

KML

PLANNING COMMITTEE

(35th Meeting)

27th October 2020**PART A (Non-Exempt)**

All members were present, with the exception of Connétable P.B. Le Sueur of Trinity, Deputies S.M. Wickenden of St. Helier, J.M. Maçon of St. Saviour and K.F. Morel of St. Lawrence.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Connétable D.W. Mezbourian of St. Lawrence
 Deputy R.E. Huelin of St. Peter
 Deputy L.B.E. Ash of St. Clement

In attendance -

G. Duffell, Senior Planner
 R. Hampson, Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe
 K. Huelin, Assistant Secretariat Officer, States Greffe

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

Minutes. A1. The Minutes of the meetings held on 16th and 17th September 2020, having been previously circulated, were taken as read and were confirmed.

Ville à l'Eveque Cottage, La Rue de la Monnaie, Trinity: proposed demolition and redevelopment. P/2020/0515

A2. The Committee, with reference to Minute No. A6 of 15th October 2020, gave further consideration to 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.

The Committee recalled that it had deferred consideration of the above application at its meeting on 15th October 2020, pending the receipt of a report compiled by an Independent Planning Inspector in connexion with a previous application. The Committee 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.

At its meeting on 15th October 2020, the Committee had received oral

representations from Mesdames H. Johnson and J. Lawson, Messrs. F. Benest, J. Neill, R. Godel, J. McCormack and D. Morrison, Connétable P.B. Le Sueur of Trinity, Deputy H. Raymond of Trinity and Dr. S. Lawson. The Committee had yet to hear from the one remaining agent representing the applicant, Mrs. S. Steedman.

For the record, it was noted that the Committee had received a late representation from the Operations and Transport Section of the Infrastructure, Housing and Environment in connexion with the proposed drainage solution. It was noted that the outline design was considered acceptable, subject to the submission of the full design calculations for the surface water disposal and storage and a demonstration of flow paths and the effects of flooding for an extreme event.

Mrs. Steedman addressed the Committee, providing members with advice on the proper assessment of the application. She directed that the application should be considered in accordance with the land use policy framework. Case history recognised the need for a holistic approach to appraisal, with all policy considerations being taken into account and any tensions acknowledged. Whilst compliance with every single policy was not essential, the decision maker had to be aware of the particular policy constraints in order to strike a balance.

The proposed design was consistent with that of the previous scheme and the Independent Planning Inspector had been complimentary about the architectural approach. The application site was in the Built-Up Area, where the Island Plan directed appropriate development and there was support for rural settlements. The scheme accorded with a number of relevant Island Plan Policies and the assessment of the application had been informed by the views of statutory consultees, who had confirmed compliance. Consequently, the application could be approved in accordance with the Planning and Building (Jersey) Law 2002 (as amended). Applicants were entitled to consistency in terms of decision making and it was believed that the scheme addressed the reasons for refusal, as set out above.

In terms of Policy GD1 (1)(a), Mrs. Steedman understood this to be ‘a light presumption’ which had to be considered in the wider policy context and not viewed as a moratorium on demolition. There was no specific planning guidance on the application of this particular policy and Mrs. Steedman had heard Departmental officers state at recent planning appeal hearings that it was ‘one line of one paragraph of the Policy’ and that all Island Plan Policies had to be considered. She stated that, fundamentally, proposals had to accord with the Spatial Strategy to make best use of land.

In terms of the second reason for refusal – the harm to the landscape arising from alterations to existing land levels - the scheme had been amended to address this and the Department was satisfied with the revisions.

With regard to the third reason for refusal – the detrimental effect on the setting of Le Mare d’Angot, a nearby Listed building – the design had been revised in consultation with the Historic Environment Section and was now considered to be acceptable.

In concluding, Mr. Steedman referred to the late representation received from the Operations and Transport Section of the Infrastructure, Housing and Environment, which confirmed that there was adequate space on the site for surface water attenuation.

The Chairman asked those persons present who objected to the application whether they believed that they had been given ample opportunity to address all relevant

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issues. Mr. F. Benest, who had addressed the Committee at length on 15th October 2020, asked to make further oral representations, a request to which the Committee acceded.

Mr. Benest began by stating that, due to the time limitations imposed he felt somewhat restricted in terms of the points he wished to make. However, the Chairman reminded him that considerable lenience had been afforded and that Mr. Benest had spoken for over 8 minutes at the previous meeting.

Mr. Benest continued, focussing again on the age of the existing cottage and whether it could be classed as an historic building, as opposed to a Listed Building. He felt that this question remained unanswered and that the heritage value had been discounted on the basis that it was not Listed. He referred the Committee to Policy SP4, which he understood the Planning Inspector had considered to be relevant as it referred to the importance of buildings which were not Listed. Mr. Benest believed the Policy to be most pertinent in this particular case and he added that the only scientific evidence the Committee appeared to be in receipt of was that which had been received from Dr. J. Renouf, a renowned geologist who had made a study of the use of granite. Dr. Renouf believed some of the granite on the existing cottage dated back to the 1700's, which was supported by documentary evidence supplied by Mr. Benest. Mr. Benest pointed out that Mr. McCormack (on behalf of the applicant) had not made an inspection of the cottage and his views were unsupported by a proper historic survey, which Mr. Benest believed should be required by the Committee prior to determination. Furthermore, Mr. McCormack had failed to mention Dr. Renouf's conclusions and it was alleged that the applicant had prevented further scientific study of the cottage. Mr. Benest accepted that Policy GD1(1)(a) had to be considered in tandem with other Island Plan Policies, but added that where historic assets were involved, an imaginative approach was required. He referred again to the potential for the refurbishment and extension of the existing cottage, which he believed would make it a most marketable asset.

In terms of the second reason for refusal – the harm to the landscape arising from alterations to existing land levels, Mr. Benest referred the Committee to paragraphs 74, 76 and 116 of the Inspector's report and stated that the proposed development would be 9 feet higher than the box dormer on the existing cottage. Drawing No. 4 showed house No. 3 brought forward by 16 and a half feet, as illustrated on a 3D image on page 19 of the design statement. Mr. Benest read from page 19 and noted that house 3 would extend beyond the end of the wall and that whilst the height of the main house had been reduced, it would still be higher than the existing property. He argued that the scheme was similar in terms of siting and location and remained unacceptable for the reasons identified by the Inspector.

Mr. Benest's final point related to a petition signed by 39 local residents and the emphasis on the provision of adequate infrastructure and integration into a particular context. He believed that the scheme did none of those things and would cause irreparable harm to the fabric of the community by virtue of its scale and the potential for flooding, which he stated had been wholly misconceived. Mr. Benest stated that the amount of additional water which would flow into the stream was a matter of common law and he believed the scheme would infringe water resources legislation. He concluded by stating that if the Island was to retain its character in the face of demand for housing, this type of scheme had to be given proper consideration.

The Chairman afforded the applicant's architect, Mr. R. Godel, a right of reply.

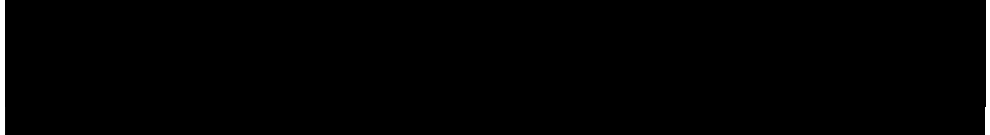
Mr. Godel acknowledged that the property had a certain amount of historic presence.

Mr. McCormack was, however, an expert in his field and Jersey Heritage had also assessed the cottage on 3 separate occasions and had concluded that it did not merit Listing. In terms of the setting, Mr. Godel believed that the issues raised by the Inspector had been addressed and he pointed out that the Principal Historic Environment Officer, Ms. T. Ingle had been present at the appeal hearing and had not raised any specific issues in relation to setting and location. The applicant's agents had worked with the Historic Environment Section following the refusal of the first application and the scheme had changed significantly as a result. The whole development had moved away from the eastern boundary and the Inspector had been satisfied with the relationship with the neighbour to the east.

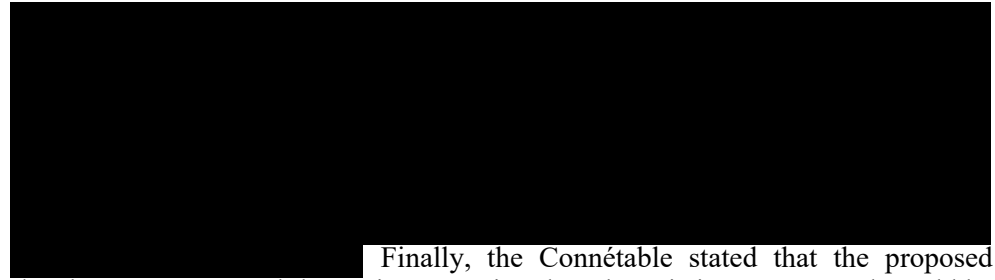
In response to a question from Deputy R.E. Huelin of St. Peter, Ms. Duffell advised that, whilst a specific condition relating to drainage could be imposed, this was routinely dealt with at the Building Bye Laws stage.

The Chairman sought to assure those persons present that the Committee had not discussed the application since the previous meeting. He went on to state that, having considered the report prepared by the Independent Planning Inspector, it was clear that the Committee had made a mistake in approving the previous application based on the Department's positive recommendation. Whilst many decisions of the Committee were upheld at appeal, in this case the Committee's decision had not been supported by the Inspector. The Chairman believed that the main focus of the previous determination had been on the worthiness of the retention of the cottage – or not - and this had ultimately led to the approval of the application. There had had been little consideration of the Policy GD1 context and the Chairman was now convinced that the cottage was not beyond repair. Whilst it was not Listed, not every building worthy of retention was. This was an attractive traditional building which was important to the local community. The Chairman did not believe that the Committee had previously considered the relationship with other Listed Buildings; nor had it discussed the topography of the site and the impact of the development on the beauty of the valley. He, too, referenced paragraph 76 of the Inspector's report and stated that whilst Mr. Godel was undoubtedly a fine architect who had produced numerous successful schemes, in this particular case the scheme did not go far enough in terms of responding to the Inspector's concerns, particularly in relation to siting. Consequently, the Chairman felt unable to support the application.

Similarly, Connétable D.W. Mezbourian of St. Lawrence explained in some detail her reasons for being unable to support the application. She began by stating that she had not been involved in the determination of the previous application. She believed that the focus should be on the historic value of the cottage, irrespective of whether it was Listed or not. That part of the building which could be seen from the road was, as far as she was aware, original and this formed the basis of her decision making. She recalled that some years previously, when dealing with roadside improvements in St. Lawrence, the emphasis had been on the historic built environment within the village area and the preservation of the same. Whilst the cottage was not Listed this did not mean that it was not of historic value. In the applicant's design statement reference had been made to the recognition by the Historic Environment Section of the importance of the contribution the cottage made to the rural character of the area. Whilst the proposed scheme sought to replicate this character, the Connétable believed that it failed to do so. Furthermore, she did not believe that it would contribute positively to the landscape character and made particular reference to the long view looking from the west (Rue de la Fontaine).



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Finally, the Connétable stated that the proposed development was much larger in proportion than the existing cottage and would be higher than and closer to neighbouring properties. Jersey Heritage had confirmed that the cottage was of some historic interest in that it was a single storey rural dwelling of 18th century origins. Whilst it had not been Listed on the basis of architectural merit, if the Minister was minded to pursue Listing this could be considered under its historical interest. The Connétable advised that she could not support the application.

The remaining Members of the Committee expressed support for the application, concluding that the proposed development was of a high quality and was appropriate for this site in the Built-Up Area. Members were satisfied that the applicant had addressed the previous reasons for refusal and granted permission, subject to the imposition of certain conditions detailed within the officer report. It was noted that an additional condition relating to drainage would be added to the decision notice.

At the conclusion of the meeting, Mr. Benest addressed the Committee for a second time requesting sight of a scheme which Mr. Godel had referred to at the meeting held on 15th October 2020. This was considered important in the event that a third party appeal was initiated. This scheme had been worked up to consider the viability of repair and extension, as per a suggestion from Mr. Benest. In each case construction costs had been looked at and Mr. Benest had considered sale values. The cost of refurbishment and extension had been estimated at £[REDACTED], resulting in a potential loss of £[REDACTED]. Mr. Godel undertook to provide details of the proposal to the Planning Department.