline Zone Policy.

The Connétable D.W. Mezbourian of St. Lawrence referred to a comment made by Mr. Harris to the effect that the proposed development would be more than 3 times the size of the former cottage. The case officer confirmed that this was 'probably

true' and he referred the Committee to his report which contained the full text of the Shoreline Zone Policy, which he stated was quite restrictive. The Planning Committee as previously constituted had considered and approved almost identical schemes in 2016 and 2018. The Connétable asked whether the Committee was bound by previous decisions and the Director explained that whilst the Committee was at liberty to arrive at a different conclusion, in terms of good administration there should be consistency of decision making. This volume of building had been approved twice already under the same constraints and the extant permits were a very significant material consideration. If the Committee decided to refuse the application, members would have to identify something which was materially different between the schemes. The principal difference was the proposed residential use over the self-catering use – the Department's advice was that this was not sufficiently different to warrant a refusal.

Having considered the application, the Committee concluded that the scheme was in accordance with the relevant Island Plan Policies and that vistas would be maintained. The Committee considered the argument that the proposed development would result in a loss of privacy to El Cobre to be tenuous given the existing overlooking from Hotel L'Horizon. Consequently, the Committee endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report. In doing so, it requested that condition No. 4 – which related to landscaping - be augmented to require semi-mature saline resistant planting prior to occupation.

Field No. 10,
Le Mont de St.
Marie, St.
Mary:
reconstruction
of fire
damaged shed
(RETRO-
SPECTIVE)
P/2020/0826

A4. The Committee considered a report in connexion with a retrospective application which sought permission for the reconstruction of a fire damaged shed to the north-east corner of Field No. 10, Le Mont de St. Marie, St. Mary. The Committee had visited the site on 13th October 2020.

Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and that Policies SP1, GD1, GD7, ERE1 and NE6 of the 2011 Island Plan were relevant to the application.

The Committee was advised that the application related to a partially re-constructed agricultural storage building in the corner of the field, together with an associated access track running north to Le Chemin du Câtel. This storage building was an isolated structure with no other buildings nearby. The site, which formed part of the Coastal National Park, was surrounded by agricultural land.

The Committee noted that the original building had been destroyed in an arson attack in late 2005. In 2014, consent had been granted for the structure to be re-built to the same design and proportions, and for the same use. However, when work had commenced on site, the Department had been made aware that the development being undertaken did not accord with the approved plans. It was also evident that by the time work had commenced (in August 2019), the 2014 planning permission had actually expired. Accordingly, the applicant had been required to cease work and re-apply.

Following certain modifications to the scheme, to include the reinstatement of the original timber doors and windows and adjustments to the roof design, the Department was now satisfied with the design and landscape impact of the proposal.

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In light of the planning history, including the relatively-recent consent to reinstate the original building, the Department believed that the grant of a further permission was justified and the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Department had received 4 letters of objection in connexion with the application.

The Committee discussed the scheme with the applicant's agent, Mr. A. Harvey and members expressed considerable concern about the increase in the size of the building and its domestic appearance, particularly given the Coastal National Park location of the application site.

Consequently, the application was refused on the grounds that the scheme would result in the creeping domestication of this part of the field and the shed and the additional size would have a detrimental impact on the landscape setting and character. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be represented as the next scheduled meeting for formal decision confirmation.

The Gables, Le
Chemin de la
Brecquette, St.
Ouen:
proposed
swimming
pool/retaining
wall.

A5. The Committee considered a report in connexion with an application which proposed the installation of a non-enclosed swimming pool, surrounding hardstanding and decking at the property known as The Gables, Le Chemin de la Brecquette, St. Ouen. It was also proposed to form a retaining wall to the west elevation. The Committee had visited the site on 13th October 2020.

Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

P/2020/0461

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and that Policies GD1, GD7 and NE6 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application proposed the installation of an in-ground, open-air swimming pool to the east of the dwelling, with associated hardstanding and the formation of a retaining wall to the west of the site to accommodate the existing difference in ground levels.

The Committee was advised that the Coastal National Park Policy permitted minor developments which satisfied the set criteria contained within the Policy and did not cause harm to the landscape character. The proposal was considered to accord with this criteria.

The main issue in this particular instance was whether this proposal would unreasonably harm the amenities of neighbouring uses and a number of objections had been received. These related primarily to the increase in noise and potential loss of privacy arising from the slight increase in ground level. The stability of the boundary wall had also been raised as a potential issue.

The siting and size of the proposed swimming pool and retaining wall would allow for the retention of the existing 3 metre high mature evergreen trees along the boundary and a larger mature tree within the existing garden. Furthermore, the proposed development was set away from the existing boundary wall so as not to impact the existing structure. In any case this was not a planning matter.

To mitigate the potential for overlooking, a condition was proposed requiring the erection of a fence along the southern boundary at a height of 1.7 metres from the finished floor level of the pool surround, to ensure that privacy was maintained.

The proposals were considered to satisfy the requirements of the relevant Island Plan policies and were recommended for approval, subject to the imposition of the condition detailed within the officer report.

6 letters of objection from 4 individuals had been received. The Director, Development Control advised that he had been asked to extend apologies for absence from one of the objectors, Mrs. S. Bricknell. The case officer added that Mrs. Bricknell was concerned about the proximity of the pool to her amenity space and had requested that an acoustic rated fence be erected between the properties.

The Committee heard from the applicants' agent, Mr. M. Stein, who confirmed that an eco-silent air source heat pump, which would be located 12 metres away from the boundary, would be used to heat the pool. Mr. Stein added that this was a straightforward application for a swimming pool, which would ordinarily be permitted development, in accordance with the General Development Order. In this particular case permission was only required because the pool would sit in front of the principal elevation some 20 metres away from Rue de l'Etacq. Mr. Stein did not believe that the use of the pool would cause unreasonable disturbance and he considered the request for an acoustic rated fence to be wholly unreasonable. He also advised that the proposed development was in accordance with Policy GD1 and argued that there would be no overlooking. He noted the concerns of neighbours in relation to the impact on the boundary wall and advised that the applicant would rely on the advice of a structural engineer. Mr. Stein confirmed that the submitted plans were accurate and that home-owners living in the Coastal National Park should have a reasonable expectation to improve their homes.

Having considered the application, the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report. In doing so the Committee was asked by the Director, Development Control to consider whether condition No. 1, which required the erection of a fence along the southern boundary at a height of 1.7 metres from the finished floor level of the pool surround, was necessary. The Committee concluded that the condition should be maintained.

Ville à
l'Eveque
Cottage, La
Rue de la
Monnaie,
Trinity:
proposed
demolition and
redevelopment.

A6. The Committee, with reference to Minute No. A1 of 12th June 2019, considered a report in connexion with an application which sought permission for the demolition and redevelopment of the property known as Ville à l'Eveque Cottage, La Rue de la Monnaie, Trinity to provide 3 x 4 bedroom dwellings with associated garages, car parking and landscaping.

Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

P/2020/0515

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and the Green Zone and that Policies H6, EIW1, GD1, HE1, GD7, WM1, NE1, NE2, NE4, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application site measured approximately 1,750 square metres (0.43 acres) and was situated on the southern side of La Rue de la Monnaie. Upon entering the site, land levels fell gently southwards from the roadside down to a stream which extended east-west across the southernmost part of the site. Thereafter, land levels rose sharply where the site bounded the Springside

Industrial Estate. It was noted that a strip of land within the site, which lay to the immediate south of the stream, had been designated on the Island Plan Proposals Map as a Protected Industrial Site, albeit that it was part of the residential land use of Ville à l'Eveque Cottage.

The site contained a single storey granite cottage (late 18th century/early 19th century origins) abutting the roadside with an attached garage on its eastern side; open vehicular access adjacent to the western gable; and a series of small ancillary residential structures to the south and east. The application sought planning permission for the redevelopment of the site, to include the demolition of the existing roadside cottage (not Listed) and the construction of 3 new dwellings.

The Committee recalled that it had previously approved a scheme for 2 x 4 bedroom and one x 5 bedroom dwellings on the site. This permission had subsequently been overturned by the Minister following a successful third party appeal against the decision. 3 reasons for refusal had been cited as follows –

- insufficient evidence to justify that the dwelling could not be reasonably repaired or refurbished;
- alterations to existing land levels, which were found to be harmful to the landscape; and,
- a detrimental effect on the setting of Le Mare d'Angot, a nearby Listed building.

It was noted that the loss of the existing granite cottage continued to generate much public opposition. However, the building had been reviewed in April 2019, by Jersey Heritage and it had been concluded that it did not fulfil the criteria for Listing. Consequently, the Island Plan's Spatial Strategy, which stated that development would be concentrated within the Built-Up Area, remained the principal consideration.

Having regard to the partial designation of the site as a Protected Industrial Site, the land in question was part of the residential land use associated with Ville à l'Eveque Cottage. Consequently, no change of use was required to facilitate this development and there would be no loss of industrial land. Moreover, the residential redevelopment of the site would maintain a more appropriate benign neighbour use. This issue had also been addressed by the Independent Planning Inspector at the appeal where the inconsistent zoning had been recognised as an anomaly or mapping error.

The proposed scheme complied with the Island Plan Spatial Strategy and was permissible within this Built-Up Area site. The scheme made more efficient use of the site, delivering the 'highest reasonable density', commensurate with good design, adequate amenity space and car parking, without having an unreasonable impact upon the amenities of neighbours, or leading to unacceptable problems of traffic generation, safety or car parking. Moreover, the proposals were supported by the Highway Authority.

It was acknowledged that the proposed redevelopment would alter the appearance of the site, which had been found to be unacceptable at appeal, given its effect on the landscape and a nearby listed building. However, the current application successfully addressed those issues and the proposal was considered to respect, conserve and contribute positively to the diversity and distinctiveness of the landscape and the built context and, in turn, the Listed building was no longer unreasonably impacted.

The submission of reports from suitably qualified professionals demonstrated that the cottage was incapable of sensible repair or refurbishment. Consequently, the Department had concluded that all reasons for refusal had been successfully addressed within the application.

In many respects, the traditional design approach proposed was considered to contribute positively to the site and its setting and the design took cues from Jersey farm buildings in the local area and included good detailing and materials. This was considered successful within the application site, which was located in a part of the Built-Up Area with a significant rural context.

The Committee noted that the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Department had received 22 representations (from 20 parties), together with a petition signed by many of those who had also submitted individual representations. The Committee had also received late submissions under separate cover, which had been received after the distribution of the Planning Committee agenda.

The Committee heard from Mr. F. Benest, who spoke at length about the importance of the existing dwelling. He stated that the loss of the cottage was of considerable concern and the current proposal failed by virtue of the scale and siting of the proposed development and for some reasons previously cited by the Independent Planning Inspector. He believed that the scheme also failed to justify the removal of cottage, irrespective of whether it was Listed or not. He referred the Committee to page 113 of the Inspector's report. He found it astonishing that the Department's report failed to consider Policy SP4 and that the Historic Environment Section's comments focussed solely on Listed Buildings. Assessment against Policy SP4 was a key material consideration in determining planning applications, so Mr. Benest argued that the process was flawed.

There was no doubt that the existing cottage was a valuable heritage asset and a landmark building in a rural setting. It was cherished by local residents and viewed in the same way as other buildings such as the old library in Library Place - these buildings had been constructed within 2 years of each other. Mr. Benest understood that the applicant had refused to permit a brick sampling analysis which would have helped to accurately date the cottage. He added that in correspondence with the applicant's adviser, Mr. J. McCormack, the author of the book entitled 'Channel Island houses', he had stated that the granite walls were mid-18th century.

Following the successful third party appeal, Mr. Benest had contacted the applicant's agent advising that there would be no objection to the remodelling and extension of the cottage, which he believed would be economical, practical, desirable in planning terms and very marketable.

Mr. Benest quoted from a Royal Court judgement in the case of *'Therin versus the Minister for the Environment'*, where reference had been made to the balancing exercise which needed to be carried out in terms of whether compliance with policy SP2 justified a conclusion that permission should be given, notwithstanding Policy GD1.1(a). In that context it was considered that it was not enough to say that a proposed development complied with policy SP2. The issue was the balance between that policy and Policy GD1. Mr. Benest argued that the proposed development did not pass the GD1.1(a) policy test and the applicant had made it impossible for interested parties to properly scrutinise the application.

The Committee heard from Mrs. H. Johnson of No. 3 Chestnut Lea, La Ruelle de la

Ville à l'Eveque. Mrs. Johnson stated that she represented the view of many others, all of whom were shocked and dismayed by the proposed demolition of the cottage. As awareness of the proposals had increased, so, too, had the level of opposition to the destruction of another piece of Jersey history and the erosion of the Island's built heritage. It appeared that there had been some difficulty in identifying the exact age of the cottage and Mrs. Johnson noted that Mr. Benest's own research at the Jersey Archive had revealed that the property dated from 1735. This was evidenced by historic inheritance documents and evidence of the same had been provided in this connexion. The publicly available content had been so heavily redacted by the Planning Department that it had been rendered meaningless. Mrs. Johnson questioned the particular approach adopted by the Department in this respect and struggled to understand the logic behind the same. She added that the property featured on the 1795 Richmond survey map, which had been commissioned by the Duke of Richmond in response to the threat of invasion by the French. Whilst there had been changes to the cottage over the years, it remained a much cherished building. Mrs. Johnson stated that the Island should recognise the value of older buildings, which were part of its rich history and she believed Islanders had a duty to save these buildings from destruction.

The Committee heard from Dr. S. Lawson, who lived immediately opposite the application site. Dr. Lawson read from a detailed representation written by Mrs. M. Coutanche of the property known as Rougemont, who was unable to attend the meeting [REDACTED]

[REDACTED] Mrs. Coutanche opposed the demolition of the property and was concerned that the proposed new development would result in a loss of sun light to her property and flooding. In respect of the latter, she stated that 2 new houses which had been built in the immediate vicinity in 2017, had been flooded in 2019. Natural springs in the valley saturated the ground during periods of heavy rainfall, so much so that Mrs. Coutanche was unable to walk on her lawn. A wall had been constructed around the new houses and this would act as a dam, making Mrs. Coutanche's property even more vulnerable. She was of the view that any additional development would exacerbate the problem and was not convinced that attenuation tanks were the solution. She noted that her bungalow property did not feature on the drawings, in spite of the fact that she believed it would be most seriously affected. The proposed development would have a significant and detrimental impact on her enjoyment of her property and the scale and height of the development was considered inappropriate in this context and more suited to an urban setting.

The Committee heard from Mrs. J. Lawson, who expressed concerns regarding road safety and highlighted the perils of walking or cycling on the road at present. Heavy vehicles and agricultural machinery drove along the road at speed and Mrs. Lawson felt that a fatal road traffic accident was inevitable. She, too, was concerned about flooding and repeated comments regarding the recent flooding of 2 existing houses built in 2017. She was also worried about the destruction of wildlife habitats.

The Committee heard from Mr. J. Neill, who advised that there were serious issues with surface water in the area. [REDACTED]

[REDACTED] lived in the cottage for over 60 years and had first-hand experience of its shortcomings. The meadow formed a natural bowl for surface water from the surrounding fields and roads, which regularly flooded. In October 2018 inlets to the meadow had been improved due to continued flooding. There were also naturally occurring springs in the vicinity and Mr. Neill feared that if permission was granted for the proposed development the garden area of the houses would flood, as had happened the previous Winter with the 2 new houses built in 2017, which had flooded twice. Mr. Neill was most dubious about the ability of the proposed Sustainable Drainage Systems (SuDS) in coping with increased water from 3 large

houses. Drainage engineers employed by the applicant advised that attenuation tanks would release water gradually, thus maintaining existing flows to the stream. A request for detailed information on this had not been forthcoming. Mr. Neill's [REDACTED], [REDACTED] had produced his own calculations (which had been forwarded to the Drainage Authority) and he had concluded that the proposed development would generate an additional 168 cubic meters of water, affecting the viability of the whole scheme. The dispersal of surface water was of critical importance and, in this context, Mr. Neill made reference to Policies– GD1.1(d) and (c). He noted that the application did not contain detailed proposals on how water emissions would be dealt with.

The Committee heard from Connétable P.B. Le Sueur of Trinity, who stated that whilst the scheme was attractive, it was inappropriate for this sensitive site. He referenced the findings of the Independent Planning Inspector, which he did not believe had been properly considered. The applicant appeared determined to undertake a pastiche development in this location, irrespective of practicality or appropriateness. The Connétable described the proposed development as 'an unwelcome intrusion' which would be quite visible. He also likened the revised proposals to 'moving the deck chairs on the Titanic' as the proposed development was the same size and scale as the refused scheme. The fundamental problem was that it could not be escaped that the Independent Planning Inspector had found the scale of the development too large and that remained unchanged. The existing cottage was known locally as '[REDACTED] cottage' in deference to a previous owner and it was as much a landmark as Jersey's last AA box, which was situated in the Parish of Trinity. The Connétable feared that the preservation of traditional buildings was 'getting lost' and he considered this quaint cottage an important part of the historical setting. The same presumption in favour of retention should be applied, as was the case for Listed Buildings. The Connétable recounted a conversation he had had with the local postman, who recalled that the cottage 'used to be a lovely family home and could be again with an extension'. In concluding, the Connétable stated that the changes in the revised scheme were merely 'window dressing' and the application failed to properly demonstrate that the cottage could not be repaired and refurbished economically or that surface water could be properly disposed without detriment. The scheme also failed to take into account the issues raised by the Planning Inspector and was detrimental to the character of the area.

The Committee received Mr. and Mrs. R. Godel and Mrs. S. Steedman on behalf of the applicant. Mr. Godel advised that Mr. J. McCormack, the author of the book entitled 'Channel Island houses', a historic buildings expert who had been providing impartial advice free of charge in relation to the application, was available [REDACTED]. Mr. D. Morrison, Drainage Engineer was also present, should the Committee wish to discuss this aspect of the scheme, as were Messrs. D. Bashforth, who had compiled the condition survey, [REDACTED] Tillyards and [REDACTED] Benest Estates.

Mr. Godel stated that it was important to remember that Jersey Heritage had carried out an assessment of the cottage and it had not been considered worthy of Listing. There was no evidence to suggest that the existing building was the original building.

Mr. McCormack addressed the Committee, advising that the only way to verify the age of the property was to look at the structure and the detail in the stone, beams, fireplace and woodwork. In this particular case, there was nothing to suggest that the cottage was not a 19th century re-build on the same site and, although one part of the property was older than the other, there was nothing in the older part to indicate the existence of an 18th century cottage. The doors were not as wide as 18th century doors and the windows were not in the correct place. None of the features

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were consistent with that of a 1730 dwelling. Many buildings had been completely re-built very cheaply in Jersey in the 19th century and the rear was usually much less attractive than the front. Mr. McCormack was very familiar with the building having frequently passed it [REDACTED]

Mr. Godel stated that Mr. McCormack had been unequivocal in his views regarding the age of the cottage. However, the scenic charm of the granite roadside wall was not disputed. In this latest design, attempts had been made to replicate the nature and style of the existing building along the roadside. Mr. Godel refuted claims that the Planning Inspector had felt that the previous design was inappropriate. This misunderstanding appeared to have arisen as a result of erroneous media reporting, when the Inspector's comments in relation to landscaping in the vicinity of the stream had been misconstrued. Mr. Godel advised that he had built on the previous design approach.

The main issue which had been raised by the Inspector was that insufficient evidence had been submitted to prove that the cottage could not be repaired and refurbished. It had been argued that there was little point in providing this information because reliance had been placed entirely on the Policy for the Built-Up Area, which recognised that the development of sites such as this were essential in terms of addressing demand for housing in the Island. However, the necessary information had now been submitted and Mr. Godel advised that a structural survey had been carried out and the viability of repair considered. Consideration had been given to extending the existing building and a scheme worked up to show the cottage retained with an extension, as per Mr. F. Benest's suggestion. In each case, construction costs had been looked at and Mr. A. Benest had considered sale values. Refurbishing the existing dwelling was not as simple as it might seem as it had no radon barrier or insulation, so costs would be significant and would result in a financial loss. [REDACTED]

[REDACTED]. The submitted scheme would result in an appreciable profit and complied with Island Plan Policies. Furthermore, it had been recognised that increasing the number of units on the site would require improved visibility splays, which were currently poor and did not comply with the Highway Authority's standards. To achieve appropriate visibility splays 70 per cent of the existing building had to be demolished. Even if the number of bedrooms in the existing unit were to be increased or a development of 2 new dwellings proposed, improved visibility splays would be required by the highway authority. Mr. Godel stated that the Inspector had not taken this into account and whilst it was recognised that properties opposite the application site did not have adequate visibility splays, this was irrelevant as these improvements were essential to comply with the requirements of the Highway Authority. In concluding, Mr. Godel stated that the scale of the development had been reduced and the layout revised to move buildings further away from the boundaries.

At this juncture Connétable D.W. Mezbourian of St. Lawrence advised that, whilst references had been made to the report compiled by the Independent Planning Inspector, she did not believe that this had been included within the Committee's agenda packs. Consequently, the Committee decided to defer consideration of the application pending the receipt of the same and agreed to reconvene prior to the next scheduled meeting to hear from the one remaining agent representing the applicant, Mrs. S. Steedman. The Committee stressed that those persons who had already spoken would not be required to make further oral representations.

In the meantime, the Committee acceded to a request from Mr. Godel for Mr. D. Morrison, Engineer, Ross Gower Associates to address the meeting. Mr. Morrison discussed the drainage solution, which was designed with high intensity rainfall in

mind. Surface water would be collected in a below ground tank with a flow control device which released water slowly. Permeable surfaces would also be installed. Mr. Morrison added that flooding in the area originated from a number of locations. Mr. Morrison confirmed that he had not had sight of the calculations produced by Mr. Neill's [REDACTED] but believed them to be incorrect. He agreed to submit his own calculations for consideration by the Committee. It was also noted that the Department's drainage section was satisfied with the drainage solution. This was challenged by the Deputy of Trinity, H. Raymond, who understood that the drainage section had not received the calculations. However, Mr. Morrison advised that a response had been received upon receipt of the same. The Director, Development Control undertook to ensure that this was the case.

The Committee agreed to reconvene at a date to be confirmed to determine the application.

Craigie Nook,
La Grande
Route de la
Côte, St.
Clement:
proposed
extensions and
balcony.

A7. The Committee considered a report in connexion with an application which proposed the construction of a ground floor extension to the south-east elevation, a first floor extension to the south elevation and first floor balcony to the west elevation of the property known as Craigie Nook, La Grande Route de la Côte, St. Clement. It was also proposed to alter vehicular access onto La Grande Route de la Côte. The Committee had visited the site on 13th October 2020.

Deputy L.B.E. Ash of St. Clement did not participate in the determination of this application.

P/2020/0334

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, SP2, GD1, GD7, BE6 and H6 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application was a re-submission of an identical proposal for which permission had previously been granted. That permission had not been implemented and had since lapsed.

It was proposed to extend a small detached dwelling containing a studio flat to increase the habitable space. The development would result in a change in design and an increase in the size of the building, but not an increase in occupancy, as it would remain a one bedroom dwelling. The proposed design was considered to be acceptable and the proposal met the requirements of the relevant Island Plan Policies. Consequently, it was recommended that permission was granted, subject to the imposition of the conditions detailed in the officer report.

6 letters of objection had been received in connexion with the application, together with a late submission, which the Committee had received.

The Committee received the applicant's agent, Mrs. S. Steedman who was requested to address the objections which had been raised. She advised that whilst the impact of construction works had been flagged as an issue, this was not a planning consideration. However, every effort would be made to minimise disruption. It had been suggested that the scheme would result in the over-development of the site, but Mrs. Steedman reminded the Committee that permission had previously been granted in 2014, under the current Island Plan for an identical proposal. There had been no objection from the Highway Authority and it was noted that the scheme would result in improved visibility splays. Mrs. Steedman advised that there would be no difference in terms of building relationships and whilst there might be some shadowing, this was not considered unreasonable. The Committee was also referred

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to the comments of the highway authority in respect of the improved car parking arrangements.

Having considered the scheme the Committee unanimously approved the application. subject to the imposition of the conditions detailed in the officer report.

Agricultural
shed – Clamer,
La Route de
Mont Mado,
St. John:
proposed
demolition/
construction of
new dwellings
(RFR).
477/5/3(1072)
PP/2018/1077

A8. The Committee, with reference to Minute No. A14 of 11th July 2019, considered a report in connexion with an application which proposed the demolition of an agricultural shed at the property known as Clamer, La Route de Mont Mado, St. John and its replacement with 2 x 3 bedroom dwellings with associated car parking and landscaping. A change of use from agricultural land to residential was also sought. The Committee had visited the application site on 13th October 2020.

Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, H6, GD1, GD3, GD7, E1, ERE1 and ERE5 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application proposed the replacement of a block built agricultural shed with 2 dwellings. The application followed on from 3 previous refusals, the most recent of which (an outline application) had been refused on the basis of a failure to prove redundancy to agriculture and other employment uses, highways issues and detrimental impact upon the character of the area. Whilst the Committee had upheld this decision at review, it had directed that the reasons for refusal which related to failure to prove redundancy to agriculture and other employment uses and highways issues be struck out it was convinced that these had been or could be resolved.

A new application had been submitted which included design and landscaping details, which had previously been excluded. The layout of the scheme had been amended and the buildings reduced in scale to a point where it was considered that the proposals would no longer result in an overdevelopment of the site, which would be detrimental to the character of the area. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. A. Curtis, who opposed the loss of agricultural buildings and land in general. [REDACTED]

[REDACTED] He believed that the application failed to satisfy the requirements of Policies ERE5, E1 and SP5. Whilst he understood that the Committee had previously struck out Policy E1 as a reason for refusal, he asked members to reconsider this as the economic climate had changed in the intervening period. He questioned whether the applicant had supplied a marketing report, in accordance with Policy E1. Mr. Curtis advised the Committee of the difficulties he had encountered in purchasing an agricultural shed and stated that priority had to be given to employment land uses. He believed that this particular shed could be used for a variety of purposes, even if the building was of a low quality and that it should be marketed at accessible employment use rates to make it affordable for potential users.

The case officer confirmed that the Committee had previously received the details of the extensive marketing exercise which had been carried out and members had

concluded that the building had passed its sell by date.

The Committee received the applicants, Mr. and Mrs. A. Coutanche and their agent, Mr. S. Osmand. Mr. Osmand advised that the existing shed had not been used since 2007, [REDACTED] It was not suitable for modern agricultural requirements and there had been no interest in using it for this purpose. The application site was in the Built-Up Area and was surrounded by development. The interest which had been shown following the 2018 marketing exercise had been for vehicle storage and from developers who wished to construct housing on the site. Any use by a commercial enterprise was likely to lead to objections. Whilst Policy E1 sought to retain employment land use, it was emphasised that the site had not been used for employment purposes for over 12 years. In any case, considerable investment in the shed would be required for an alternative use. It was noted that there was no land associated with the shed.

In response to a question from a Member, it was noted that the ridge heights of the buildings would be no higher than some existing neighbouring flats, but would be higher than the existing agricultural building.

Having considered the application, the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report and amendments to the landscaping condition which would require indigenous planting to the south of an existing hedgerow. During the site visit the Committee had noted the instability of a bank upon which planting was proposed. Consequently, it was considered that supplementing existing planting would be challenging so it was agreed that whilst the applicants should retain the existing planting, it should be supplemented with additional planting to the south.

Au Caprice
Hotel, La
Route de la
Haule, St.
Brelade:
proposed
conversion and
extension.

A9. The Committee, with reference to Minute No. A8 of 11th July 2019, considered a report in connexion with an application which proposed the demolition of an existing extension, stores and sheds at Au Caprice Hotel, La Route de la Haule, St. Brelade and the construction of a new single storey extension to the north-west elevation with a balcony to the south-east elevation. It was also proposed to convert the hotel to form 4 x 2 bedroom and one x one-bedroom residential units with associated car parking and amenity space. The Committee had visited the application site on 13th October 2020.

P/2020/0554

Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the vast majority of the application site was located in the Built-Up Area and the north-eastern corner was located in the Green Zone. Policies NE7, H6, BE6, GD3, 5 and 7, BE6, HE1 and E1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that it had previously refused permission for the renewal of a permit for a first floor extension at the rear to extend the manager's flat on the grounds that it was contrary to Policies GD1, 5 and 7 and BE6.

Following on from this, the Committee had refused permission for the conversion of the existing guest house and manager's flat to provide 5 residential apartments, with a single storey extension to the rear and other internal and external alterations. That application had subsequently been the subject of an appeal. Although the Independent Planning Inspector had found a number of discrepancies which had ultimately led to the dismissal of the appeal, he had concluded that the application could be supported, subject to conditions.

The Inspector's comments on the merits of the scheme had to be taken into account and he had stated that *"the effect of the proposed development on the appearance and character of the area, on traffic generation and road safety, and on the privacy and amenity of existing or possible future residents would be acceptable..."* (paragraph 63 of the Inspector's report). The Inspector had identified the key issues as the impact upon the character of the area, traffic issues, privacy and amenity and the Green Zone.

As regards the appearance and effect on the area the Inspector had noted that *"the impact of the proposal would not be as detrimental as objectors claim"* (paragraph 38) and *"I do not consider that the proposed development would materially harm the setting of the listed building"*.

Referring to highways issues the Inspector had concluded that *"the layout of the junction where the private access road met La Haule was far from ideal"* and that *"one car may have to stop in the road"* (paragraph 40). However, he had recognised that those safety issues existed now and that the amount of vehicular traffic generated by 5 apartments was unlikely to be significantly greater than could be generated by a 12 bedroomed guest house plus owner's dwelling, and could well be less. Whilst he had found that there were reasons to be concerned about traffic generation and highway safety, he was of the view that, subject to the imposition of conditions relating to the provision of a wider lowered kerb on land which was not controlled by the applicant, the proposals would meet the requirements of the Highway Authority.

The Inspector had concluded that there would be no unreasonable impact upon the amenities of neighbours and had noted that, subject to an amendment to the privacy screens (paragraphs 52 and 53 of the report) the impact would be no worse, and in some respects better, than the existing situation.

Finally, referring to the concerns raised regarding the Green Zone, the Inspector had not viewed this as a sound reason for refusing planning permission" (paragraph 54 of the report).

The current application was considered to address issues previously raised by both the Committee and the Inspector and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

9 letters of objections had been received from 8 individuals, together with 7 letters of support.

The Committee heard from Mr. J. Naish, representing the residents of La Mielle House and Overton Lodge. He advised that the removal of 8 metres of boundary landscaping was considered unacceptable. He was also concerned that the ground floor plans appeared to indicate access across the courtyard of Overton Lodge, where there was no right of access. Car parking standards had been disregarded as the scheme showed half of the recommended number of spaces – Mr. Naish understood that 13 spaces would be required and only 7 were shown. The amount of private amenity space was also considered to be inadequate and concerns existed with regard to how prospective occupants might seek to secure privacy. The proposed pitched roof would significantly increase the height of the building and the scheme was generally believed to represent the over development of the site. Mr. Naish concluded by stating that consideration should be given to removing the new build unit which would, in turn, reduce the car parking and amenity requirements.

The Committee heard from the applicant, Mr. W. Lingard and his agent, Mr. M. Smith. Mr. Smith clarified that the Green Zone land would not be used for the construction of the proposed extension. It was not intended to access the development via Overton Lodge and access would be from the rear of the site. An arrow on the drawings merely indicated the entrance door to the apartments. In terms of car parking, the proposed new use would be much less intense than the previous guest house use and the Inspector had recognised this in his report. Mr. Smith stated that he was confused about the reference to the removal of boundary landscaping as only a few shrubs currently existed on the boundary.

Mr. Lingard stated that he had spoken with a number of neighbours who had confirmed that they had no objection to the scheme. Amendments had been made to address issues previously raised and Mr. Lingard did not believe that car parking would be an issue. The application site was situated in a most sustainable location, on a good bus route and close to the cycle track. It was proposed to retain existing planting and supplement this to soften the impact of the proposed development.

The case officer advised that the 1988 car parking standards required 10 car parking spaces. However, the application site was in a sustainable location and there had to be a balance against Policy SP6. With regard to the proposed extension, it was noted that this would replace existing development on the site so it was not all new build.

Having considered the scheme, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, who was concerned about the impact of the development, approved the application, subject to the imposition of certain conditions detailed within the officer report. In doing so, the Chairman stated that, in his view, the site had reached capacity in terms of the amount of development it could reasonably accommodate.

No. 20 St.
Anthony,
Havre des Pas,
St. Helier:
proposed
replacement of
roof with roof
terrace and
privacy screen
(RFR).

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 which proposed the replacement of an existing sloped roof with a roof terrace and privacy screen at No. 20 St. Anthony, Havre des Pas, St. Helier. The Committee had visited the application site on 13th October 2020.

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

P/2020/0497

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and was in a Tourist Destination Area on the Eastern Cycle Route. Policies GD1, GD7, BE6 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought consent for the creation of a terrace above an existing garage/store to the rear of the above property. The garage would be formed on the same footprint as the garage below, with rendered blockwork walls extending 1.55 metres above the existing structure. The decked area would be accessed via steps from the courtyard below.

The application had been refused on the grounds that it was contrary to Policy GD1 of the 2011 Island Plan in that it would result in harmful mutual overlooking between the application site and its neighbours. It was recognised that the application site did not benefit from any amenity space – a problem which had been caused by the historic overdevelopment of the site. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. M. Ashbolt and his agent, Mr. J. Dyson of Dyson and Buesnel Architects. Mr. Dyson advised that this was a high density area with limited amenity space. The garden area at the front was not private and there were over 500 vehicle movements an hour on the road. Mr. Dyson did not believe that overlooking would be an issue and pointed out that some flats in the immediate vicinity overlooked almost everything in the area. The proposed development would be screened by a boundary wall and a neighbouring tree and overlay sections had been submitted to illustrate the same (it was noted that these had not been included within the Committee's agenda pack as no additional information was accepted in relation to requests for reconsideration).

Mr. Ashbolt added that the amount of traffic on the road made the front garden unusable and the rear area was just too small. The proposed development would be screened and Mr. Ashbolt did not believe that overlooking would be an issue as there would be a screen wall around the terrace.

The case officer confirmed that he was concerned about privacy to the east and west.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, expressed support for the application on the basis that no objections had been received and loss of privacy was not considered to be an issue. Consequently, permission was granted, contrary to the officer recommendation. The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

No. 1
Magnolia
Cottage,
Magnolia
Gardens, St.
Lawrence:
proposed
extension
(RFR).

A11. 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 proposed the construction of an extension to the north elevation of No. 1 Magnolia Cottage, Magnolia Gardens, St. Lawrence. The Committee had visited the application site on 13th October 2020.

Connétables D.W. Mezbourian of St. Lawrence and P.B. Le Sueur of Trinity did not participate in the determination of this application.

P/2020/0541

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies GD1, GD7 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application proposed the construction of a 2 storey pitched roof extension on the north-east elevation of the property to create additional habitable space. Although the layout of the proposal meant that the extension could be used as a separate unit, the application had been assessed as an extension to the existing habitable unit and not a separate unit.

The proposal was for a large extension relative to the existing dwelling and size of the site. It would be constructed close to the boundary with the neighbouring property to the north and would result in a significant loss of amenity space. The design of the proposed extension would form a second double pitched roof, creating a valley gutter with the existing roof, which did not relate well to the existing building and was not in keeping with the area. The close proximity of the neighbouring property to the north and the proposed extension would be overbearing on the neighbouring amenity space and cause additional shadowing.

The Department was of the view that, the size, design, impact on the neighbouring property and loss of amenity space would result in the overdevelopment of the site, inadequate amenity space for the enlarged dwelling and an overbearing and shadowing impact on the neighbouring property. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7 and BE6 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mr. S. O'Flaherty, who advised that previous proposals for a single storey structure had been approved in 2008. The proposed extension would be slightly lower than the principal building. To the east of the application site there was a large block of flats which already caused shadowing to the neighbouring property. Mr. O'Flaherty confirmed that the owner of the neighbouring property had not objected to the proposal and was of the view that it would enhance privacy. With regard to amenity space, he pointed out that the remaining area was the same as that shown on the approved plans and that it exceeded the standards. The applicant [REDACTED] still had the ability to park 7 – 8 cars on site. A new oil tank would be sunk at the front of the property. The applicant confirmed that he had lived in his property since 2003, and the proposed extension would provide much needed additional habitable space. He did not believe that the scheme would be out of character with the rest of the estate and the proposed development would be smaller than other comparable buildings.

The Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman, expressed support for the application. Consequently, permission was granted, contrary to the officer recommendation. The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

No. 3 Darna,
La Rue de la
Marais à La
Cocque,
Grouville:
proposed
extension.

A12. The Committee considered a report in connexion with an application which proposed the extension of the property known as No. 3 Darna, La Rue de la Marais à La Cocque, Grouville. It was also proposed to alter the roof height and doors on the south elevation. The Committee had visited the site on 13th October 2020.

Deputy R.E. Huelin of St. Peter did not participate in the determination of this application.

RP/2019/1649

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was on the Eastern Cycle Route Corridor. Policies NE7, GD1, GD7, BE6 and TT3 of the 2011 Island Plan were of particular relevance.

The Committee recalled that permission had been granted for the construction of 3 dwellings on the site and subsequent applications had been received for the alteration and extension of these units. The current scheme proposed a further first floor extension to the east elevation of No. 3 Darna and alterations to the roof height and the doors on the south elevation. Whilst the proposed first floor extension would not unreasonably harm the neighbouring amenities, the reduction in the ridge height would result in a disproportionate gable width on the south elevation. Furthermore, the increased granite to fenestration ratio (due to the loss of the door on the west elevation and the widening of doors on the south elevation) were considered inappropriate on this traditional building and would dilute the design quality, contrary to Policy GD7. The application had also been refused on the grounds that it would be harmful to the character of the area, contrary to Policy NE7. It was recommended that the Committee maintain refusal of the application.

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The Committee heard from the applicant's agent, Mr. R. Godel. Mr. Godel viewed the changes as minor and stated that the amendments more closely suited the applicant's requirements. They had been carefully incorporated into a revised design and there had been no objections to the application. The development of the site, which was underway, was being executed with much care and attention to detail. The proposed revised design accorded with traditional buildings in the Island and Mr. Godel stated that it was very common to find gables in these sort of buildings. The amendments would not affect the validity of the design.

Having considered the application, the Committee, with the exception of Deputy L.B.E. Ash of St. Clement, expressed support for the scheme. In doing so both the Chairman and Connétable P.B. Le Sueur of Trinity expressed the view that the piecemeal approach to revisions was disappointing.

Permission was granted, contrary to the officer recommendation. The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Le Pont du
Bas,
Bellozanne
Road, St.
Helier:
proposed new
unit (RFR).

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the demolition of a sub-standard unit of accommodation in the garden of the property known as Le Pont du Bas, Bellozanne Road, St. Helier and its replacement with a 2 bedroom residential dwelling. The Committee had visited the site on 13th October 2020.

Deputy R.E. Huelin of St. Peter and Connétable P.B. Le Sueur of Trinity 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 SP1, 2 and 3, GD1, 3 and 7, H6, BE3 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Note No. 3 (PPN3) – Parking Guidelines – September 1998 and it was noted that a car parking layout had not been provided with the submitted scheme. The Highway Authority had raised concerns regarding the safety of the existing parking arrangements and had suggested that if permission was granted a condition be attached to the permit to prevent the properties being sold separately.

The Committee was advised that the application site was of generous proportions, with Le Pont du Bas being located in the northern section and the existing garden unit to the east. The proposed dwelling would replace the garden unit in a similar location, albeit on a larger footprint and with the northern end overlapping the southern corner of the main house, with approximately 2.5 metres between the structures at the closest point.

The proposed dwelling was a contemporary linear shaped bungalow, hipped at one end and gabled at the other, whilst the main house was a traditional 1950's hipped bungalow. The current garden unit appeared as a large shed given its colour and form and the proposed new unit would be 1.4 metres higher and finished in white render.

The 2 existing domestic units were concentrated to the north and east of the site and were not proportionately or logically sited. Whilst the garden unit had been constructed pre-planning controls, any replacement dwelling would have to comply

with current Island Plan policies and guidance. By using a similar layout to that which existed, the proposal did not make best use of the site, especially as the scheme proposed the introduction of a larger rendered replacement. The relationship between the buildings would also create privacy and overbearing issues and the siting of the cramped ad-hoc dwellings would not allow for rear gardens. The scheme was likely to be detrimental to the street scene.

Although the proposal comfortably met the minimum space standards for new dwellings, no private amenity space or adequate parking had been shown and the existing garden unit could not be described as ancillary to the main dwelling as it was clearly independent of the same. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7, H6 and PPN3 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, Mr. C. Abraham, CAD Studio, who advised that pre-application advice had been sought and the scheme developed in accordance with the same.

Having considered the application, the Committee unanimously endorsed the officer recommendation to maintain refusal for the reasons set out above. In doing so the Committee expressed the view that the potential existed for a better and more appropriate development on the site.

Fairlawns, La Grande Route des Sablons, Grouville: proposed new unit (RFR).

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the construction of a one bedroom pre-fabricated residential unit to the west of the property known as Fairlawns, La Grande Route des Sablons, Grouville. The Committee had visited the site on 13th October 2020.

P/2020/0060

Deputy R.E. Huelin of St. Peter did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route. Policies SP1 and 7, GD1, 3 and 7, H6 and TT3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that a single storey 'lean-to' structure measuring 10 metres long x 3 metres high x 5.4 metres wide was proposed in the private rear garden of Fairlawns, some 8.5 metres away from the ground floor conservatory to the rear of the house and 13 metres from the main rear 2 storey elevation of the main house.

Whilst it was acknowledged that the site was located within the boundary of the Built-Up Area, wherein there was a policy presumption in favour of new residential development, the proposal was considered to be unacceptable. The application effectively sought to provide a separate unit of residential accommodation within the garden of the existing house. It was acknowledged that the unit was for a family member, but it did not have its own separate amenity space and relied on the main house for parking and would result in direct overlooking to its immediate neighbours and to the main house itself. The Department would have no control over occupancy and, given the location of the proposed dwelling, it could not successfully be integrated into the main house when the unit was no longer required for family occupancy. This was not a matter that could be controlled by a planning condition

or a Planning Obligation Agreement.

Finally, the Committee was informed that it was not good planning practice to permit arrangements like this as, ultimately, it had a detrimental impact on the character, amenity and appearance of the main property and of the area generally. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and H6. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. R. Thomas, who advised that [REDACTED] it was intended that he would live in the proposed accommodation. The application site was in the Built-Up Area, wherein there was a presumption in favour of new residential development. There was ample amenity and car parking space for both the existing and proposed dwellings and the scheme satisfied the minimum specification for new housing. Alterations to the driveway would facilitate access and the application site was in close proximity to Mr. Thomas's place of work meaning that he could easily cycle. It was intended that the unit would be retained by the family and not sold separately and it was suggested that this could be stipulated in the deeds. Mr. Thomas felt that this kind of accommodation would be much sought after in the future due to the growing number of older people who wished to remain in their own homes with family support. [REDACTED] he wished to live close to his parents to provide help when required. Inflated property prices in the Island meant that the proposal provided the best and most affordable solution. In terms of the impact on the principal dwelling and the character of the area, Mr. Thomas stated that he [REDACTED] could see no architectural merit or unifying style. The neighbouring properties had both carried out development works and had not objected to the proposed scheme. Furthermore, the proposal was supported by the Parish Connétable. The new unit would not be visible from the public realm and only the roof would be evident from the neighbouring property. It would be constructed from cedar and would blend in well with the garden. The applicants were willing to remove a window on the east elevation, if the Committee considered this to be necessary. If permission was not granted for the proposed residential unit, the applicants would build a craft room or summer house on the application site, which did not require permission under the permitted development rights set out in the General Development Order. In concluding, Mr. Thomas added that these were extraordinary times and he suggested that living with a pandemic should cause a review and potential relaxation of policy constraints.

The Committee heard from Connétable J. Le Maistre of Grouville, who confirmed support for the application and concurred with the view that accommodation of this nature would be in high demand in the future. He, too, believed the proposed unit to be unobtrusive and did not consider the shared amenity/car parking space to be problematic.

The case officer clarified that the reason for refusal which related to the impact on the character and appearance of the area was linked to the lack of dedicated amenities and references to both the coast and countryside were set out in Policy GD1. Whilst it was accepted that a summer house or hobby room could be constructed without permission, the use was the key factor and residential accommodation required permission and had to meet certain standards. The Director, Development Control confirmed that, if approved, the proposed residential unit would always suffer from a poor relationship with the host dwelling and the occupants would have to walk around the principal dwelling to get to the proposed unit at the rear.

The Committee heard from Mr. Thomas senior, who advised he had lived at Fairlawns for 35 years. The property benefitted from 2 entrances and sufficient parking for 8 cars. He stated that, [REDACTED], it would give him comfort to know that his son was living close by and could provide support.

Having considered the application, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman and Connétable P.B. Le Sueur of Trinity, was persuaded by the arguments which had been made. Consequently, permission was granted, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and approval of any conditions which were to be attached to the permit. The Department would liaise with the applicant in the context of the east facing window and the submission of revised drawings.

Notre Rêve,
Rue de
Maupertuis, St.
Clement:
proposed
formation of
vehicular
access and car
parking spaces.

A15. 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 proposed the demolition of a low boundary wall to the north-west of the property known as Notre Rêve, Rue de Maupertuis, St. Clement and the formation of a vehicular access and 2 car parking spaces. The Committee had visited the site on 13th October 2020.

Deputies R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement did not participate in the determination of this application.

P/2020/0620

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route. Policies GD1, GD7, BE6, TT3 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application had been refused on the grounds that it would significantly and detrimentally impact upon the street scene and the character of the area. In addition, the scheme did not provide sufficient space to enable vehicles to turn on site to enter the highway in a forward direction; nor did it provide satisfactory visibility to exit safely. The Highway Authority had objected to the application on highway safety grounds. Consequently, the application had been refused on the grounds that it failed to satisfy the requirements of Policies GD1, GD7 and BE8 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. F. Meyer, who advised that similar arrangements existed at 2 neighbouring properties. The area measured 54 square metres and was not private and could not be enclosed. Whilst parking existed at the rear, this area was considered to provide more useable private amenity space.

Having considered the application, the Committee endorsed the officer recommendation to refuse permission for the reasons set out above.