

KML/MH/316

PLANNING COMMITTEE

(19th Meeting)

16th October 2019PART A (Non-Exempt)

All members were present, with the exception of Deputies J.M. Maçon of St Saviour and K.F. Morel of St. Lawrence and Connétable D.W. Mezbourian of St. Lawrence, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
(not present for item No. A6 and A7)
Deputy G.J. Truscott of St. Brelade, Vice Chairman
(not present for item No. A4)
Deputy S.M. Wickenden of St. Helier
(present for item No. A7 only)
Deputy R.E. Huelin of St. Peter
Connétable P.B. Le Sueur of Trinity
(not present for item No. A7)

In attendance -

P. Le Gresley, Director, Development Control
J. Gladwin, Senior Planner
L. Davies, Planner
A. Parsons, Planner
R. Hampson, Planner
G. Vasselin, Trainee Planner
T. Ingle, Principal Historic Environment Officer
K.M. Larbalestier, Committee Clerk, States Greffe
K. de Carteret, Committee Clerk, States Greffe

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

- Minutes.
- A1. The Minutes of the meetings held on 19th and 26th September 2019, having been previously circulated, were taken as read and were confirmed.
- Keppel Tower/
Cottage and
Elizabeth
Cottage,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition and
redevelopment.
477/5/2(615)
- A2. The Committee, with reference to Minute No. A9 of 13th December 2018, considered a report in connexion with an application which proposed amendments to the approved scheme for Elizabeth and Keppel Cottages, La Grande Route des Sablons, Grouville (application reference No. P/2018/1250). The approved scheme would see the replacement of the aforementioned properties with 6 x 2 bedroom and 4 x 3 bedroom residential units. It was also intended to refurbish Keppel Tower and remove modern additions to the tower. The Committee had visited the site 15th October 2019.
- 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 that Keppel Tower was a Listed Building. Policies BE4, GD1, GD3, GD5 and GD7, HE1, HE5, H4, H6, TT3, TT4, TT13 and WM1 of the 2011 Island Plan were relevant.
- RP/2019/0855

The Committee recalled the extensive planning history of the site, which included 2 previous Royal Court appeals and an appeal to the Minister for the Environment which had been submitted by the applicant and which had been considered by an Independent Planning Inspector. The Minister had ultimately refused a 14-unit scheme (which had previously been refused by the Committee). The reasons for refusal had focused on the density of the development and the impact on the character of the area. The approved 2018 application had sought to address these issues by reducing the density of the development so that it remained within the range envisaged by planning policy for a Built-Up Area site. The number of units had been reduced to reflect the character of the area and the scheme had received the support of many neighbours who had previously objected to the 2017 scheme, which had been refused by the Committee. A Planning Obligation Agreement (POA) had been entered into to secure financial contributions towards the Eastern Cycle Route and the delivery of a bus stop.

The Committee was advised that the current scheme sought permission for the extension of the approved Block B to the south and north elevations. Internal alterations to amend unit layouts were also proposed, as was the conversion of the roof space to create habitable accommodation and the construction of a balcony to the east elevation. Various external alterations to Block B to include the installation of 2 roof lights to the north and south elevations and the alteration of the roof shape were also proposed, as was the extension of the basement to provide 4 additional car parking spaces and stores.

The Department was of the view that the proposed amendments were acceptable and no objections had been raised by the Historic Environment Section. The revisions had been assessed against the relevant policies of the 2011 Island Plan and the representations and consultation responses received had been considered. The representations raised issues relating to the mass and scale of block B, the increase in density of the development, the reduction in separation between buildings and views through to the shoreline and the impact on the character of the area. The Department considered that the reduction in separation between buildings would still allow views through to the shoreline and would not have a detrimental impact upon the character of the area. The impact of the revisions on the Listed Buildings and their settings had been assessed and found to be acceptable. It was considered that the revisions to Planning application P/2018/1250 accorded with Policies GD1, GD5, GD7, HE1, HE5, BE4 and H6 2011 Island Plan and it was recommended that permission be granted, subject to the POA being updated.

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

The Committee heard from Mr. C. Floyd, who advised that he had originally been requested to facilitate a response from residents to an earlier scheme [REDACTED]. He had had hoped that the approval of the 2018 scheme would have seen the conclusion of the matter. Mr. Floyd explained that his aim was to ensure that the quality of the built environment was retained. He also considered transparency and due process to be of the utmost importance. He referred the Committee to the Independent Planning Inspector's report and his own submission of 11th November 2016, and the similarities which existed in the content. Mr. Floyd was concerned about obfuscation in the process – 2 separate applications had been submitted (Minute No. A3 of the present meeting refers), whereas a cohesive approach had always been taken in respect of the site in the past. There was clearly some overlap in the supporting documentation and Mr. Floyd questioned whether this separation of the applications was a tactic to avoid scrutiny. The details of the scheme were also confusing – for example, it was difficult to understand the size of the apartments and there were some contradictory statements within the development submission. The configuration of the apartments had been modified,

but the application failed to spell this out. Mr. Floyd argued that the very same changes which had been used to justify and obtain approval for the 2018 scheme were being reversed in the current scheme. He believed that approval of the amendments would bring the process into disrepute and undermine residents' confidence in a planning system which was not held in high regard by the community. There was deep scepticism about engaging and it was alleged that developers and planners were often seen as one and the same. Despite this apathy, in 2011, when the first scheme had been submitted, the community had been vocal and a very large number of objections had been received. Mr. Floyd concluded by stating that he hoped the Committee had the wisdom to refuse the application.

The Committee heard from Mr. G. Herold-Howes, who stated that his comments related to both applications. He described the amendments as an abuse of process and the actions of the applicant as unscrupulous. No work had been carried out on the development as yet and evidence indicated that changes to the scheme had always been contemplated – the dates on the submitted drawings corresponded with the date of the approval of the 2018 scheme. Mr. Herold-Howes also questioned why the applications had been separated and believed this to be a tactical manoeuvre. He went on to discuss the difficulty he had had in obtaining the revised plans, to the extent that he had asked the Minister to obtain these on his behalf. The scheme proposed increasing the width of Block B by 18 per cent, resulting in it having far more in common with the previously refused scheme. Mr. Herold-Howes believed that, if approved, this would undermine the integrity of the process and show a lack of regard for the findings of the Royal Court. The previously approved scheme was a material planning consideration and should be considered by the Committee in determining the current applications. Mr. Herold-Howes believed that the proposed amendments were being driven by the needs of prospective purchasers, rather than achieving appropriate development. He accused the applicant of misleading the Committee in terms of the effect the proposed amendments would have and their ability to undermine the stated benefits of the scheme. In this context Mr. Herold-Howes referred the Committee to Article 10 of the Planning and Building (Jersey) Law 2002. Mr. Herold-Howes argued that the increase in mass and scale and the increase in the number of units could constitute a material omission. He understood that the purpose of the revised application was to address certain issues or difficulties – not to make wholesale changes, the effect of which were regressive and weighed in favour of rejection. He too felt that approval of the application would make a mockery of a system perceived as developer friendly and an Island Plan viewed as a developer's charter. In concluding, Mr. Herold-Howes stated that the applicant appeared to be seeking to revise the scheme to obtain permission for what had been rejected previously. He urged the Committee to 'do the right thing' and send out a clear message that this type of behaviour would not be tolerated.

The Committee heard from Mrs. S. Noble, who advised that objections had never been about development per se, but about the appropriateness of it. There had been consistent objections regarding the size and scale of the development and sensitivity to the context. She believed that the community could accept the approved scheme, but any revision which would increase the density would undermine the integrity of the Committee's decision, impacting on faith in the process. Mrs. Noble also expressed concerns regarding traffic congestion and highway safety.

The Committee heard from Ms. J. Herold, who advised that she had always believed that the tower would be swamped by the development. If the Committee approved the widening of Block B this would have an even greater impact. She did not support the amendments to the approved scheme, which she understood would decrease the spaces between the blocks and increase the mass of the building. If approved this would run contrary to the recommendations of the Independent Planning Inspector.

The Committee heard from Deputy C.F. Labey of Grouville, who was objecting on the grounds of abuse of process. The Deputy reminded the Committee of the long planning history of the site and the level of objection to the original scheme, which had culminated in residents reluctantly accepting the 2018 approved scheme. Work had not yet commenced on the site and now 2 applications seeking revisions to the approved scheme had been submitted. The Deputy stated that this was confusing and misleading and appeared to be an attempt to revert to a scheme more akin to a previously refused iteration. The Deputy concluded by questioning the transparency of the planning process, citing the difficulties associated with accessing the revised plans.

The Committee heard from the applicant, Mr. R. Beslievre and his agent, Mr. I. Marett. Mr. Beslievre advised that these minor amendments would not affect neighbours enjoyment of their properties. 3 direct neighbours and 40 others who had previously expressed support for the scheme had raised no objection to the proposed amendments.

The Committee heard from Mr. Marett, who advised that, contrary to belief, the applicant company had not 'stood still' on the project. Larger projects took time to come to fruition for a variety of reasons and he described the proposed amendments as reasonable and in accordance with policy. Mr. Marett explained that permitted development rights had been removed as part of the approved application. Consequently, it was necessary to submit a formal application for any change to the approved scheme. The proposed changes would not affect neighbouring properties and gaps between buildings would remain. The domestic scale of the development and the individual nature of the buildings would also be retained. The proposed changes would enhance the architecture and there would be no change to the height or the high quality design.

Having considered the application, the Committee, with the exception of Deputy R.E. Huelin of St. Peter, was minded to refuse permission on the grounds that the application was contrary to Policy GD3. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

On a related matter, and in response to allegations regarding abuse of process, the Director, Development Control advised that the Department had a statutory duty to assess every application which was legally made. In other words, applicants had a legal right to make an application and the Department brought those before the committee in good faith. Mr. Herold-Howes interjected, stating that the Department was not being accused of abusing the process.

Keppel Tower/
Cottage and
Elizabeth
Cottage,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition and
redevelopment.
477/5/2(615)

A3. The Committee, with reference to Minute No. A9 of 13th December 2018 and A2 of the present meeting, considered a report in connexion with an application which proposed amendments to the approved scheme for Elizabeth and Keppel Cottages, La Grande Route des Sablons, Grouville (application reference No. P/2018/1250). The approved scheme would see the replacement of the aforementioned properties with 6 x 2 bedroom and 4 x 3 bedroom residential units. It was also intended to refurbish Keppel Tower and remove modern additions to the tower. The Committee had visited the site 15th October 2019.

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 that Keppel Tower was a Listed Building. Policies BE4, GD1, GD3, GD5 and GD7, HE1, HE5, H4, H6, TT3, TT4, TT13 and WM1 of the 2011 Island Plan were relevant.

The Committee recalled the extensive planning history of the site, which included 2 previous Royal Court appeals and an appeal to the Minister for the Environment which had been submitted by the applicant and which had been considered by an Independent Planning Inspector. The Minister had ultimately refused a 14-unit scheme (which had previously been refused by the Committee). The reasons for refusal had focused on the density of the development and the impact on the character of the area. The approved 2018 application had sought to address these issues by reducing the density of the development so that it remained within the range envisaged by planning policy for a Built-Up Area site. The number of units had been reduced to reflect the character of the area and the scheme had received the support of many neighbours who had previously objected to the 2017 scheme, which had been refused by the Committee. A Planning Obligation Agreement (POA) had been entered into to secure financial contributions towards the Eastern Cycle Route and the delivery of a bus stop.

The Committee was advised that the current scheme sought permission for the conversion of a previously approved 3 bedroom maisonette and bin store to block C to provide 2 x 2 bedroom apartments. This also included the installation of 4 roof lights. The proposals were not considered to dilute the quality of the approved scheme, nor have any significant impact on the street scene or adjoining properties. Consequently, the application was recommended for approval, subject to the POA being updated.

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

The Committee heard from Mr. G. Herold-Howes, who stated that his comments in respect of item No. A2 also related to the current application. He added that allowing any increase in the number of units would be wrong, particularly given the planning history of the site.

The Committee heard from Mrs. S. Noble, who stated that her comments in respect of item No. A2 also related to the current application. She repeated concerns regarding traffic congestion and highway safety.

The Committee heard from Ms. J. Herold, who advised that that her comments in respect of item No. A2 also related to the current application. She also expressed concerns regarding the impact on an ancient dune of constructing a basement which would be hard up against the sea wall. It was understood that special permission from the Minister for Infrastructure was required for the latter. She, too, was concerned about traffic intensification and questioned why 4 additional car parking spaces were required.

The Committee heard from Mr. C. Floyd, who advised that that his comments in respect of item No. A2 also related to the current application.

The Committee heard from Deputy C.F. Labey of Grouville, who advised that her comments in respect of item No. A2 also related to the current application.

The Committee heard from the applicant, Mr. R. Beslievre and his agent, Mr. I. Marett. Mr. Beslievre advised that these minor amendments were being driven by the market and the shortfall in residential accommodation. The provision of parking was proportionate and in accordance with agreed standards. In response to a question from a Member, Mr. Beslievre confirmed that electric charging points would be included in the car park. He pointed out that there had been significant support for the application and urged the Committee to grant permission.

Mr. Marett advised that the external building envelope and massing would remain the same as the changes would be internal. He did not believe that the number of units had even been an issue and understood that previous concerns had related to mass and scale. However, the Chairman believed that density had also been an issue. Mr. Marett pointed out that the application site was in the Built-Up Area and he referred the Committee to Policy GD3. The design would not change and the scheme accorded with the relevant Island Plan Policies. Market statistics supported the creation of smaller units of accommodation. Transport assessments had been carried out and the scheme was considered acceptable in this context. In fact, Mr. Marett understood that the road could take more traffic. He concluded by stating that rejection of the application would be to miss an opportunity, particularly as the scheme delivered both technically and aesthetically. In terms of the environmental impact of the scheme, it was noted that meetings with relevant bodies had taken place and no objection had been raised on these grounds. These consultations were separate to the planning process.

Having considered the application, the Committee, with the exception of Deputy R.E. Huelin of St. Peter, was minded to refuse permission on the grounds that application was contrary to Policy GD3. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

On a related matter, and in response to allegations regarding abuse of process, the Director, Development Control advised that the Department had a statutory duty to assess every application which was legally made. In other words applicants had a legal right to make an application and the Department brought those before the committee in good faith. Mr. Herold-Howes interjected, stating that the Department was not being accused of abusing the process.

Flat No. 3, El
Cobre, La
Route de la
Baie, St.
Brelade:
proposed 2
storey
extension.
P/2019/0843

A4. The Committee considered a report in connexion with an application which proposed the construction of a 2 storey extension at Flat No. 3, El Cobre, La Route de la Baie, St. Brelade. The Committee had visited the site 15th October 2019.

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, BE4, BE6 and H6 of the 2011 Island Plan were relevant.

The Committee noted that the site was located prominently along the sea front promenade of St. Brelade's Bay. The main building on the site was a detached 2-storey, pitched-roof property containing 4 individual apartments, with a large parking area and yard surrounding the building. The application proposed a 2-storey extension at the eastern end of the building to provide additional accommodation for Unit No. 3. The scale, height and design of the extension would match the existing building. The site was situated in the Built-Up Area, wherein residential development was generally encouraged and permitted. However, it also formed part of the Shoreline Zone which was more restrictive, and less accommodating to new development. There was a clear tension between these differing policy objectives. However, in the Department's view, because the application did not result in the loss of significant public views or adversely affect public access to the shoreline (the critical tests set out within the Shoreline Zone policy), the development could be justified. Furthermore, as the application did not propose the demolition and replacement of the building, restrictions relating to the size of replacement buildings

in St. Brelade's Bay did not apply. As part of the scheme, the applicants intended to enhance the external areas of the property with new planting and paving. These areas, which were highly visible from the public realm, were currently quite neglected. The extension would bring the building closer to the neighbouring site La Rousse, a site owned by L'Horizon Hotel, and for which permission had recently been granted for the development of new tourism accommodation. There had been no objection from the Hotel and, on balance, the impact was considered to be acceptable. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

7 letters of objection and 4 letters of support had been received in connexion with the application.

The Committee heard from Ms. C. Burgess, who advised that she represented a number of individuals who were unable to attend the meeting. She advised that there was opposition to the enlargement of properties in the Bay as it was feared that this would result in buildings appearing like one large condominium which would change the whole character of the Bay. Ms. Burgess believed that restrictions on development in the Bay appeared to be applied less stringently.

Ms. Burgess read from a statement prepared by Ms. M. Scott, who objected to the application on the grounds that the proposed development would obstruct scenic views of the beach. She added that gaps between buildings should be maintained and, in this context, the Committee was referred to the Shoreline Zone Policy. This Policy sought to protect and enhance the shoreline. Combined within the redevelopment of the neighbouring site, La Rousse, the proposed development would have a significant impact. Reference had been made to comments from visitors on social media about the changing character of the Bay. Ms. Scott did not believe that proposals to enhance the external areas of the property should be used in support of approving the extension of the building as this sent out the wrong message.

The Committee heard from Deputy G.J. Truscott of St. Brelade, [REDACTED] and he was aware of just how special the Bay was to people. He, too, was concerned about the changing character of the Bay and the impact enlarging buildings had on vistas through to the shoreline. He believed that a more considered approach to development in the Bay was required. In concluding, the Deputy noted the existence of the foundations of a German anti-tank line at the front of property, the protection of which he undertook to discuss with the relevant authority.

The Committee heard from Ms. B. Pasqua, who believed that it was possible to extend the property without robbing the public of the view through to the beach.

The Committee received the applicant, Mr. N. Socrates and his friend and fellow Architect, Mr. D. Mason. Mr. Socrates advised that he had been saddened by the level of animosity from objectors and certain allegations made, which he believed had been led by the St. Brelade's Bay Association. He advised the Committee that whilst he had lived in the Bay all of his life, he did not believe that any of the objectors actually lived there. He was not a developer and merely wished to extend the property to accommodate his growing family. There would be no loss of public views through the site because none existed at present. A gap analysis drawing had been submitted to demonstrate this. Nor would there be any loss of wildlife. The application site was situated in the Built-Up Area, wherein there was a presumption in favour of development. The scheme would not cause unreasonable harm and there had been no objection from the neighbouring property, La Rousse. Existing overlooking issues would be addressed and privacy enhanced. The site was open to

public view and the landscaping proposals would result in significant visual improvements to the setting of the building.

Mr. Mason advised that he had known the applicant for some time and was aware of his passion for the Bay. The proposed extension would address the building's existing lack of symmetry and the scheme would significantly improve the appearance of the site.

Having considered the application, the Committee endorsed the officer recommendation and granted permission, subject to the imposition of certain conditions detailed within the officer report and on the basis that the landscaping scheme was implemented prior to occupation.

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

A5. The Committee, with reference to its Minute No. A6 of 23rd August 2018, considered a report in connexion with an application which proposed the demolition of the existing dwelling and garage at the property known as Bay Croft, La Route de la Haule, St. Lawrence and their replacement with one x 3 bedroom and 4 x 2 bed apartments with basement parking. In addition, 4 x 3 bedroom dwellings were also proposed, together with a new vehicular access. The Committee had visited the site 15th October 2019.

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

The Committee was advised that Bay Croft was a one and half storey detached dwelling located on a substantial plot (approximately 2,280 square metres/24,500 square feet). The dwelling was set back from the road by around 23 metres, with large garden areas to both the front and rear. The property had a single point of access from the main road at the south eastern corner of the site. The site was surrounded on three sides by residential development, including the Parc du Rivage private estate.

The Committee recalled that it had refused a previous application for the redevelopment of the site to provide 14 apartments in 2 blocks on the grounds of overdevelopment and impact on neighbours.

The current application proposed 5 apartments and 4 townhouses. The scale and mass of the development had been reduced, particularly in the northern part of the site. A contemporary design approach had been adopted, with a series of flat-roofs and large expanses of glazing. Whilst the architectural style contrasted with neighbouring properties, it was similar to that previously proposed, to which the Committee had not been opposed. The proposed new development would be set some way back into the site, retaining the landscaped shared garden along the roadside. Overall, the design and impact of the development from the public realm to the south was considered to be acceptable. On balance, the Department believed that the application was in accordance with the relevant policies of the Island Plan; in particular, Policies SP1 (Spatial Strategy), GD1 (General Development Considerations), GD3 (Density of Development) and H6 (Housing Development within the Built-Up Area). Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

The Committee noted a strong objection from the highway authority. Although the repositioned site entrance would comply with the required technical standard (with regard to its width and visibility), concern had been expressed regarding the

intensification of use of the site, taking into account the capacity of the road. The Department did not accept this position and believed that the site was currently under-utilised. If traffic levels were believed to be an issue, the Department took the view that there was a need to look more widely at transport policy within the Island, including facilitating and incentivising alternative modes of transport.

The Committee's attention was also drawn to continuing objections from nearby residents with regard to impact, unsympathetic design, increased traffic and the loss of open green space. A total of 22 letters of representation had been received in connexion with the application.

The Committee heard from Mrs. J. Le Masurier, a resident of the area. Mrs. Le Masurier referred the Committee to her written representation and advised that the scheme did not appear to differ greatly from that which had previously been refused. She expressed concern regarding the design and layout of the scheme and the impact it would have on privacy. She stated that, whilst there would be fewer units, they would be larger. Consequently, she remained of the view that the scheme would result in the over development of the site. Traffic problems in the area should not be ignored as Mrs. Le Masurier believed the road was at capacity and this was borne out by the objection from the Highway Authority. She referred the Committee to Policy TT13 and also pointed out that the transport statement commissioned by the applicant company failed to take account of all new developments in the vicinity; all of which would increase traffic volumes. In concluding, Mrs. Le Masurier stated that the residents of Parc du Rivage accepted that the site would be developed but favoured a more traditional design approach.

The Committee heard from Mr. A. Williams, a resident of the area, who echoed the view that that residents were not against development per se, but wished to retain peaceful enjoyment of their properties. He, too, was concerned about the design approach and the overbearing nature of the development, which would be harmful to the amenities of residents. Fewer larger units were proposed in 3 and 4 storey blocks with unsympathetic finishes and Mr. Williams described this as 'greedy over-development'. He did not feel that the application had addressed all of the issues which had led to the refusal of the previous application. Planting trees for reasons of privacy would take away sunlight and the sun studies which had been commissioned did not include trees. Mr. Williams urged the Committee to reject the application.

The Committee heard from Mr. M. Carter, also a resident of the area, who expressed concerns about the potential use of the proposed access areas as amenity space and the impact of the same on neighbours. He was also concerned about loss of light on the north side, the overbearing nature of the development and the design approach, which he did not believe was in keeping with existing development. Mr. Williams felt that the proposed town houses were too close to the boundary wall on the north west side. He concluded by echoing comments made regarding traffic volumes on the road and described how difficult it was to exit at present, even outside of peak times.

The Committee heard from the applicant's agent, Mr. R. Godel. Mr. Godel advised that a considerable amount of work had been undertaken to address the reasons for the refusal of the previous scheme. He had understood that the reason for refusal on the grounds that the development was out of character had referred to scale and not style. To address this, the top storey had been set back and the overall scale at the front reduced to reflect the rhythm of the buildings on either side. Mr. Godel advised that he had worked with the Department to assess issues of scale on the elevation to the west, which faced Beau Rivage. The scale of those flanking elements had been reduced and they did not go up to 3 storeys. With regard to overlooking, windows had been reduced in the vertical elements to give a sense of domestic scale and they

would be obscure glazed, as would the glazing leading from bedrooms. Whilst he accepted that some external areas could be accessed, these were not shown as terraces on the submitted scheme and surfaces would be treated with pebbles. Whilst he understood the scheme was controversial from the perspective of neighbours, the site was in the Built-Up Area, where new development was directed. Density levels also had to be maximised in the Built-Up Area.

In response to a question from the Chairman regarding a wrap-around balcony on the west elevation, Mr. Godel contended that the occupants of that apartment were unlikely to use this particular area and he stated that it could also be treated with pebbles to make it less accessible. It was noted that there was an error in the design statement in that it stated that there were no living areas at first floor. There would be living areas on the south side, but there would be no overlooking as opaque glass screens were proposed. The unit on the north west elevation had no living areas on the first floor and although it was close to the boundary at first floor, the building stepped back. Mr. Godel stated that Mr. Carter's property had been constructed very close to the boundary and that all of the dwellings at Beau Rivage overlooked the application site. With regard to the highways issue, the scheme did not propose a new opening so the tests set out in Policy TT13 did not apply. He confirmed that a double width driveway was proposed. Mr. Godel stated that the Highway Authority had requested that the applicant fund significant road improvements, which were considered unreasonable and outside of the guidelines. He concluded by stating that he believed that all issues had been addressed.

Having considered the application, the Committee unanimously refused permission on the grounds of the scale, mass and density of the development. The Committee was also concerned about loss of privacy and the overbearing nature of the development. The majority of Members expressed no concerns regarding the contemporary nature of the design. Similarly, the Committee was not concerned about the intensification of use of the existing access as it recognised that any development which proposed more than one dwelling on the site was likely to attract representations from the Highway Authority on the basis of intensification of use. Refusal on this basis would obviously stymie development.

The Committee recognised that its decision was contrary to the officer recommendation and noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Sand Street car
park, St.
Helier:
proposed
antennae.
S/2019/0786

A6. The Committee considered a report in connexion with an application which proposed the replacement of 3 antennae with 6 new antennae on the roof of Sand Street car park. The Committee had visited the site on 15th October 2019.

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

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, NR10 and BE10 of the 2011 Island Plan were relevant.

The Committee was advised that the application sought consent for the replacement of the 3 existing antennae with 6 new antennae, in order to provide 5th generation (5G) coverage for the surrounding area. The 6 replacement antennae would be sited on 3 poles, mounted in roughly the same position as the existing antennae. There was an extensive planning history on the site relating to the installation of antennae and associated equipment, all of which had been approved.

19th Meeting
16.10.19

The Committee noted that the primary considerations for the application were the impact of the proposals upon the visual amenity of the area and concerns over the risk of electromagnetic levels upon the health and safety of the public. The proposed antennae would be of a similar size and in a similar location to those which they replaced. As such, the Department considered that the proposals would not have any significant impact upon the visual amenity of the immediate area. With regard to the health and safety concerns of the electromagnetic levels produced by the equipment, the combined existing and proposed equipment was estimated to emit levels up to 13.5 per cent of the recommended limit. As with all such permissions, a post-commissioning test would be required to confirm the exact electromagnetic levels. If the test indicated the levels to be higher than the recommended levels, then the permission would cease to be valid.

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

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

The Committee heard from Mr. G. Hughes, [REDACTED] Sure, Jersey. Mr. Hughes advised that 5G was an integral part of improving Jersey's position in telecommunications services. 5G used higher frequency waves than earlier mobile networks, allowing more devices to have access to the internet at the same time and at a fast speed. The proposed new antennae were required to facilitate 5G trials in the Island. With regard to the electromagnetic levels produced, it was planned to implement at 13.5 per cent of the recommended limit – the same frequency as public Wi-Fi routers. Mr. Hughes discussed the economic benefits of 5G, together with the optimisation of masts and the narrowing of emission targets. He also responded to a series of technical, non-Planning related questions regarding the technology and the testing.

The Committee heard from Mr. T. Moretta [REDACTED] advised that all 3 of the Island's mobile operators would be looking to build 5G test sites. With regard to health concerns, Mr. Moretta advised that the World Health Organisation had classified all radio frequency radiation (of which mobile signals were a part) as 'possibly carcinogenic'. It had been put in this category because there was evidence which fell short of being conclusive that exposure could cause cancer in humans. Eating pickled vegetables and using talcum powder were classed as having the same level of risk.

Having considered the scheme, the Committee unanimously approved the application.

Rondel's Farm, Haut de l'Orme, La Rue du Haut de l'Orme, Trinity: change of use of agricultural store (RETROSPECTIVE)/ installation of mezzanine floor to create office space /alteration of

A7. The Committee considered a report in connexion with an application which sought retrospective permission for the change of use of an agricultural store and workshop to form commercial storage at Rondel's Farm, Haut de l'Orme, La Rue du Haut de l'Orme, Trinity. It was also proposed to install a mezzanine floor to create office space and alter the vehicular access onto la Rue du Haut de L'Orme. The Committee had visited the site on 15th October 2019.

Deputy R. Labey of St. Helier, Chairman 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 located in the Green Zone and that Policies GD1, GD7, NE7, E, ERE1, 2 and 5, TT5 and NE2 of the 2011 Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Note No. 3 – Parking Guidelines.

vehicular
access.
P/2019/1055

The Committee was advised that the application sought retrospective consent for the change the use of an agricultural store and workshop to commercial storage. Ancillary offices within the building were proposed on a new mezzanine floor. Road and junction improvements were also offered to enhance the existing road network and improve road safety. The front façade of the farm shed would be remodelled and the building upgraded to give a much improved design and appearance. However, the character of the building would change as a result so that it was no longer in keeping with the building group, which primarily comprised farm sheds.

Whilst there were certain exceptions within the Island Plan where the change of use of modern farm buildings within the Green Zone might be permissible, the proposal failed on 2 counts. Firstly, the application did not adequately justify the requirement for a coastal or countryside location for the applicant company, nor did it prove the redundancy of the building to the farm unit, or the agricultural industry as a whole. The application offered several positive aspects, such as significant road improvements to the junction with the main road and the access road itself, along with other ecological enhancements. Landscaping and hedge planting within the adjacent field was also proposed, providing environmental benefits to the farm and the surrounding area. Whilst these enhancements to the area were viewed positively, on balance the Department could not support the application on the grounds that overarching policy requirements had not been met. Consequently, the application was recommended for refusal on the basis that it was contrary to Policies NE7 (8b) and ERE5.

One letter of representation had been received in connexion with the application.

The Committee heard from Senator L.J. Farnham, who expressed support for the application. He discussed the nature of the business and the demand for the services provided by the applicant company. In terms of the use of the farm building itself, it was noted that changes in the agricultural industry meant that there were a number of buildings which were no longer in use/surplus to requirement. Alternative uses had to be identified and the new Rural Economy Strategy would inform the new Island Plan Policy context. In terms of the business itself, the Senator advised that the applicant company employed a number of apprentices, thus providing opportunities for young Islanders.

The Committee heard from the applicant, Mr. R. Panelli, [REDACTED] Aston Engineering, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] work had originally centred around the commercial and agricultural sectors. Whilst the applicant company continued to support these sectors, industry changes had resulted in diversification with the company providing a broader range of services to a wide variety of Island businesses. 70 full time staff, to include 14 apprentices, were employed and demand for the company's services was growing. At present the applicant company operated from premises in Lewis Street, St. Helier, which it had outgrown. There was no designated car parking or unloading bays and the company had been actively seeking new premises. The building at Rondel's Farm met the company's needs in terms of size, location and proximity to transport links. The existing shed was already being used commercially and had not been used for agricultural purposes for the past 12 years. The proposed improvements to the access road and junction would be beneficial to all and the application was supported by the Parish. Mr. Panelli concluded by stated that the company paid tax in the Island, employed locals and trained apprentices. This was vital as there was a shortage of trained engineers and importing staff was not sustainable.

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The Committee heard from Mr. E. Newman [REDACTED] [REDACTED] to market the premises. [REDACTED] it had been advertised on the company's website in August 2018 and an advertisement had been placed in the Jersey Evening Post for a period of 3 months. Only 2 enquiries had been received and both were from commercial occupiers. There had been no interest from agriculturalists. Mr. Newman noted that a change of use had been permitted in 2017 at a property known as La Geonniere, where a less robust marketing campaign had been undertaken.

The Committee heard from the applicant company's agent, Mrs. S. Steedman, who advised that it was likely that the applicant company would be a key provider of services in future. The applicant company had adopted sustainable business practices and generated a low number of vehicle trips. The application site was located close to St. Helier and provided sufficient space on a site where there would be no disturbance to residential neighbours. Mrs. Steedman discussed the significant highway improvements which would be carried out for the benefit of all users. A wildlife corridor would be created and the appearance of the building itself upgraded. The application was in accordance with Policies SP2, SP3, SP5, SP6, GD1, NE7, ERE7 and E1 of the 2011 Island Plan. The applicant company had been seeking to secure suitable alternative premises for some time and the application site met all of their needs. Demand for agricultural premises was falling away due to changes in the industry and the shed had not been used for agricultural purposes for a number of years.

The Director, Development Control advised that the applicant's agent had not addressed the Department's concerns regarding the enhancements to the building, which would make it more visible. The applicant's Architect, Mr. R. Godel stated that the colour could be changed and windows reduced in size if this was considered appropriate.

Having considered the scheme, the Committee unanimously approved the application on the basis that it was convinced by the arguments made. The Committee believed that the scheme complied with Policies NE7 and E1 and that the location was justified by the particular needs of the business. It was agreed that the western elevation details should be reserved.

The Committee recognised that its decision was contrary to the officer recommendation and noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Planning
Committee
meeting dates:
2020.

A8. The Chairman proposed a further revised schedule of site visit/meeting dates for 2020, as follows –

14th and 16th January 2020
18th and 20th February 2020
17th and 19th March 2020
14th and 16th April 2020
12th and 14th May 2020
9th and 11th June 2020
7th and 8th July 2020
15th and 17th September 2020
13th and 15th October 2020
10th and 12th November 2020
8th and 10th December 2020

It was noted that 12th May 2020, was a scheduled States meeting date, as set out in the Privileges and Procedures Committee report R.82/2019, presented by the Privileges and Procedures Committee on 27th June 2019, in accordance with Standing Order 38. With the exception of this date, all other dates were approved by the Committee.

Les Bardeaux,
La Rue de
Haut, St.
Lawrence.
P/2019/0166

A9. The Committee, with reference to its Minute No. A4 of 19th September 2019, considered a report in connexion with an application which sought permission for the demolition of the property known as Les Bardeaux, La Rue de Haut, St. Lawrence and the construction of a new residential apartment block comprising a total of 11 units of accommodation. The Committee had visited the site on 17th September 2019.

The Committee recalled that it had been minded to refuse the application, contrary to officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the basis that the proposed scheme was considered to be overly dominant in the landscape and detrimental to the character of the Green Backdrop Zone. The Committee was of the opinion that, with particular reference to the arrangement of the terraces to the southern elevation, the proposed development would unreasonably harm the privacy of neighbouring residential properties to the south. The scheme was, therefore, considered to be contrary to Policies BE4 and GD1, of the 2011 Island Plan (Revised 2014).

La Rochelle,
Les Charrières
Malorey, St.
Lawrence
RC/2019/0669

A10. The Committee, with reference to its Minute No. A7 of 19th September 2019, considered a report in connexion with an application which sought permission for the variation of a condition attached to the permit in respect of the property known as La Rochelle, Les Charrières Malorey, St. Lawrence. The Committee had visited the site on 17th September 2019.

The Committee recalled that it had been minded to approve the application, contrary to officer recommendation. For the purpose of formally setting out the reasons for approval, the application was re-presented.

The Committee confirmed its decision to approve the application on the basis that, notwithstanding the specific presumption against proposals for a new dwelling and those facilitating a separate household within the Green Zone and Airport Public Safety Zone (APSZ), it was considered that the manner in which the accommodation would be occupied would remain unchanged, there would be no resultant impact on the landscape or character of the Green Zone and no increase in the number of people living, working or congregating within the APSZ. The application was, therefore, considered to satisfy the overarching aims of policies GD1, NE7, TT17 of the 2011 Island Plan (Revised 2014).

Nos. 14, 16, 19
& 28 Rue de
Funchal, 108
Halkett Place,
Nos. 78, 80, 82, 84,
86, 88, 90 &
92 Bath Street,
St. Helier.
P2019/0711

A11. The Committee, with reference to its Minute No. A2 of 26th September 2019, considered a report in connexion with an application which sought permission for the demolition of Nos. 14, 16, 19 and 28 Rue de Funchal, No. 108 Halkett Place, Nos. 78, 80, 82, 84, 86, 88, 90 and 92 Bath Street, and all site structures to Bath Street commuter car park and the former Odeon car park. It was proposed to construct 81 x one bedroom and 63 x 2 bedroom residential units, one 122 bedroom hotel, one x 335 square metre restaurant and one x 121 square metre retail unit, with ancillary structures, car parking and landscaping. There would be improvements to the public realm with the creation of a public access route from Bath Street to Halkett Place and various other highway improvements. The Committee had visited the site

on 26th September 2019.

A site plan, drawings and a 3 dimensional digital model were displayed. The application site was located within the Built-Up Area and Policies SP1, SP2, SP3, SP4, SP6, SP7, GD4, GD5, NE1, H4, TT4, TT8, TT9, NR7, WM1, LWM2, GD1, GD3, GD7, GD8, HE1, HE5, H6, E1, TT11, BE1 and BE2 of the 2011 Island Plan were relevant to the application.

The Committee recalled that the site was one of 9 key intervention sites identified in the North of St. Helier Masterplan (in which it was referred to as 'Le Masurier Bath Street site'), as set out in P.73/2011, which had been adopted by the States in 2011.

The Committee noted the planning history of the site and noted that the adjacent Grade 1 Listed former Odeon Cinema building did not form part of the current application.

The scheme proposed a 6 storey hotel to the north of the site, adjacent to the former Odeon Cinema. There would be a restaurant in the ground floor of the hotel and the road to the north would be pedestrianised, with raised bollards through to Rue de Funchal to allow for service vehicle access.

The residential accommodation within the scheme would be housed in a main block to the east and centre of the site. Heights would vary between 3 storeys to the south-east and 5 storeys to the north (but this height would be set back from the frontage), 5 storeys to the south-west and 6 storeys in the centre of the site. The ground floor of the main block would be a restaurant or public house/commercial unit. The Bath Street façade would be a pale render and to both sides of Rue de Funchal would be a mixture of render and brickwork, metal cladding to the top set back floor and metal perforated balconies.

To the north-west part of the site, adjacent to the former Odeon Cinema and the Parish of St. Helier car park in Nelson Street, there would be a 4 storey building comprising a retail unit on the ground floor and residential accommodation above. Also in the north west corner of the site, on the opposite side of Rue de Funchal, there would be a 4 storey residential building with a pedestrian and cycle link through to Halkett Place.

The application would see the removal of the 150 space commuter car park, which was supported by the Island Plan. The new scheme would provide 130 parking spaces in the basement of the main residential block, 100 of which would be for residents, 10 for the use of the hotel, and 20 for the church at the former Odeon Cinema. There would be 145 cycle spaces and 6 motorcycle spaces.

The Committee noted that the Historic Environment Team (HET) was not supportive of the application as No. 82 and No. 92 Bath Street were Listed properties and demolition was proposed, contrary to Policy HE1 of the Island Plan. It was explained that No. 92 Bath Street was a Grade 3 Listed Building, which provided an example of an 1830s St. Helier home, and No. 82 Bath Street was a Grade 4 Listed Building, an Edwardian shop (circa 1900-1920) which retained its principal external character and provided 'streetscape value'. However, the Department considered that the overwhelming benefit of the proposed scheme outweighed the loss of the Listed buildings and had recommended the application for approval. The applicant's agent had also advised that the retention of the historic buildings would make the scheme unviable.

Subsequent to the submission of the planning application, the Committee noted that Jersey Heritage Trust had made an application for No. 90 Bath Street to be added to the List of Sites of Special Interest as a Listed Building or Place. This application had been rejected and the Committee noted the background to this.

The Committee considered the transport aspects of the scheme. The application design provided an east-west link through the town, but the financial burden of upgrading the north-south link would fall on the public purse. The Highway Authority had suggested that this could be addressed via a Planning Obligation Agreement, as detailed below.

In conclusion, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into a Planning Obligation Agreement, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), to secure the following –

- A new east-west pedestrian link from Bath Street to Halkett Place - £372,000;
- footpath widening and granite paving at Rue du Funchal from Nelson Street car park to Minden Place - £102,000;
- footpath widening and granite paving adjacent to the site at Halkett Place - £10,000;
- footpath widening and re-surfacing at Bath Street - £23,500; and
- an additional financial contribution to Bath Street public realm improvements - £240,000.

It was recommended that the Director, Development Control be authorised to grant planning permission under the powers delegated to him, subject to conditions and the completion of the Planning Obligation Agreement (POA) referred to above. In the event that that such an agreement could not be reached within a timeframe to specified, the application would be represented to the Committee.

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

The Committee heard from Mr. A. Layzell, [REDACTED] representing Save Jersey's Heritage, who extended apologies on behalf of Mr. M. Binney. Mr. Layzell explained that Save Jersey's Heritage felt that there were 3 major issues - the first of which was that the hotel faced the wrong way and would suffer from a lack of natural light. 70 bedrooms faced north and would look out on the high side of the former Odeon Cinema. The second issue related to the fact that the apartments were all single aspect; with windows on one side of the building only. Mr. Layzell referred to U.K. guidelines which suggested that dual aspect buildings should form between a third and half of apartments in urban areas. The third issue related to the design, which was considered bland and unsuitable in this context. Mr. Layzell suggested that this could be addressed by turning the hotel's placement through 90 degrees, so that all of the rooms benefitted from sunlight at some point in the day, and the outlook for occupants would be more interesting. This would accord with the relevant Island Plan Policies and would also allow for the retention of the historic buildings and Regency setting. Mr. Layzell recognised that the applicant might say that the submitted scheme presented the only viable option, but he did not accept this to be the case. He believed that if the scheme was rejected, the applicant would adapt the proposals.

Mr. Layzell advised that care was needed to ensure that the use of the site worked with the historic character of the area. He suggested that this should not be seen as a restriction to overcome and reminded the Committee that conservation of heritage assets was a principal theme of the St. Helier Masterplan and the development brief

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for the site. He contended that the phrase ‘broadly complies’ to describe the scheme’s fit with these aspects was incorrect. It was further suggested that the application was contrary to the aspirations of Future Jersey. Reference was made to modern developments across the world and the ethos that decision makers used to retain and knit in a town’s heritage to any scheme - this was sadly lacking in this application. Suggestions that the buildings were beyond saving were refuted and Mr. Layzell referenced previous examples of buildings which had effectively been ‘written off’ and subsequently saved, namely: Government House, buildings on Hue Street, New Street and Dumaresq Street and the former Jersey College for Girls building.

The Committee heard from Mr. A. Gibb, a chartered surveyor [REDACTED] who spoke in opposition to the application. Mr. Gibb explained that the proposed application did not respect the context of the site, for example approved guidance for the site recommended 3 or 4 storeys - 5 storeys was planned. He suggested that the scheme ran contrary to the Policies of the Island Plan and, significantly, was a departure from Policies GD1 and GD7, HE1 and H6. The benefits which would arise were not unique to this particular scheme. Mr. Gibb referenced an alternative scheme that had been put forward by Save Jersey’s Heritage and suggested that the applicant did not have to demolish buildings for the scheme to be profitable. Mr. Gibb expressed the view that a smaller scheme presented much less financial risk for the applicant company. Mr. Gibb asked the Committee to consider the impact of this overly large development on the character of St. Helier when determining the application.

The Committee heard from Mr. A. Best, [REDACTED] Société Jersiaise (the Société). [REDACTED] advised that the Société was not only associated with events and pre-historic matters, but was very much interested in the built environment and supported good, responsible, contemporary architecture. Mr. Best argued that the proposal was not the optimum design for the site. Mr. Best referenced the Premier Inn Hotel located at Charing as a textbook example of how modern buildings could be incorporated into a complex and sensitive urban environment. None of this creative intelligence was evident in the submitted application. Mr. Best informed the Committee that he was a resident of St. Helier and he suggested that consideration was required to create a sense of place and community and to address the tension between public and private zones. He further stated that it was important to consider the enjoyment of town on foot and that pedestrians unconsciously sought variety in the urban environment. Mr. Best referenced a recent article by Mr. S. Jenkins in the Guardian newspaper, which detailed a housing award for a simple scheme in Goldsmith Street, Norwich, England. The article stated that “*Community should be the sole arbiter of urban renewal*” and Mr. Best felt that the submitted scheme failed to deliver a sense of community or place. It was very large and impersonal, and created a corridor next to the over scaled hotel. He believed that Bath Street still retained a spirit of grandeur which was worth cherishing and fighting for. However, the scheme diminished this.

The Committee heard from Mr. C. Alluto, [REDACTED] of the National Trust for Jersey who explained that, since the submission of the application, the UK Government had introduced a national design guide, the objective of which was to deliver beautiful and enduring places that created a sense of community. The design guide stated that housing should enhance surroundings, have a distinct identity, a walkable form with recognisable streets and prioritise nature with tree lined avenues and a mix of housing types which were built to last and which respected heritage. Mr. Alluto stated that the principles of the design guide could equally apply to the Jersey context. In his opinion the proposed development lacked consideration for human scale and community aspirations. Mr. Alluto referred to the ‘overwhelming support for the scheme that the applicant company had announced, but he suggested

that neither the public nor the Island's conservation organisations had been asked for their views. He questioned whether consideration had even been given to the local context or design. Mr. Alluto also referred to the award winning Norwich development, as an example of a modest high density scheme with community at its heart. Each home was energy efficient, with doors to the street and the neighborhood was designed to consider natural light and the removal of parking and traffic. He stated that community, local context and human scale were pre-requisites to good design and that the scheme should adhere to the approved brief for the area. He concluded by stating that Bath Street should be restored.

In favour of the application, the Committee heard from Mr. I. Williams, [REDACTED] Mr. Williams advised the Committee [REDACTED] that No. 92 Bath Street was rotten from the inside out. He advised that there was scaffolding in place to support parts of the structure of No. 92 and, if roof panels were removed, there was rotten wood underneath. Mr. Williams compared the building to a much loved old bicycle for which the repair costs exceeded the sentiment associated with retaining it. He did not believe that the position of the proposed hotel would be an issue as it would be used predominantly by business travelers, for whom a view was not critical. The Millennium Park provided a good public amenity space and was close by. Mr. Williams observed that Bath Street was not pedestrian friendly and he welcomed the regeneration and improvement which would arise from the proposed development.

The Committee heard from Mr. J. Stewart-Jones, [REDACTED] Jersey Freedom Church (the Church), [REDACTED] welcomed improvements to this neglected area. Mr. Stewart-Jones stated that the mission of the Church was to serve the community in as many practical ways as possible and to foster a sense of community. It was felt that the scheme would help promote the community feel and the planned mix of uses and connectivity with the town centre was welcomed. As the immediate neighbors of the site, he confirmed that the Church was supportive of the plans.

The Committee heard from Mr. M. Whittley, a local resident [REDACTED] took a keen interest in the preservation of cultural heritage. Mr. Whittley explained that he respected heritage associations and acknowledged the concerns which had been expressed with regard to the loss of historic buildings. However, he felt that the north of town was in urgent need of regeneration and the scheme had been submitted by an established Jersey company, which was willing to invest in the area. He added that the Island desperately needed more housing and this scheme would contribute to the housing stock. The commitment from a hotel chain which was already established in the Island and was willing to invest further was also highlighted. He believed that the design was in accordance with the brief, that it would complement the new finance centre and that the hotel would provide conveniently located accommodation. He feared that if the application was rejected the area would continue to deteriorate and he urged the Committee not to lose this opportunity.

The Committee heard from Connétable A.S. Crowcroft of St. Helier who advised the Committee that he lived near the application site. The Connétable reflected on the history and development of the area since the 1990s, including the transformation of the land that was now the Millennium Park. Connétable Crowcroft explained that he had at one point even contemplated suggesting the compulsory purchase of the site to ensure its regeneration. Connétable Crowcroft expressed concern that if the application was rejected, the area would continue to deteriorate. He stated that, in his opinion, the heritage argument had been lost when the Odeon Cinema was built. This was a large brownfield site that could be used to provide much needed housing

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in a central location. The scheme was pedestrian friendly with public access through to Halkett Place and significant landscape improvements. The Connétable stated that, coincidentally, he had submitted a written question to the Minister for the Environment regarding the implementation of the North of Town Masterplan as he felt that the States vision was being ignored and the only investment in the area was from the private sector. The Connétable agreed that the position of the proposed new Premier Inn would not deter people from staying there. He also advised that the neighbouring Parish of St. Helier car park on Nelson Street would be improved and there were exciting plans for car sharing schemes. Connétable Crowcroft stated that he understood the heritage argument, but did not believe that the Listed buildings in Bath Street were of the same quality as the others which had been referred to by Mr. Layzell. As both a resident of St. Helier and Parish Connétable, he confirmed his support for the scheme and urged the Committee to approve the application.

The Committee heard from Mr. M. Norton, [REDACTED] of the Jersey Chamber of Commerce (the Chamber). Mr. Norton explained that the Chamber represented 600 businesses in the Island who, in turn, employed approximately 26,000 people; (including the applicant company). He explained that there had been regular dialogue with Government on the regeneration of the north of town, which he stated was neglected and run down. He believed that there was a clear business case for the scheme as the hotel, even at 50 per cent occupancy, would give rise to approximately 22,000 bed nights a year. Mr. Norton went on to state that the timing of the investment was crucial due to various contextual factors. He was sympathetic to the heritage argument, but believed that the buildings in question were beyond saving. The applicant had chosen to invest in Jersey and the Committee should not lose sight of the opportunities which would arise as a result of the approval of the scheme. Mr. Norton advised that the Chamber of Commerce supported the application on the basis of economic benefit.

The Committee heard from Mr. G. Smith, [REDACTED] of Jersey Business. Mr. Smith advised that the scheme was fully supported by Jersey Business and he highlighted the fact that it would regenerate the area and provide long term and sustainable opportunities for business. It would also improve connectivity with the town centre and revitalize the whole area.

The Committee heard from Messrs. I. McDonald of Axis Mason Limited, A. Farman of MS Planning, M. Stein of MS Planning, and M. King, Chairman of the applicant company.

Mr. McDonald discussed the scheme and the benefits which would arise. The proposal would see the regeneration of a substantial brownfield site that would include homes, a hotel, and social spaces to include a bar, restaurant, and retail units. The scheme would enhance the street and add to the sense of place. Renewable energy initiatives, the removal of commuter parking and a more balanced approach to visitor parking were all features of the scheme. There would also be considerable investment in the public realm, to include a route through to town. Care had been taken to ensure that the development was contextually appropriate and that it enhanced the setting of the former cinema and the old fire station. Streetscape repair would be of significant benefit and increased activity and vibrancy was envisaged in what was an underutilised area. In accordance with the development brief, the buildings to the north respected scale and stepped down to the south and west. Appropriate and sustainable density levels were proposed. Existing buildings had been studied to identify and define character and form visual characteristics. Contemporary subtle architecture with familiar plot widths, active street frontages and a hierarchy within facades were all included. Windows in a 3 bay arrangement and set backs at upper storeys were included. Visual richness and quality would arise from a scheme which would build on the character of the area. A public exhibition

which had been held at the Freedom Centre had been very well attended and there had been considerable support for the scheme, which had been adapted in response to views expressed. The retention of the Listed Buildings had been considered and detailed financial appraisals submitted which demonstrated that their retention would result in significant financial loss making the scheme unviable. In concluding, Mr. McDonald stated that the proposed development would bring meaningful regeneration.

Mr. Farman addressed the heritage concerns and reminded the Committee that the Island Plan (paragraph 3.5 – Policy HE1) and the development brief permitted the removal of historic buildings in certain circumstances. Mr. Farman argued that the case had been made to justify the loss of the Listed Buildings and he explained that Nos. 82 and 92 Bath Street were not well preserved examples. No. 82 Bath Street was a shop that had been altered significantly and which contributed little to the street scene. No. 92 Bath Street was substantially damaged and the removal of the outside wall and railings, historic windows and other alterations, including 20th Century extensions, had altered the structure. Alterations to No. 90, which had been de-listed, had also impacted on the building. Mr. Farman advised that a structural survey had identified the need for a steel frame in No. 92. He suggested that the immediate setting of the building was damaged by the scale of the adjacent former Odeon Cinema building, which dominated this part of Bath Street. Mr. Farman concluded that retaining the 2 Listed Buildings would not restore the area's former character, as this had already significantly changed. The scheme outlined in the application provided substantial benefits, as indicated by previous speakers and sufficient justification for the removal of the Listed Buildings.

Mr. Stein provided further representation for the application and suggested that the numerous benefits of the scheme were being considered against the demolition of 2 unremarkable buildings. The scheme was in accordance with the strategic policies of the Island Plan, which was given significant weight in the determination of planning applications. Provision had been made for the demolition of the structures with sufficient care, in accordance with Policy HE1. Mr. Stein also outlined the many benefits which would arise from the proposed development, to include reduced commuter car trips and removal of pressure to develop green field sites. It was complimentary to the character of St. Helier, offered regeneration opportunities and added vibrancy to the outworn character of the area, improved connectivity, enhanced the public realm and provided more affordable homes. The development brief was open to the possibility of the demolition of Listed Buildings and an alternative scheme retaining these buildings had been tested and was not financially viable. The Department had to balance competing policy objectives and there was a need to make the best use of spaces such as this site.

Mr. King extended apologies on behalf of his colleague, Mr. B. McCarthy, [REDACTED] He advised the Committee that Le Masurier had publicly exhibited the plans relating to the application in April 2019 and reported that this had been attended by over 200 members of the public. He advised that an exit poll showed that 90 per cent of attendees polled supported the plans. Mr. King also reported that 98 per cent of the comments received on social media had been positive. Mr. King stated that, whilst the loss of any Listed Building was regrettable, the heritage impact assessment had formed a key part of the detailed planning application. He maintained that, if approved, the application would provide economic and social benefit to St. Helier, and Jersey as a whole, which would outweigh the loss of the historic buildings. Due to the nature of the project, Mr. King confirmed that Le Masurier had considered a number of viability options for the site. He advised that the plan was deliverable. Benefits to tourism would arise as well as the provision of housing on a brownfield site, the creation of over 100 new jobs, new leisure and retail outlets to regenerate the area; more that £65 million of private

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sector investment; and, support from the prospective tenants and the Parish. Mr. King clarified that 70 jobs would be created during the construction phase and 30 would be for the new hotel. There were no plans to provide hotel staff accommodation within the residential development.

In response to questions from Members, it was noted that the number of car club spaces could be increased in the future if demand existed. Furthermore, there had been significant interaction with the Department and the Historic Environment Team in connexion with the application. Mr. McDonald stated that the Principal Historic Environment Officer was the executive officer for the Jersey Architecture Commission, which body had been consulted. The Officer concerned clarified that she did not advise the Commission on heritage aspects and had not been involved in the emergence of the detailed scheme.

The Committee heard from Mr. C. Foster, [REDACTED] who explained that he had a long association with the area and was excited by the plans which would revitalise the area and provide more hotel beds.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who referenced the details in the Historic Environment Team report which did not support the application and stated that a heritage led approach to Bath Street was strongly recommended rather than the loss of 2 Listed Buildings on the site.

The Principal Historic Environment Officer acknowledged that the development brief allowed for the removal of Listed Buildings where sufficient justification could be provided. The brief also supported flexible and imaginative solutions for heritage assets. Ms. Ingle referred the Committee to Policy HE1 which related to the impact on the setting of Listed Buildings and advised that she took a contrary view to that set out in the submitted heritage impact assessment. She was particularly concerned with the scale of the development and stated that a more imaginative approach to regeneration, which used the scale of the existing buildings, was possible. She acknowledged that this was a challenging site because of the historic building context and the delivery of housing and regeneration had to be balanced against heritage arguments. She concluded by stating that the scheme was over scaled in this context and the delivery of a heritage led response was possible. The Historic Environment Section strongly objected to the application.

In response to a question from the Director, Development Control regarding the particular endearing features of the two Listed Buildings, Ms. Ingle advised that No. 92 Bath Street was a reasonably fine Regency villa which had been badly abused over the years, but was capable of restoration. The Committee discussed whether the construction of the Odeon Cinema building had destroyed the setting of the Regency buildings. Ms. Ingle stated that she could not think of a Listed Building in the Island that had not had its setting changed. The Odeon was Listed as it was culturally significant. It did not destroy the setting of the other buildings.

Having considered the application, the Committee, with the exception of the Chairman (who noted his objection was based on heritage grounds), endorsed the officer recommendation to approve the application, subject to the imposition of the conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above.