

KML

PLANNING COMMITTEE

(36th Meeting)

12th November 2020PART A (Non-Exempt)

All members were present, with the exception of Connétables P.B. Le Sueur of Trinity and D.W. Mezbourian of St. Lawrence, Deputies S.M. Wickenden of St. Helier, J.M. Maçon of St. Saviour, R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman  
Deputy G.J. Truscott of St. Brelade, Vice Chairman  
Deputy K.F. Morel of St. Lawrence

In attendance -

G. Duffell, Principal Planner  
C. Jones, Senior Planner  
J. Gladwin, Senior Planner  
L. Davies, Planner  
A. Parsons, Planner  
G. Vasselin, Trainee Planner  
K.M. Larbalestier, Secretariat Officer, States Greffe  
K. Huelin, Assistant Secretarial Officer, States Greffe

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

Filming of  
Planning  
Committee  
meeting.

A1. It was noted that the Committee meeting was being filmed as part of a wider initiative by the Privileges and Procedures Committee to increase public awareness of the varied role of States Members, with a particular focus on the work carried out by members outside of the States Chamber.

Ville à  
l'Eveque  
Cottage, La  
Rue de la  
Monnaie,  
Trinity:  
retraction of  
statement and  
public apology  
- Connétable  
D.W.  
Mezbourian of  
St. Lawrence  
P/2020/0515

A2. The Committee, with reference to Minute No. A2 of 27th October 2020, noted the contents of a statement, read by the Chairman on behalf of Connétable D.W. Mezbourian of St. Lawrence, in respect of certain comments she had made during the consideration of an application in relation to the property known as Ville à l'Eveque Cottage, La Rue de la Monnaie, Trinity.

It was recalled that the Connétable had stated that

The Committee was advised that, following the meeting, Mr. Godel had contacted the Chairman about the comments made by the Connétable. In response, the Connétable had made the following statement (which had been sent to Mr. Godel) -

*"It is clear that during my comments at the 'Planning Hearing' on Tuesday I made a mistake [REDACTED] and I very much regret any detrimental impact it may have caused, both personally and professionally. I have*

*retracted my comment and offered an unreserved apology.*

*Whilst writing I take the opportunity to apologise to you, my fellow Committee members and the Planning officers for any embarrassment I have caused to them, however unintentionally.”*

The Chairman stated that the Connétable of St. Lawrence was not the first, and certainly would not be the last, [REDACTED]. He went on to make it absolutely clear that this and any other ill-chosen words or inference in the Connétable’s determination of the application were withdrawn and the retraction would be recorded in the formal and independent public record of the Planning Committee, which was prepared by the States Greffe.

The Chairman also offered an unreserved apology on behalf of the Committee, adding that Mr. Godel was a frequent and most welcome contributor to public meetings of the Planning Committee. There should be no conjecture drawn from this episode that the Planning Committee had anything other than the highest regard for his professionalism and integrity, or that in future the good relations the Committee enjoyed with him would not continue.

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

A3. The Committee, with reference to its Minute No. A4 of 15th October 2020, 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.

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 reasons for refusal, the application was re-presented.

P/2020/0826

The Committee confirmed its decision to refuse permission on the basis that the scheme failed to satisfy the requirements of Policies NE6 GD1 and GD7 of the 2011 Island Plan.

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

A4. The Committee, with reference to its Minute No. A12 of 15th October 2020, 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.

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

RP/2019/1649

The Committee confirmed its decision to grant permission with no conditions attached.

No. 1  
Magnolia  
Cottage,  
Magnolia  
Gardens, St.  
Lawrence:  
proposed

A5. The Committee, with reference to its Minute No. A11 of 15th October 2020, 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.

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extension  
(RFR).

P/2020/0541

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

The Committee confirmed its decision to grant permission on the basis that the approved extension was to be used for ancillary purposes and not as a separate residential unit.

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

P/2020/0497

A6. The Committee, with reference to its Minute No. A10 of 15th October 2020, 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.

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

The Committee confirmed its decision to grant permission with no conditions attached.

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

P/2020/0060

A7. The Committee, with reference to its Minute No. A14 of 15th October 2020, 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.

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

The Committee confirmed its decision to grant permission on the basis that the approved building would not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fairlawns.

No. 2 Belle  
Terre Close,  
La Vielle Rue,  
Grouville:  
proposed  
demolition of  
garage/  
construction of  
extension  
(RFR).

P/2019/1652

A8. The Committee, with reference to its Minute No. A9 of 17th September 2020, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the demolition of an existing garage at No. 2 Belle Terre Close, La Vielle Rue, Grouville and the construction of single storey front and rear extensions and a 2 storey side extension. The Committee had visited the application site on 15th September 2020.

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

The Committee confirmed its decision to grant permission with no conditions attached.

High Trees, Le  
Mont Sohier,  
St. Brelade:  
proposed  
remodelling  
and extension.

P/2020/0870

A9. The Committee considered a report in connexion with an application which sought approval for the remodelling and extension of the property known as High Trees, Le Mont Sohier, St. Brelade to provide 2 residential units. The Committee had visited the application site on 11th November 2020.

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 GD1, 7, BE3, NE2 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that High Trees was a detached one and a half storey, 5 bedroom property. There were 3 units of accommodation within the existing dwelling and the application proposed the remodelling and extension of the same to create a 2 generation home (a 4 bedroom main house and adjoining 2 bedroom secondary unit).

The site formed part of the Built-Up Area, wherein there was a presumption in favour of new development. The existing ground floor would be largely retained, with a series of small extensions. The existing first floor would be removed and rebuilt. A single-storey garage wing was to be demolished and replaced by a 2 storey extension. Architecturally, the property would be completely transformed and modernised. External finishes included a mix of granite, painted render and elements of timber cladding, with a standing-seam metal roof. The Department considered the design to be of a high quality and viewed the scheme as appropriate in this context.

It was not considered that the proposed development would unreasonably harm the landscape character of the site or neighbouring amenities.

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

A total of 8 objections had been received in connexion with the application.

The Committee heard from Mr. P. Edwards, a resident of the area. Mr. Edwards advised that he also represented the St. Brelade's Bay Association (SBBA) (a representation had been submitted from the Association after the publication of the agenda). Mr. Edwards stated that objections to the scheme related to its 'blockish appearance' and he added that a strange 'herd - like instinct' seemed to have led to this particular architectural approach. He acknowledged that the existing dwelling was in need of upgrading, but did not consider the design approach appropriate in this context. The main objection related to the lack of a legible landscape plan. It was not clear what was proposed as the submitted images were so small. There was no ability to view full size paper drawings at the Department or at a Parish Hall and Mr. Edwards suggested that some consideration should be given to this accessibility issue. He noted that the SBBA had made a number of representations in the past in relation to landscaping and the need for consistency in the application of the Green Backdrop Zone Policy. Mr. Edwards was not convinced that the submitted scheme demonstrated compliance with this Policy.

The Committee heard from the applicant, Mr. R. Bonney and his agent, Mr. P. Van Bodegom. Mr. Bonney advised that he had only had sight of the representation from the SBBA that morning and it was noted that he had previously provided a written response to all representations. In terms of the landscape plan, this had been produced by Mr. B. Rebours of Belles Fleurs Nursery and it proposed landscape improvements. At her request, Mr. Bonney had provided Senator S.C. Ferguson with a hard copy of the landscape plans and he believed that she was content with the proposals. He concluded by describing the proposed development as sensitive and largely on the existing footprint.

Mr. Van Bodegom addressed the Committee, making his knowledge and understanding of the Green Backdrop Zone Policy known and adding that he was acutely aware of the aspirations of the SBBA in this context. It was considered that the scheme complied with the same. In terms of the design approach, the proposed development would breathe new life into a tired building with a high quality scheme which would adhere to modern standards in terms of insulation. He urged the Committee to approve the application.

The Committee discussed the scheme and noted the view of the Vice Chairman that consideration be given to obscure glazing a window on the east gable to address the potential for overlooking. Mr. Van Bodegom stated that whilst the applicant would be willing to comply with such a requirement if permission was granted, it should be noted that a window already existed in this location. Furthermore, the new window would be smaller. The Committee concluded that such a request would be unreasonable. The Vice Chairman also asked whether it was intended to utilise a flat roof area over the extensions as a balcony, as this might also have an impact on privacy. Mr. Van Bodegom confirmed that there was no intention of using the roof as a balcony and that it would act as a 'brise-soleil' over a large south facing window for the purposes of reducing solar gain and to provide a shaded amenity area underneath. The Chairman also wished to ascertain how far the proposed development would project forward of the existing dwelling and Mr. Van Bodegom confirmed that it would sit slightly further forward, but would still be a substantial distance away from the boundary. Deputy K.F. Morel of St. Lawrence discussed the mass and the design approach with Mr. Van Bodegom and noted that if a pitched roof had been included this would have made the development considerably higher, which in turn would result in a greater visual impact. There were many other contemporary buildings in the Bay which sat comfortably within this context and it was likely that existing properties in the vicinity would be redeveloped in the future with occupants wishing to make the most of views to the south and contemporary design becoming more common place.

With regard to Mr. Edwards comments regarding accessible drawings, the Chairman undertook to explore this with members and Departmental officers in order to identify a solution.

Having considered the scheme, the Committee unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report. In doing so the Chairman advised that he had called for the Minister to consider the designation of St. Brelade's Bay (and other important areas in the Island) as conservation areas. This was not to say that the approved application would in any way breach such a status.

Mannamead,  
La Route de la  
Haule, St.  
Peter:  
proposed  
demolition of  
wall/creation  
of vehicular  
access.

P/2020/0898

A10. The Committee considered a report in connexion with an application which sought approval for the demolition of a wall and the creation of a new vehicular access at the property known as Mannamead, La Route de la Haule, St. Peter. The Committee had visited the application site on 11th November 2020.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies GD1, GD7, TT13 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application related to an existing residential dwelling located in the Built-up Area, wherein the presumption was in favour of development unless proposals would lead to unacceptable problems of traffic generation or safety or would have detrimental impact on the appearance of the site

and the surrounding area.

Permission was sought for the removal of the existing roadside wall to create a vehicular access and parking area within the site. The proposed works were considered to lead to unacceptable problems of highway safety and traffic generation and have a detrimental impact on the street scene of La Route de la Haule. The application failed to accord with policy and was recommended for refusal on the grounds that it was contrary to Policies GD1, GD7, BE8 and TT13 of the 2011 Island Plan. It was noted that the Highway Authority objected to the application and that Policy TT13 specifically prohibited the creation of new access points on to La Route de la Haule between Bel Royal and Beaumont.

9 letters of support for the application had been received.

The Committee heard from Mr. R. Hayward, Senior Transportation Planner, Growth, Housing and Infrastructure Department. Mr. Hayward advised that the Highway Authority provided advice on safety and traffic generation. Policy TT13 specifically prohibited the creation of new access points on to La Route de la Haule between Bel Royal and Beaumont. This particular section of the road was at capacity and as it was a strategically significant route, the creation of new accesses would impede vehicles progressing along the road. From a safety perspective vehicles had to be able to enter/exit in a forward gear to ensure visibility and he referred the Committee to the drawings to illustrate the difficulties with visibility and manoeuvrability. Furthermore, the use of the access for a single vehicle could not be guaranteed in perpetuity.

The Committee heard from Ms. S. Gatt, the applicant and her agent, Mrs. S. Steedman. Ms. Gatt addressed the Committee, explaining in some considerable detail the difficulties she encountered on a daily basis and the impact this had on her quality of life. She did not believe that the proposal would be harmful to the street scene and described it as 'one opening among others'. The proposed development would facilitate a reduction in vehicle trips and the stress associated with the constant search for one of the limited time restricted car parking spaces in the area. Ms. Gatt advised that she wished to play her part in reducing vehicle trips and intended to sell a vehicle in favour of more sustainable modes of transport. She described how she often had to wait on the road in her vehicle to secure a parking space and she believed that a new development in the vicinity would only exacerbate the problem. Together with a local restaurant, a pub and a reduction in the size of the Co-Operative Society car park at Beaumont, it was becoming more and more difficult to find a parking space in the area. Ms. Gatt explained that previously, [REDACTED] she had been required to move her car every day [REDACTED]. When she went on holiday she had nowhere to leave her car. If she was able to park her car at home she would gladly get the bus to work, but was prevented from doing so because she had no on-site car parking. [REDACTED]

[REDACTED]. She had tried, without success to rent a parking space in the area. She did not want to move to a new house, but wished to 'future proof' her home as it was unlikely she would be able to continue moving her vehicle and walking to and from various car parks indefinitely. In terms of visibility, she noted that many accesses in the area suffered from poor visibility splays but yet an independent highways engineer had reviewed the scheme and had confirmed that it would provide a workable space with clear visibility in both directions and no conflict with users of a nearby bus stop. Neighbours also supported the application. Ms. Gatt was concerned that the scheme had not been assessed objectively in terms of the overall benefits. There also seemed to be some confusion as to the precise location of her

property, as reference had been made to the house next door. Suggestions that the potential existed for a storage shed or other structure to be erected in the proposed parking area were unfathomable. She concluded by stating that the proposed development would transform her life and help reduce vehicle trips.

Mrs. Steedman advised that Ms. Gatt was known to her personally and she knew her to be very motivated to live a healthy lifestyle, which included the use of more sustainable modes of transport. Mrs. Steedman argued that Policy TT13 should not be viewed as an absolute moratorium on the creation of new access points on to La Route de la Haule between Bel Royal and Beaumont. The Policy included exceptions on the basis that access could be provided safely and without harm to the streetscape. The applicant's desire for a new access was driven by the difficulties she encountered on a daily basis and Mrs. Steedman advised that the scheme would result in a reduction in trip generation. The applicant's life was currently dominated by searching for a parking space in the area and the provision of a parking space on-site would remove her vehicle from the road. Independent advice from highway engineers had confirmed full visibility to the west and east over a neighbouring garden, which was also relied upon by the neighbours for visibility, so there was no possibility of obstruction. Vehicles could be manoeuvred on site. Mrs. Steedman stated that she drove past the application site every day and was used to seeing bus users queuing to the west so there would be no issue with regard to pedestrian safety. She believed that the positives had to be balanced against the negatives and the fact that public parking was time restricted and often full had to be taken into account. The reality of modern life was that Islanders owned vehicles and Ms. Gatt was seeking to make the transition to using her vehicles less; but could only do so if she could leave it at home whilst she was at work. Mrs. Steedman noted that the Parish of St. Helier had altered its approach to car parking with the provision of a single space for new units. Deliveries in the vicinity of the application site were an issue as it was illegal for vehicles to park in a lay-by so the provision of a car parking space would also be beneficial in this context. Mrs. Steedman suggested that the Committee might consider the entering into of a Planning Obligation Agreement to ensure that only one car could park in the space, in accordance with the submitted plans. She concluded by stating that sufficient justification existed to grant permission.

The Committee heard from Deputy R.E. Huelin of St. Peter, who repeated that Policy TT13 allowed for exceptions and he believed that the submitted scheme fitted the criteria set out in the policy. The application site was in a sustainable location with good access to the cycle track and an excellent bus route. The Deputy had viewed car parks in the vicinity at 10.00 am that morning and had noted that there were approximately 10 vacant spaces at the car park by the Goose on the Green, with all others being full. He, too, felt that a nearby development would only make the situation worse.

Mr. Hayward was invited to respond and he stated that many of the arguments which had been made appeared to be based specifically on the applicant's individual needs. However, the application had been considered in the round and the future impact of the proposal taken into account. The proposed vehicular access was considered to be unsafe and the oblique angle to the pavement would create a blind spot for pedestrians and cyclists, as detailed within the submitted written representation dated 28th August 2020. Concern also existed with regard to the proximity of the application site to a bus stop and the potential for a collision if a vehicle pulled across the proposed access just as a bus was about to leave, should the driver of another vehicle flash his/her lights to suggest that it was safe to proceed. The bus driver might see this in his mirror and believe the signal was for him too. With buses regularly pulling in and out of the layby, visibility from the site would be nil, making any exit left or right extremely dangerous. When asked by the Chairman to identify

the safety risk posed by the proposed access on a scale of one to 10, Mr. Hayward stated that a more scientific approach was taken. The Department relied upon UK safety standards which had been adapted for Jersey and the scheme did not comply with those standards. Mr. Hayward confirmed that the proximity of the site to a bus stop was a safety issue.

Having considered the application and having regard to all of the arguments made by the applicant, the Committee felt unable to support the application for the reasons set out by the Department. Consequently, the application was refused. Members suggested that it might be helpful for consideration to be given to the creation of a resident's parking scheme in the area.

The applicant addressed the Committee expressing disappointment and stating that an existing access at the property known as Southlands was more dangerous than that which had been proposed. However, the Chairman reiterated that the Committee could not ignore the advice of the Highway Authority and that it had to consider the future impact of the proposals. He added that he did not believe that the Planning Obligation Agreement suggested by Mrs. Steedman was workable.

Mrs. Steedman offered advice to the effect that consideration should be given to the issues faced by residents of this area in the Island Plan review. She added that the stance taken by the Highway Authority was in conflict with the Sustainable Transport Policy.

La Tremblée,  
Le Chemin des  
Landes, St.  
Ouen:  
proposed re-  
instatement of  
shed (RFR).

A11. The Committee considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the 're-instatement' of a ruined structure to provide an ancillary shed for horticultural use. The Committee had visited the application site on 11th November 2020.

P/2020/0410

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, SP2, SP4, SP6, GD1, GD7, NE7, ERE6, NE1, NE2, NE3, WM1, LWM2 of the 2011 Island Plan were of particular relevance. The Countryside Character Appraisal was also relevant.

The Committee noted that the application site was in a very prominent, exposed and isolated location adjacent to Les Landes racecourse and sited within the Green Zone. The existing ruined structure was dilapidated with only the walls remaining. Aerial photographs confirmed that there had been no roof on the building since 1997 and the submitted information suggested that the building had become dilapidated decades before. There was limited evidence of the site being used for growing.

The Committee noted the planning history of the site, which included the refusal of an outline application in 2006, for the demolition of the ruin and its replacement with a new dwelling. In 2019, negative pre-application advice had been issued regarding the construction of a dwelling. Later that year, an application had been submitted (P/2019/0138) for the re-construction of the ruined dwelling to form a new residential unit with associated parking and landscaping works. The application had been refused for 6 specific reasons, the details of which were set out in the Department's report.



The current application proposed the construction of a shed for horticultural use to facilitate the cultivation and management of the land upon which it sat. However, the size of the shed (8.5 metres x 6.9 metres x 3.7 metres) was considered to be disproportionately large relative to the land. The proposed shed included solar panels and it was unclear as to why these would be required for a structure designed to accommodate tools. Mono-pitch roofs, zinc rainwater goods, a sedum roof, cedar cladding and shuttered windows were also proposed and these materials were considered to be a very high quality for a shed.

The Committee was advised that the above application had been refused for 4 specific reasons, as follows –

- the proposed shed failed to satisfy the requirements of Policy ERE6 insofar as it did not relate to a farm holding; failed to demonstrate that it would make any contribution to the agricultural industry and that alternative arrangements for a horticultural storage structure could not be made elsewhere on the site;
- the proposed shed was considered to result in the domestication of the north-west headland of St. Ouen, which was remote and characterised by sparse development. The area had very limited capacity for change and the amount of development proposed was considered to result in serious landscape harm, contrary to Policy NE7;
- the combination of size, scale, design and materials was considered to be unsuitable in this context and would result in an alien form of development in this remote and open landscape, causing serious landscape harm, contrary to Policies GD1, GD7 and NE7;
- the proposed development was located in a remote part of the Green Zone and therefore failed to reduce dependence on private vehicles. As such the application did not contribute to a sustainable form and pattern of development, contrary to the provision of Policies GD1 and SP6.

It was recommended that the Committee maintain refusal of the application.

The case officer read from written representations, copies of which were tabled at the meeting (both had been received after the publication of the agenda) from Mr. J. Hamilton and Ms. J. Beck, both of whom objected to the application. Mr. Hamilton stated that this was a rural area adjacent to Les Landes Common and it was unsuitable for development of this scale. He doubted the shed would be used for the storage of horticultural equipment and suggested it would be used for socialising and would be a 'steppingstone to further development'. Mr. Hamilton claimed the shed had been dilapidated for years and there was no evidence of a horticultural use since the change of ownership. This was a sensitive environment and the intrusion of machinery for construction works was not appropriate. Mr. Hamilton urged the Committee to refuse the application. Ms. Beck was the owner of some adjacent land and advised that the applicant had previously written to her to advise of her plans to create a summerhouse on the site from which 'to enjoy sunsets'. This application had been refused and Ms. Beck had been baffled to discover that it was now proposed to construct a large storage facility for an activity which had never taken place previously. Even if it was proposed to use the land for horticulture, she questioned the need for such a large shed. The previous landowner had struggled to grow potatoes and had competed with an 'army of rabbits'. Ms. Beck alleged that no interest had been shown in using the site for horticulture and that

Approval of the application would set an undesirable precedent and had the potential

to lead to self-catering use in the future. She urged the Committee to refuse the application and stated that the site had not been visited for months on end, but that a gardener had recently appeared to clear the site. This was a unique site which should be preserved in its natural state and which was frequented by Swallows, Tawny Owls and Kestrels and it provided a buffer. A further representation had been received from Mr. and Mrs. A. Le Cheminant, who objected to the application and supported the recommendation for refusal.

The Committee received Mrs. S. Steedman representing the applicant, Mrs. C. Buckley. Mrs. Buckley was unable to attend the meeting so Mrs. Steedman read from a written statement prepared by the applicant, as follows -

Mrs. Buckley advised that she came from a farming family and that her interest in growing had initially been sparked by the gift of some fruit trees from her late father. She had purchased the land in question in order to provide her with additional space to grow fruit, vegetables and flowers and had been advised that it had previously been used as an allotment with sheds and equipment (documentary evidence had been submitted to support this claim). The applicant had cleared the site and intended to take advice on how best to utilise the land for horticultural purposes. There were no services on the site, save for a well. A composting toilet (not included within the design of the shed) was proposed. The applicant intended to work hard to improve and maintain the aesthetics of the site and the ruin and the proposed potting shed would retain the existing walls and footprint and would be clad in cedar wood.

Mrs. Steedman advised that the land had been purchased for horticultural purposes and no change of use was proposed. The site had been cleared and would be returned to its natural state and planted in accordance with professional advice from Nurture Ecology. There would be an overall net benefit in terms of the ecological value and Mrs. Steedman did not believe that it was unreasonable to require a shed for horticultural purposes. It made sense to reuse the existing structure, which had previously been a dwelling. The applicant had no interest in using the ruin for residential purposes, but required storage space for machinery and tools. Mrs. Steedman advised that if the application was refused, then this would necessitate a number of vehicle trips to and from the site to facilitate the horticultural use. The Island Plan encouraged the best use of existing resources and the scheme would protect and enhance the natural environment. Complimentary materials which were in keeping with the context were proposed. She added that she believed the stables and horse boxes on the site next door to be much more intrusive than the proposed development. There had been no objection from the Land Controls and Agricultural Development Section and the scheme did not contravene Policies ERE6 or NE7. The application proposed small scale development with no landscape harm. Finally, Mrs. Steedman advised that the application was not a steppingstone to further development and that, in any case, a change of use would require a planning permit.

The Committee unanimously refused the application for the reasons set out above.

Thornhill  
Farm, La Rue  
de l'Epine,  
Trinity:  
proposed  
conversion  
(RFR).

A12. The Committee considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the conversion of Thornhill Farm, La Rue de l'Epine, Trinity to provide one x 4 and one x 3 bedroom dwellings with associated car parking and landscaping. Visibility splays on to La Rue de l'Epine would also be improved. The Committee had visited the application site on 11th November 2020.

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P/2020/0605

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, GD1, GD7, NE7 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee noted that Thornhill Farm was a substantial detached residential property in rural Trinity. The application proposed the sub-division of the existing 9 bedroom property to facilitate the creation of 2 smaller dwellings. The works involved associated external alterations, including alterations to the vehicle entrance.

The Committee was advised that the physical alterations to the property were relatively minor, and generally confined to the changes necessary to facilitate the sub-division of the property into two units. This include the infilling of a number of openings, the installation of louvered windows to restrict views, new privacy screens and new boundary divisions – including gates, walls and hedges. Both units would comply with the residential standards and both would have ample car parking

The application had been refused on the grounds that it was contrary to Policy NE7. The Policy presumed against the creation of new dwellings and/or facilitating a separate household by means of an extension, conversion or new build. The only circumstances under which a new dwelling might be permitted within the Green Zone - as an exception to the general presumption against development - was where it would replace an existing dwelling or employment building; would be for staff or key agricultural workers; or involved the conversion of an existing employment building. The current proposal involved both the creation of a new dwelling and the facilitation of a separate household by means of a conversion. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant's agent, Mr. M. Stein, who outlined the planning history of the site. It was noted that there had originally been a smaller 6 bedroom dwelling, alongside a detached traditional granite barn on the site. In 2012, permission had been granted for the conversion of the barn to residential use as part of the existing dwelling, together with a linking extension between the barn and existing house. The approved scheme had resulted in the formation of the existing 9 bedroom dwelling. The argument was made that, had the applicants applied in 2012, to convert the barn into a separate dwelling then this would likely have been approved. It was further suggested that, had the site remained undeveloped, then it was likely that an application made today for the conversion of the barn into a dwelling would be approved. Various environmental improvements were proposed, to include a new hedgerow, the planting of fruit trees and the removal of Sycamore trees. The new unit would rely on a tight tank so that reliance on the existing septic tank and soakaway would reduce. The scheme complied with Policy ERE4.

Having considered the application, the Committee was convinced by the arguments made and concluded that there would be no adverse impact on the Green Zone in this particular case. Permission was granted subject to the submission of a revised amenity space plan – to include boundary hedging, which would be presented for approval at the next scheduled meeting when formal confirmation of the decision (which was contrary to the Department's recommendation) was sought.

On a related matter, the Committee noted that discussions had taken place as part of the consultation in relation to the development of the new Island Plan on the re-use of existing buildings in the Green Zone. It was recognised that there were a number of unused buildings with the potential for re-use.

Ronceray Care Home, La Rue du Hucquet, St. Martin: proposed extension of approved ground floor extension to east (RFR).

RP/2020/0714

A13. The Committee considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the extension of an approved extension to the east of Ronceray Care Home, La Rue du Hucquet, St. Martin. The Committee had visited the application site on 11th November 2020.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD3, GD7, SP7, NE7 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that this revised application sought consent for a ground floor extension within the garden of Ronceray Care Home. The extension would increase the size of a previously approved extension by 6.3 metres in length and would allow for 2 additional bedrooms.

The application site was located within the Green Zone, where Policy NE7 set a presumption, but not an absolute moratorium, on development, provided that the proposed works did not cause significant harm to the character of the area and also fell within one of the permissible exceptions to the presumption against development, as set out in the Policy. One of the aforementioned exceptions related to minor development that was small in scale and incidental to the primary use of land and buildings. This was on the basis that such development was well sited and designed, having regard to the relationship with existing buildings, landscape context, size, material, colour and form; and where it did not cause serious harm to landscape character.

The proposed extension would have a pitched roof, to match that of the previously approved ground floor extension. However, the structure would be offset at an angle in order to maintain a one metre distance from the boundary and provide for foul sewerage for the newly created bathroom facilities.

Policy GD7 required a high quality of design and listed 7 sub-categories of design aspects which had to be addressed adequately with all development proposals. Failure to do so would result in refusal.

The most applicable sub-categories in the case related to -

- the scale, form, massing, orientation, siting and density of the development, and inward and outward views and;
- the relationship to existing buildings, settlement form and character, topography, landscape features and the wider landscape setting.

Given the cramped nature of the proposed extension and its awkward relationship with the existing building, it was considered that the scheme failed to meet the requirements of Policies GD1, SP7, GD7, BE6 and NE7.

The applicants desire to provide additional accommodation was understood, but the further extension of the property would result in the loss of the only outdoor amenity space available within the care facility and would create in new views directly from existing lounges into the windows of the new structure. These windows would be located just 5.5 metres from each other and were considered harmful to the amenity of future occupants. Policy GD1 sought to protect the residential amenity afforded to any residents and stated that development proposals should not unreasonably affect the level of privacy that may reasonably be expected. As a result of the above, it was considered that the proposal failed to meet the GD1 policy test.

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Whilst Policy GD3 stated that the highest reasonable density should be achieved for all developments, commensurate with good design and adequate amenity space, given the use of the application site, it was not considered reasonable to apply the minimum residential amenity standards. An adequate amount of good quality, useable amenity space was required for residents. Given that the proposed scheme would result in a facility with 29 bedrooms, the further reduction in the available amenity space proposed within this revised plans application was considered unacceptable.

Whilst it was acknowledged that the proposed extension was a minor addition to the previously approved plans, it would further extinguish the amenity space available to residents, would result in harmful overlooking to future residents and a poor relationship with the existing building.

In addition to actual loss of amenity space, the proposed extension would be located on the southern part of the site, which would have a particularly harmful impact on the light and outlook enjoyed from the amenity space.

In light of the above the proposals were considered to fail to meet the requirements of the relevant policies of the 2011 Island Plan and it was recommended that the Committee maintain refusal of the application on this basis.

The Committee heard from Mr. J. Gallagher, representing the applicant. Mr. Gallagher explained that care homes were being asked to upgrade to remain operative in the context of new licencing conditions issued by the Jersey Care Commission (JCC). Care homes provided an essential service for an aging population and Mr. Gallagher stated that he had been involved in several care homes projects and had visited the Joseph Rowntree Foundation so he had considerable experience in this area. The fundamental aim was to provide a safe environment for residents. The proposed development had been considered by the JCC, whose focus was on the welfare of residents, and the scheme was considered appropriate in this context. The proximity of windows and loss of amenity space were not considered to be an issue in this particular case and the emphasis was on how the care home operated. Furthermore, there were some very large trees to the south on the neighbouring side, so it was considered unlikely that the proposed ground floor extension would result in a loss of light. The residential lounge looked east and benefitted from large windows. In concluding, Mr. Gallagher stated that the scheme proposed a low key extension which would be largely screened by a fence and would not be harmful to the facility or the surroundings.

Having considered the application, the Committee refused permission for the reasons set out above.

No. 6  
Waverley  
Terrace, St.  
Saviour's  
Road, St.  
Helier:  
proposed  
external  
painting and  
structural  
repairs

A14. The Committee considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the painting of the external walls and structural repairs to the east, north and west elevations of No. 6 Waverley Terrace, St. Saviour's Road, St. Helier. The Committee had visited the application site on 11th November 2020.

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 Waverley Terrace was a Listed Building. Policies HE1, SP4, BE6, BE3, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Waverley Terrace was a Grade 3 Listed Building. Policy HE1 specifically related to the preservation of the architectural and historic

character and integrity of Listed buildings. Proposals which did not preserve or enhance the special or particular interest of Listed buildings and their settings would not be supported.

It was noted that the Historic Environment Section had objected to the painting of the historic render as this would adversely affect the historic interest and character of this Grade 3 Listed building and its setting, contrary to Policies HE1, SP4 and GD1. It was acknowledged that 5 of the 6 neighbouring Listed Buildings in the Terrace had been painted, but the retention of the remaining original render was considered important in terms of the preservation of the special historic interest and character of the building.

The Committee was advised that the application might have been considered acceptable if the painting element had been removed, allowing the important major crack repairs and lintel replacement work to proceed, subject to further information on the repairs. This advice had been passed to the applicant's agent during the application timeframe and prior to determination.

It was recommended that the Committee maintain refusal of the application for the reasons set out above.

The Committee heard from the applicant's agent, Mr. M. Smith, who advised that the applicant was unable to attend the meeting. Mr. Smith advised that the applicant had decided to proceed with the determination of the application as submitted on the basis that, if the Committee decided to maintain refusal, an appeal would follow.

Painting the building was considered appropriate due to the substantial scarring from previous repairs (which were evidenced on the submitted images) and the proposed repairs. It was noted that coursing lines were missing as a result of previous re-rendering works and the Committee viewed photographs of the building, which had been taken around the turn of the century. Mr. Smith noted that there was no reference to these images in the response from the Historic Environment Section. The images showed that the castellations, eyebrows and horizontal mould lines were no longer evident and there were no scars to show where they had been removed, proving that the existing render was not original. Mr. Smith believed that 2 buildings in the terrace had been painted relatively recently, albeit without consent. He argued that the group value had already been lost and it was unlikely the painted render would be returned to its previous un-rendered state. In concluding, he expressed disappointment at having been unable to meet the Principal Historic Environment Officer on site.

Having considered the application, the Committee endorsed the officer recommendation to refuse permission. Members had no objection to the proposed repair work and suggested that buildings which had retained their render might well be sought after in the future. The Committee did not support a suggestion from Deputy K.F. Morel of St. Lawrence that the applicant might wish to consider carrying out the render repairs in the first instance and submit a separate application on completion of the works for the painting of the building. This would not overcome the objection of the Historic Environment Section.

In terms of the other buildings in the Terrace which had been painted without permission, the Committee noted that enforcement action could not be taken due to the period of time which had elapsed since the unauthorised works had been carried out.

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Sunfield, La  
Rue du  
Bocage, St.  
Brelade:  
proposed new  
vehicular  
access/car  
port/change of  
use of  
agricultural  
field.

A15. The Committee considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the change of use of an agricultural field to facilitate a residential use at the property known as Sunfield, La Rue du Bocage, St. Brelade. It was also proposed to block off an existing access and create a new access on to Rue du Bocage and construct a car port to the north of the site. The Committee had visited the application site on 11th November 2020.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, SP4, GD1, GD7, NE7, ERE1 and NE4 of the 2011 Island Plan were of particular relevance.

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The Committee was advised that the application proposed to block the existing western field access by extending a roadside banque and blocking the eastern access to the residential parking area with a granite wall and hedging. A new vehicular access with the required visibility splays onto Rue du Bocage was proposed. From the proposed vehicle access a new drive would be created to replace the existing field access track (this would involve the change of use of agricultural land). This proposed access drive would be constructed of a resin bound gravel and would extend to the proposed new 5 space covered car port, which would be constructed with an oak frame and slate roof.

The site was located in the Green Zone, wherein there was a general presumption against development, including the change of use of land to extend a domestic curtilage. The Land Controls and Agricultural Section had confirmed that the field should be used for agricultural or horticultural purposes only and objected to the current application on the basis that it would lead to the permanent loss of agricultural land. The existing dwelling benefitted from a large amenity area to the rear of the main house. The character of the area was rural in nature and it was considered that the proposal would lead to the domestication of the countryside. It was noted that the proposed car port would represent a reduction in size when compared with existing structures (which did not have planning permission for residential use), but the proposed driveway and access, as well as the car port, would be domestic in character and would not normally be found in a field.

It was believed that the proposal would have a negative visual impact and would unreasonably affect the character of the area, contrary to Policy GD1 and, as well as not being one of the listed exceptions in Policy NE7, it would also cause serious harm to the landscape character of the Green Zone. The proposal was also contrary to Policy ERE1. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. J. Bore, who advised that, with his wife, he had purchased the property over 2 years ago. The existing arrangements presented a number of safety issues, which would be addressed by the scheme whilst also enhancing the environment. The existing access points were considered unsafe with poor visibility and it was necessary to reverse in rather than drive in. This was made difficult by speeding vehicles on the Green Lane and cars used the access as an unofficial passing place, which presented safety issues for Mr. Bore's [REDACTED]. There was also a farm track opposite which was used to provide access for farm machinery. It was impossible to turn right to travel in an easterly direction causing drivers to make a dangerous 3 point manoeuvre.

The Committee heard from the applicant's agent, Mrs. S. Steedman, who advised the Committee that she was aware of similar cases where permission had been granted. She stated that the applicant was entitled to consistency of approach. Mrs. Steedman asked the Committee to consider the whole package of benefits which

would arise, to include returning part of the field to agriculture and reducing the built footprint, reduced vehicle trips, the removal of 2 existing sub-standard accesses and their replacement with a new improved access with a single entrance track and new planting around the field. Mrs. Steedman noted that the Department had suggested improving the eastern access, but she pointed out that this would mean losing 5 metres of roadside vegetation, which would have a greater impact on the landscape. She took the opportunity to remind the Committee that the Green Zone policy did not completely prohibit development and residents were entitled to make improvements to their properties, subject to certain tests. The Policy provided for appropriately designed and scaled ancillary buildings, as proposed.

The case officer pointed out that whilst it was acknowledged that there were buildings to the west of the house these were not residential so the arguments made regarding the Green Zone Policy tests did not apply in this case. Mrs. Steedman interjected, offering to assist the Committee in its deliberations by providing advice to the effect that the applicant was in receipt of a plan from the Land Controls and Agricultural Development Section which showed the area of the car port as domestic land. However, the case officer advised that the Planning arm of the Department did not recognise this area as domestic land. In terms of the Land Controls' objection to the application, Ms. G. Duffell advised that if the Committee was minded to approve the application, that decision would override the objection. However, Mrs. Steedman clarified that planning permission did not trump Land Controls but, if approved, the objection fell away.

The Committee endorsed the officer recommendation to refuse permission for the reasons set out above. In doing so it emphasised that each case was considered on its own individual merits.

On a related matter, the Committee suggested that the applicant might wish to address the matter of speeding with the Parish Roads Committee and the Vice Chairman offered to discuss the matter with the Connétable of St. Brelade. The Chairman added that the road surface on La Rue du Bocage was quite rare and should be afforded some protection in his view.