

KML

PLANNING COMMITTEE

(17th Meeting)

3rd February 2022**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence and Deputies R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Connétable M. Troy of St. Clement
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Deputy K.F. Morel of St. Lawrence
 Deputy M.R. Le Hegarat of St. Helier
 Deputy S.G. Luce of St. Martin
 Deputy J.M. Maçon of St. Saviour

In attendance -

G. Duffel, Principal Planner
 E. Stables, Senior Planner
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 G. Palmer, Planner
 J. Gibbons, Trainee Planner
 K.M. Larbalestier, Specialist Secretariat Officer, States Greffe

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

Overdale
 Hospital,
 Westmount
 Road, St.
 Helier:
 proposed
 demolition.

P/2021/1398

A1. The Committee considered a report in connexion with an application which sought approval for the demolition of all buildings and structures at Overdale Hospital, Westmount Road, St. Helier. The Committee had visited the application site on 2nd February 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and that Policies SP1, 2 and 4, GD1 and 6, NE1, 2 and 4, HE1 and 5, H11, BE3, NR3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application proposed the demolition of the following buildings and structures –

Westmount Centre
 Poplars Day Centre
 William Knott Day Hospital
 administrative offices
 occupational therapy store
 kitchens
 Jessie Scott building

McKinstry building
Secker House
carpentry workshop
electricity substation
The Lodge
Porters Lodge
administrative building (psychology)
La Chapelle de St Luc
former laundry and boiler house
hearing resource centre
administrative building - child development centre
Eva Wilson building and diabetic centre
covered walkway
retaining wall between Overdale and the crematorium
retaining wall between Overdale and Jersey Water site

A phased approach to the demolition was proposed and a Building Condition Survey which accompanied the application confirmed that the following buildings remained in good useable condition (albeit that it was argued that they were no longer appropriate for modern healthcare) –

Westmount Centre
Poplars Day Centre
William Knott Day Hospital
carpentry workshop
electricity substation
Eva Wilson building and diabetic centre

The Committee recalled that Overdale had been selected as the preferred site for a new hospital. Work had been undertaken to assess suitable options for temporarily re-locating services currently at Overdale and the Committee had granted permission for the use of the former Les Quennevais School for this purpose. Many of the existing buildings at Overdale had long been abandoned, whilst others remained in use. It was anticipated that the demolition of the existing buildings at Overdale would take place between April 2022 and January 2023, with a 5 week site mobilisation period preceding this. Phase one demolition works would involve those buildings which were vacant and derelict, with buildings and structures in Phases 2 and 3 not being demolished until all services had been decanted to the former Les Quennevais School site in late 2022/early 2023. Should the application for the new hospital be refused or a delay of more than 6 months occur (post demolition) in determining the same, the vacant plots at Overdale would be filled in and the site hoarding removed.

The application for the demolition of the buildings at Overdale had been submitted prior to the determination of the new hospital application and had been considered on its own merits. This involved an assessment against the relevant Island Plan policies and, in particular, the sustainability and waste management policies. A number of older buildings on the site had reached the end of their meaningful life and were now empty and in a state of disrepair. They were also no longer fit for the provision of healthcare and, given their age and structural instability, could not be re-purposed for alternative uses. There were, however, 3 more modern buildings located on the Westmount Road frontage; Westmount Centre, the Poplars Day Centre and William Knott Day Hospital. Whilst the application proposed the demolition of these buildings, the Department believed that these should be retained on site until such time as planning permission may be received for a new hospital on the land. Whilst the applicant argued that the newer buildings were not fit for modern healthcare practices, it was noted that they could potentially be re-purposed.

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Accordingly, if permission was granted, the retention of these buildings would be conditioned in line with the strict policy requirements of the Island Plan on sustainability. The application was, therefore, recommended for approval on this basis and subject to a number of other conditions which were set out in the Department report. It was confirmed that all conditions were enforceable.

69 letters of representation had been received in connexion with the application and the Committee had received a late representation under separate cover. The Committee also noted an objection from the Parish of St. Helier on the basis that the application should not be determined prior to a decision being made on the application for the new hospital. The Parish was also concerned about the risk of the site remaining empty and derelict for a prolonged period during the progression of the application for the new hospital.

The Committee heard from Mr. ■ Funk, who represented The Friends of Our New Hospital, which body campaigned for the best new hospital Jersey could sustain. Mr. Funk stressed that the application under consideration had to be considered on its own merits and without reference to the selection of Overdale as the preferred site for the new hospital. He believed that the application was contrary to a number of Island Plan Policies SP1, SP2, BE3 and GD1 and noted that 50 per cent of the buildings on the site were useable and services were currently provided from these buildings.

The Committee heard from Ms. ■ Ward, ■ Ms. Ward believed that all buildings deemed fit for purpose on the site should be retained and she lamented the relocation to the General Hospital of the bespoke facilities previously provided at Samares Ward. Ms. Ward expressed surprise at the decision to submit an application for the demolition of all buildings on the Overdale site in advance of the determination of the application for the new hospital and ■ highlighted the risks associated with such an approach. Whilst she accepted that some of the buildings on the site were unsafe, a number of others were in good condition and were used for the provision of health care. She did not believe that the plans submitted with the application had been updated to reflect the current position on the Overdale site. Ms. Ward suggested that the Overdale site should be developed to provide non-acute services and the General Hospital expanded.

The Committee heard from Mr. ■ Vibert, ■ Mr. Vibert believed that it was impossible for members of the Committee to determine the application without bias as they had previously participated in the site selection process in their capacity as members of the States Assembly. He was of the opinion that the Committee was likely to face a legal challenge if it proceeded to determine the application and he suggested that the application should be considered by an Independent Planning Inspector. Mr. Vibert referenced a submission received from former Deputy A.J. Layzell of St. Brelade, ■ in which he provided an interpretation of the relevant provisions of the Planning and Building (Jersey) Law 2002, as amended.

In response to Mr. Vibert's comments regarding a perceived conflict of interest, the Vice Chair advised that the Committee had received advice on this matter in response to a submission received from Mr. ■ de la Haye, former Greffier of the States. Having considered this advice members were satisfied that it was appropriate for the Committee to determine the application.

The Committee heard from Mr. ■ Baker, who advised that he was a member of the Parish of St. Helier Roads Committee. Mr. Baker stated that the Roads Committee

was concerned about the potential risk of the Overdale site being left empty in the event of any delay/failure in respect of the application for the new hospital. From a personal perspective, Mr. Baker was opposed to the loss of trees on the Overdale site and on Westmount Road. He repeated that, if the application for the new hospital was refused then these mature trees would be lost forever. Mr. Baker noted that the application proposed a phased approach to demolition, which meant that some of the buildings would remain in service whilst others were being demolished. Heavy vehicles would require access to the site and Mr. Baker believed that this would present a safety challenge on a site with staff and patients. He made particular reference to the Child Development Centre, which was located at Overdale. He too questioned the accuracy of the submitted maps and stated that such errors did not inspire confidence. In concluding, he echoed the views of previous speakers that demolition should not be permitted until the application for the new hospital had been determined.

The Committee heard from Mr. ■ Regal, also of The Friends of Our New Hospital. Mr. Regal did not feel that sufficient justification existed for the demolition of all buildings on the site, especially in absence of a decision on the new hospital. With regard to the latter, he expressed reservations about the decision to consider the same in the context of the draft Bridging Island Plan, which had yet to be debated by the States Assembly. In any case, the draft Bridging Island Plan was predicated on previous Plans and planning legislation, all of which aimed to conserve, protect and improve the Island's natural beauty, natural resources and general amenities, its character and its physical and natural environments. One of the key intentions of the Law was to ensure that development was in accordance with a development plan that provided for the orderly, comprehensive and sustainable development of land in a manner that best served the interests of the community. Mr. Regal asked how the current application aligned with those aspirations and urged the Committee to act in the best interests of Islanders.

The Committee heard from Ms. ■ van Meggelen, who noted that some of the services currently provided on the Overdale site had not been included in the plans for the new hospital and a permanent home for these services had yet to be identified. Turning to the application under consideration, she too expressed concerns about the Committee's ability to determine the application objectively.

The Committee heard from Mr. de la Haye, who began by pointing out that whilst it had been determined that the Eva Wilson building showed no sign of defects and was still in active use, the condition proposed by the Department would not require the retention of this building. Mr. de la Haye urged the Committee 'not to be seduced' by this condition. The application had to be determined as a stand-alone proposal and was clearly contrary to Policies GD1.1(a) and GD5. Mr. de la Haye added that the Committee was being asked to approve the demolition of perfectly good buildings when a climate emergency had been declared. The applicant was asking the Committee to assess the application in the context of the wider application for the new hospital but to do so would pre-empt and make a mockery of the outcome of the application process for the new hospital. If the Committee approved the application and the new hospital application was subsequently refused, some of the buildings at Overdale could well be required for the provision of services in the future. Mr. de la Haye suggested that the logical approach would be to refer the current application to the Independent Planning Inspector who would be assessing the new hospital application and widen the terms of reference so that it could be considered in the round, in accordance with the Supplementary Planning Guidance which had been issued in respect of the new hospital. Mr. de la Haye reminded the Committee that, in 2018, in his capacity as Minister for the Environment, Deputy S.G. Luce of St. Martin had set the terms of reference for a public inquiry into the new hospital in April 2018, and had subsequently expanded these in July 2018, in

response to a decision of the States Assembly to adopt a proposition which had been lodged “au Greffe” by Deputy R. Labey of St. Helier to consider alternative sites. The inquiry had proceeded as scheduled. Mr. de la Haye observed that approval of the application under consideration was likely to lead to appeal and this process would result in delays. In concluding, Mr. de la Haye advised that, despite assurances from the Committee about the advice received in relation to conflict of interest, he remained concerned about this issue.

The Committee heard from Ms. ■ Howell, who repeated that the application had to be considered on its own merits and no link could be made with the application for the new hospital. Ms. Howell believed that 9 buildings were currently used at Overdale for essential medical care and that there were 250 – 300 vehicles parked on the site each day. She too referenced the climate emergency which had been declared and questioned the demolition of perfectly serviceable buildings in this context. She drew the Committee’s attention to the provisions of Policy GD1 and stated that the application clearly contravened this policy. There were no long term plans for many of the services currently provided at the Overdale site, to include the Child Development Centre, and she asked how this aligned with the decision to sign the UN Convention on the Rights of the Child. Ms. Howell quoted extensively from the Convention. In concluding, Ms. Howell noted that some of the buildings had been highly commended for their interior design.

The Committee heard from Mrs. ■ Roberts, ■ who expressed concerns regarding highway safety arising from the use of the surrounding road network by heavy vehicles during the demolition period. Mrs. Roberts was also concerned about pollution.

The Committee heard from Ms. ■ Filleul, ■ who stated that if the Committee approved the demolition of those buildings at Overdale which were currently used for the provision of medical services, Islanders would be denied first class care.

The Committee heard from Mr. ■ Beddoe, who concurred with views expressed by previous speakers and described the proposals as ‘an obscene waste of public money’. He stated that the application was speculative and the approach adopted by the Our Hospital Project design team appeared to be to spend excessive amounts of money and use this as an argument for continuing down a specific path.

The Committee heard from Mr. ■ Armstrong, ■ who advised that the case for a new hospital was strong and had been accepted by the States Assembly. The application under consideration had been submitted in advance of the new hospital in order to ‘fast-track’ the time consuming demolition activity to allow the new hospital ‘to start right away’ as the aim was to deliver the new hospital by the end of 2026. Whilst Mr. Armstrong was aware of concerns about the order in which the application had been submitted and the risk if the new hospital was not approved, he reminded the Committee that the States had chosen Overdale as the preferred site. Mr. Armstrong described the process which had been followed in relation to the new hospital project, to include the work carried out by clinical planners and user groups to determine the size of the new hospital. Consideration had been given to retaining the more modern buildings on the Overdale site but studies had revealed that this was not feasible so it was planned to temporarily relocate services to Les Quennevais. Clinical planners, architects and engineers had met users to ensure that spaces for relocated services were optimised – something which was impossible to achieve at Overdale due to the inflexibility of the buildings. No buildings at Overdale would be demolished until services had been relocated to Les Quennevais. On completion of the new hospital those services in the functional brief would relocate to the new hospital and others,

like the Child Development Centre, would move to a new facility. 50 per cent of the buildings on the Overdale site were dilapidated and disused and the scheme would prepare the land for the construction of the new hospital. Mr. Armstrong argued that retaining disused buildings was not good for neighbours or the Island. There had been a significant amount of public engagement in relation to the new hospital and meetings with relevant Government Departments and the Parish authorities. If permission was granted this level of communication would continue to ensure that concerns were documented, addressed and monitored. In concluding, Mr. Armstrong stated that delivering a health care facility was difficult but had been especially challenging over the past 2 years, in no small part due to facilities for secondary care.

The Committee heard from Mr. ■■■ Price of Temple Group, representing the applicant. Mr. Price reminded the Committee that the application site was situated in the Built-Up Area and that the majority of buildings were derelict and in a state of disrepair. Operational buildings on the site did not support modern ways of working. Demolition works would inevitably generate traffic and a plan had been produced to minimise the impact. On site activities would be managed to limit the impact on the surrounding road network at peak times and traffic marshals would be used. The applicant's agents would work with the Parish Roads Committee and relevant Government Departments to ensure the impact was appropriately managed. It was unlikely that there would be any disturbance of archaeological remains and Mr. Price advised that the former Chapel de St. Luc would be demolished as an assessment by Jersey Heritage had revealed that it did not merit retention. However, it would not be demolished until recording had been undertaken. Noise and vibration would be measured and monitored and hoardings would be erected around the site. An ecological survey which had been undertaken revealed a low population of a number of species and no bats had been observed. All trees on the site would be retained and a species protection plan prepared. The scheme would act as an enabler for the Our Hospital Project and would allow the fast tracking of demolition works. In conclusion, Mr. Price stated that the scheme was in accordance with relevant Island Plan Policies and the Law and there was a strong case for approval.

The Committee heard from Mr. ■■■ Fernie of ROC Construction, who described the various demolition phases and the measures which would be taken to reduce the impact. An acoustic fence would be erected to minimise the impact on the crematorium and an exclusion zone established. The removal of asbestos and other hazardous materials would be mitigated through careful deconstruction and 'damping down'. Care would be taken to ensure minimal disturbance to the provision of existing services during the phases. No work would be carried out on site on Sundays or outside of agreed times, except where agreement had been reached with the relevant Government Departments. Vehicles would be escorted along public routes to ensure safety and there would be no traffic at peak times. There would be minimal impact on the provision of car parking at Overdale and environmental monitoring would be carried out during the various phases.

In response to a question from a member regarding the definition of peak times, Mr. Fernie advised that there would be no more than 10 movements each day associated with the demolition works and these would commence at 10.00 am and cease at 2.00 pm.

The Committee considered the application and noted that whilst it did not have the necessary powers to refer the application to an Independent Planning Inspector, it could make a recommendation to the Minister to do so. In response to concerns regarding the Department's recommendation in the context of both the Island Plan and planning legislation, the case officer advised that the application site was in the Built-Up Area and the scheme had been assessed against current Island Plan

Policies. The Committee was being asked to consider approving the demolition of poor quality buildings, which could be said to enhance the quality of the Green Backdrop Zone. If the Committee was minded to approve the demolition of all buildings on the site this could improve the setting of nearby Listed Buildings. The case officer confirmed that trees would be retained and protected. He added that the retention of the Eva Wilson building had been considered but a condition report had concluded that, in the longer term, this building was not suitable for modern healthcare practices. There were a number of other buildings on the site which were considered to be past their useful life so demolition was considered acceptable.

The Committee heard from Mr. [redacted] Carter, [redacted] who advised that the superstructure of the Eva Wilson building was not fit for purpose and considerable investment would be required to keep it operational.

Mr. de la Haye clarified that he was, in fact, asking the Committee to consider recommending to the Minister that the application be considered as part of the wider independent planning inquiry.

At the suggestion of the Vice Chair some members left the room to deliberate and, on returning, the Committee announced its unanimous refusal of the application on the grounds that it failed to satisfy the requirements of Policy GD1.1(a) and on the grounds of health safety. The Committee was uncomfortable with buildings being demolished whilst others were still being used by staff and patients. Some members also expressed the view that the application was premature and that the applicant should have awaited the outcome of the inquiry into the new hospital prior to submitting the application under consideration.

Ingouville House, Ingouville Lane, St. Helier: proposed demolition and redevelopment.
PP/2021/0601

A2. The Committee considered a report in connexion with an outline application which sought approval for the demolition of the premises known as Ingouville House, Ingouville Lane, St. Helier and its replacement with a 5 storey residential building comprising 8 apartments with commercial facilities on the ground floor. The Committee had visited the application site on 2nd February 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, 5, 6 and 7, GD1, 3, 7 and 8, E1, H6, TT4 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application proposed the demolition of the existing 3 storey office building and its replacement with a new 5 storey building with a total of 8 x 2 bedroom apartments with a restaurant/café at ground floor level. The application had been submitted in outline and sought permission for the scale, form and internal layout. The external appearance of the building, to include the materials and landscaping, would be reserved.

The Committee was advised that the re-use/re-development of older vacant office accommodation in the town centre for alternative purposes was broadly acceptable under the provisions of the Island Plan and reference was made to paragraph 5.32, which specifically referred to secondary office stock within St. Helier. In principle, the redevelopment of the site for residential use was considered acceptable. At approximately 64 square metres, the apartments would comply with the required residential space standards and residents would have access to a shared roof terrace occupying the full area of the roof. It was recalled that the adjoining site (Ann Court) was currently undergoing redevelopment to provide a substantial new mixed-use residential/commercial development (which included some 5 and 6 storey blocks). As part of the approved plans for that scheme, the residential block to the immediate east of the application site (Nos. 3 - 9 Providence Street) were to be demolished and a new public square created in this area. Once this block was removed, Ingouville

House would effectively form the western side of the new public square. The proposed development had been designed to exploit this new position with a publicly accessible venue at ground floor, which would open out onto this space. Taking into account the surrounding built context, in particular the emerging Ann Court development, the Department was comfortable with the scale and form of the proposed development from a townscape perspective. The application site did not benefit from car parking and the provision of the same could only be achieved by significantly reducing the proposed new development. The site was in close proximity to the town centre would good amenities within walking distance. The lack of parking for residents was not, therefore, considered problematic. Each of the new units would have a designated ground level store capable of accommodating a bicycle. Electric charging points for new bicycles would be provided in these stores. In terms of the impact on neighbouring amenities, the Department had regard to the existing context and did not believe that the proposed development would be harmful.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure the provision of public bicycle stands on Phillips Street/Ingouville Lane, to be delivered at the applicant's expense and to a technical standard agreed by the relevant highway authority; public realm improvements (specifically, a pedestrian improvement scheme) within Phillips Street/Bath Street (as agreed with the highway authority), as well as footpath resurfacing works (as necessary, and as agreed with the Parish of St. Helier) within Phillips Street/Ingouville Lane. These works were to be delivered at the applicant's expense and to a technical standard agreed by the relevant highway authority in each case. The provision of a £500 voucher for a local 'car sharing' organisation, together with appropriate education, to be provided to the first occupant(s) of each new residential unit was also required. In the event that a suitable POA could not be agreed within 3 months of approval, the application would be returned to the Committee for further consideration. It was noted that whilst the applicant had committed, in principle, to the delivery of these improvements, precise costings had not yet been worked out.

A total of 7 letters of representation had been received in connexion with the application. The Committee also noted responses from statutory consultees, to include the Parish of St. Helier and the Environmental Health Department. With regard to the latter, a request had been received for further information in relation to ventilation/odour extraction for the new commercial premises and details regarding opening hours/music/entertainment. The applicant had advised that as there was no specific commercial occupant at this stage it was not possible to provide a definitive response.

The Committee heard from the applicant's agents, Messrs. ■■■ Hargreaves and ■■■ Borrowman. Mr. Hargreaves discussed the ethos behind the scheme and the relationship between the proposed development and the new public square. In this context, the height of the proposed development was discussed and the Committee was advised that this was critical in terms of the interconnection between the square and the surrounding buildings.

Mr. Borrowman advised that it had initially been proposed to refurbish the existing building and add a further 2 floors to the structure. However, engineers had confirmed that this was not possible due to load bearing issues. Consequently, the scheme proposed a new dual aspect building with a highly efficient layout. The building would be marginally higher than the existing building and had to be considered in the context of emerging development in the vicinity. The commercial element would draw people to the public square and would also provide surveillance,

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which discouraged anti-social behaviour.

Deputy K.F. Morel of St. Lawrence asked for details of the percent for art contribution and Mr. Hargreaves advised that he believed this should be incorporated into architecture. However, Deputy Morel suggested that consideration should be given to the inclusion of the percent for art contribution in the public square. Deputy J.M. Maçon of St. Saviour suggested that murals on the building might be appropriate.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chair, endorsed the recommendation to grant outline planning permission, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above. The Committee requested that those matters which were reserved be determined by the Committee, together with the details of the percent for art contribution.

Jambart Villa,
Rue de
Jambart, St.
Clement:
proposed new
dwellings.

A3. The Committee considered a report in connexion with an outline application which sought approval for the construction of 2 new dwellings to the north of the property known as Jambart Villa, Rue de Jambart, St. Clement. The Committee had visited the application site on 2nd February 2022.

Deputy M. Troy of St. Clement did not participate in the determination of this application.

P/2020/1046

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. that Policies SP1, 2, 6 and 7, GD1, 3, 7, NE2, NE4, HE1, H6, TT2, LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site was open and undeveloped. The scheme proposed a pair of semi-detached, 3 bedroom dwellings, which met the Department's required residential standards for new dwellings and each would have a generous-sized garden. The Department considered the design and appearance of the development and its impact on the general character of the area acceptable, to include the impact upon the setting of the neighbouring Jambart Villa, a Grade 4 Listed Building. It was not believed that the proposed development would cause unreasonable harm to the residential amenities of those living nearby. It was noted that whilst the desired 43 metres visibility splay (as requested by the highway authority) could not be achieved, the site was accessed via an existing vehicle entrance and it was understood that there had been no incidents or accidents associated with its use. In the Department's view, a slight intensification of use of the access would not be unduly hazardous, as a reasonable level of visibility was still possible. Moreover, the applicant had agreed to form a new footpath which would significantly benefit pedestrians. As with perceived neighbouring impact, the issue of visibility had to be balanced against the need to make best use of a valuable, under-used piece of land in the Built-Up Area. Overall, having regard to the requirements of the Island Plan, the Department was recommending that permission be granted, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure the formation of a new public footpath along the Rue de Jambart roadside boundary of the site to a width of 1.5 metres, to accord with the requirements of the Transport section of the Infrastructure, Housing, and Environment (IHE) Department. The work was to be undertaken to a technical specification agreed by IHE and at the applicants' expense. Thereafter, the new section of footpath would be ceded to the public. The new section of footpath must be in place prior to first occupation of the new development. In the event that a

suitable POA could not be agreed within 3 months of approval, the application would be returned to the Committee for further consideration.

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

The Committee heard from the applicant's agents, Messrs. ■■■ Collins and ■■■ Cornic of MAC Architecture. Mr. Collins advised that this was a large site in the Built-Up Area and that the scheme had been amended to address the previous reasons for refusal and issues raised by objectors. Mr. Collins noted that some boundary trees had been removed from the site without the prior knowledge of the owner. It was intended to retain one tree and a landscaping scheme had also been submitted. A traditional design approach had been adopted with local materials being used. The scheme proposed 2 modest houses with parking and ample amenity space and was in accordance with the relevant Island Plan Policies.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed in the Department report and on the basis of the entering into of a POA, as detailed above. The Committee also agreed that an additional condition should be attached to the permit which would require the retention of the tree referenced above by way of a Tree Preservation Order.

Le Clos d'Or,
La Grande
Rue, St. Mary:
proposed
variation of
condition of
permit.

A4. The Committee considered a report in connexion with an application which sought approval for the variation of a condition attached to the permit in respect of application reference P/2014/1949, which related to a shed located at the eastern end of Field No. 683, Le Clos d'Or, La Grande Rue, St. Mary. The Committee had visited the application site on 2nd February 2022.

RC/2021/1407

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1 and SP5 of the 2011 Island Plan were of particular relevance.

The Committee noted that condition No. 2 of the permit stated that –

no machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site outside the following times - 08.00 and 18.00 - Monday to Friday and 08.00 and 12.00 on Saturday, nor at any time on Sundays or Public Holidays);

It was noted that a previous application for the removal of 2 conditions attached to the 2014 permit had been refused in 2019. The Committee was advised that the shed was occupied by a construction contractor and this was permissible as permission had been granted in 2015 for the removal of an agricultural occupancy condition which had been attached to the entire site. On this occasion the applicant was seeking to vary condition No. 2 to allow vehicles to leave the site from 07.00 hours on weekdays, one hour earlier than was currently permitted. Whilst the Department noted the economic case made by the applicants to extend the business hours, concerns remained in relation to the potential impact on nearby residents. The Committee was advised that the current occupant of the premises would (or should) have been aware of the planning conditions imposed in 2014. Furthermore, residents of the area would also have been aware of these restrictions and their concerns were understandable. The Committee was reminded that the specific conditions had been imposed for the purpose of protecting neighbouring amenity in line with Policy GD1 and this requirement remained. Consequently, the application was recommended for refusal on the grounds that it was contrary to this particular policy.

A total of 9 letters of representation had been received in connexion with the

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application, together with late representations received after the publication of the agenda and circulated under separate cover.

The Committee heard from Mrs. [REDACTED] Pope, who advised that she [REDACTED] [REDACTED] was also speaking on behalf of another neighbour who was unable to attend the meeting. Mrs. Pope advised that in her experience an earlier start caused disturbance and noise pollution and amendments to the conditions would allow non-heavy goods vehicles to leave the site at any time, causing disturbance. The claim that vehicle movements would be restricted to only 2 lorries each day could not be enforced. Mrs. Pope drew the Committee's attention to a previous objection by the highway authority and noted that there had been no consultation with that authority in relation to the current application. She also believed that reports submitted with the application contained inaccuracies and she was convinced that there would be more vehicle movements than had been stated. She was aware of diggers being used on site and lorries coming and going to refuel. Mrs. Pope advised that lorry engines were often left running and this caused emissions. Breaches of existing conditions were alleged and Mrs. Pope stated that this caused a great deal of distress. Whilst the business needs of the applicant were understood, the site was in the Green Zone and approval would set an undesirable precedent. Mrs. Pope added that professional reports submitted with the application did not tally with reality and the operation of the business impacted on [REDACTED] enjoyment of [REDACTED] home. In concluding, she stated that the applicant company had been well aware of the conditions of the permit when taking up occupation of the premises.

The Committee heard from the Connétable of St. Mary, who advised that he concurred with objections received from residents of the area. He too stated that the applicant had been aware of the restrictions when taking up occupation of the premises and had agreed to adhere to the conditions. The Connétable understood that residents had experienced noise and disturbance from the operation of the business and he urged the Committee to refuse the application and enforce the existing conditions. In concluding, the Connétable stated that this was not an isolated problem and that a commercial site was required for this type of activity as rural sites in the Green Zone were not appropriate.

The Committee heard from the applicant, Mr. [REDACTED] Barratt of JB Groundworks and [REDACTED] [REDACTED] Mr. [REDACTED] Le Lay. Mr. Barratt advised that JB Groundworks had been established 15 years ago and was a specialist business which operated in a niche area. The business had operated from the application site since 2017. Mr. Barratt advised that demand for construction industry services was currently outstripping supply and that the impact of the restrictions on the business was significant. Leaving the site at 8.00 am meant that vehicles were often caught in rush hour traffic and did not arrive on site until after 9.00 am. Builders merchants opened for business at 7.00 am but lorries could not leave the site until 8.00 am to collect materials. It was confirmed that the applicant company owned 2 x 10 tonne tipper trucks and some medium sized vehicles. A maximum of 2 trucks would leave the site in the morning and these trucks were not used every day. No machinery was stored on site, although refuelling was sometimes carried out on site. Mr. Barratt advised that he had tried to contact the Connétable of St. Mary in connexion with the application but when he had finally managed to speak to him the Connétable had already submitted a letter of objection to the Department based on the representations of neighbours. Mr. Barratt suggested that this had led to a very partial view being expressed. Finally, he confirmed that the application would not lead to an increase in vehicular activity, as suggested by the Parish Deputy as the same 2 vehicles would merely leave the site one hour later than currently permitted.

The Committee heard from Mr. Le Lay, who outlined the planning history of the site, which included its former farming use. He also advised that the States of Jersey

had used the site for 'planking' fallen trees following the Great Storm of 1987. Mr. Le Lay explained that [REDACTED]

[REDACTED] In 2017, the applicant had taken up occupation of the premises and there had been no problems until [REDACTED]

[REDACTED] legal action had been taken to secure the removal of a granite pillar which had been installed and which had made access to the application site difficult. Mr. Le Lay alleged that Mrs. Pope had installed cameras and filmed users of the site. [REDACTED]

[REDACTED] He believed that the Committee had been filmed during its site visit. [REDACTED]

[REDACTED] Mr. Le Lay advised that the surrounding road network was already used by a number of commercial vehicles well before 7.00 am as there were several businesses in the vicinity. It seemed ludicrous that the applicant company was not, therefore, permitted to use the same roads until 8.00 am. The applicant company rented premises so that vehicles associated with the business were not parked overnight on roads. Mr. Le Lay noted that the Connétable had stated that it was the right of residents to enjoy their properties but he felt that tenants on the application site were being denied this right. In concluding, Mr. Le Lay stated that the application site was used for light industrial purposes and he assured the Committee that if he thought the applicant was a bad neighbour he would have no hesitation in evicting the company.

The Committee heard from Mrs. [REDACTED] Steedman, representing the applicant. She confirmed that the proposal would not result in an expansion of the existing business. The applicant company merely wished to avoid travelling at peak times and the existing conditions made the business less competitive. There were a number of businesses in the area which generated vehicle trips on the surrounding road network. She repeated that that the approval of the application would allow 2 heavy goods vehicles to leave the site at 7.00 am instead of 8.00 am and reference was made to a technical note which had been prepared in support of the application by Synergy. Objections from the highway authority had related to a different application. Mrs. Steedman noted that it was not uncommon for businesses to operate from brownfield sites in the countryside and she believed that it was unreasonable to restrict times of access. Both the Island Plan and the draft Bridging Island Plan supported the operation of businesses and Mrs. Steedman asked the Committee to consider where such businesses could operate from if sites like this were not considered appropriate. She also asked the Committee to reflect on the real impact on neighbours of 2 vehicles leaving the site at 7.00 am and whether this could be considered contrary to Policy GD1.

Deputy K.F. Morel of St. Lawrence expressed considerable concern about the allegations regarding the filming of activities on the application site and urged the owner of the site to raise this issue with the Information Commissioner. However, Mrs. Pope denied this allegation and stated that 'dummy' cameras were used to deter burglars. She accepted that she had taken photographs of activities on the site in the past but had stopped doing so when requested.

Having considered the application, the Committee, with the exception of Deputies K.F. Morel of St. Lawrence and J. M. Maçon of St. Saviour, decided to grant permission for the variation of the condition on the basis that it was not convinced that this would result in unreasonable harm to neighbours. As this decision was contrary to the Department's recommendation, the Committee noted that the

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application would be re-presented at the next scheduled meeting for formal decision confirmation.

Garage site,
Old St. John's
Road, St.
Helier:
proposed
demolition and
redevelopment.

A5. The Committee considered a report in connexion with an application which sought approval for the demolition of some garages on Old St. John's Road, St. Helier and their replacement with 6 x 2 bedroom and one x one bedroom residential units. The Committee had visited the application site on 2nd February 2022.

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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 and SP1, 2, 3 and 6, BE3, GD7, GD8, H6, NE1 and NE2 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to - Planning Policy Note No. 6 - 'A Minimum Specification for New Housing Developments' (PPN6) and Planning Policy Note No. 3 - 'Parking Guidelines' (PPN3).

The Committee noted the planning history of the site, which included pre-application advice in relation to a 6 storey block and an application for 15 residential units, which had been withdrawn in 2020. The current application proposed the construction of 7 dwellings in the form of terraced townhouses, following the building line of the properties to the south. 3 units would be located at ground level and accessed from the street, with separate gardens to the rear and 4 units located at first and second floor, with entrances from the rear terraces, accessed from the north. No car parking was proposed but a substantial cycle parking area was to be located to the east of the site in a shared communal area. The proposed new units would be sited between 2 properties on the hill, with the mass concentrated to the west of the site, allowing for a generous proportion of outdoor space to the east. On the roadside, the townhouses stepped up proportionately from the southern neighbour to accommodate the rising land and were in-keeping with the more traditional dwellings to the south of the site. The dwellings would be set back from the northern neighbour, which was orientated east to west, allowing breathing space and pedestrian access to the west of the site, which facilitated a gate and a right of way.

The Committee noted that the site had limitations given its location on a hill, close to low rise neighbours and more prominent apartment blocks, but also adjacent to existing properties on lower-lying land. Members were advised that the scheme had initially been deemed unacceptable given its form and mass and the unreasonable impact it would have on neighbouring properties. However, the amendments to the scheme addressed these issues and the design has been tailored to embrace the site constraints and be respectful to neighbours. The site was considered sufficient to accommodate the development, which comfortably met the Department's minimum requirements in terms of room sizes and space standards and provided each unit with its own amenity space. The application site was within walking distance of the town, parks, beaches and the bus station and, together with substantial bicycle storage facilities, this offset the requirements for parking. The proposed development would replace an unattractive garage block, providing much needed homes in a very sustainable location. Whilst contemporary materials would be used the design was traditional in form and was in keeping and proportionate to adjoining buildings in the streetscape and was considered to be an enhancement. In light of the above it had been concluded that the scheme satisfied the requirements of the relevant policies of the Island Plan and it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report.

A total of 6 letters of representation had been received in connexion with the revised plans and a late representation had been circulated under separate cover. The Committee was informed that 26 objections had been received in relation to the previously withdrawn scheme.

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No. 1
Rosemount
Mews,
Rosemount
Estate, James
Road, St.
Helier:
erection of
fence
(RETROSPEC
TIVE).

P/2021/1622

A6. The Committee considered a report in connexion with an application which sought retrospective approval for the erection of a timber fence on top of a boundary wall to the south-east of No. 1 Rosemount Mews, Rosemount Estate, James Road, St. Helier. The Committee had visited the application site on 2nd February 2022.

Deputy K.F. Morel of St. Lawrence was not present and Deputy J.M. Maçon of St. Saviour did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and was on the Eastern Cycle Route Corridor. Policies GD1, GD7, BE3, TT3 and HE1 of the 2011 Island Plan were of particular relevance.

The Committee noted that No. 1 Rosemount Mews was a semi-detached residential dwelling with a modest garden to the rear. Owing to topographical differences, on top of the adjacent granite wall was the privately owned road known as Le Mont Pinel, which was approximately level with the lowest point of the roof of No. 1 Rosemount Mews. The fence for which permission was sought was approximately 700 millimetres high, when measured from Le Mont Pinel, and extended approximately 8,200 millimetres in length along the aforementioned wall.

The Department's assessment of the application was based most specifically on Policies GD1 and 7 and HE1. The planning merits of the proposal, along with the site context, had been considered. Whilst a presumption in favour of development within the Built-up Area existed, the impact on neighbouring properties and the surrounding area had also been considered. The Department did not consider the fence to be out of character with the surrounding area, which comprised a range of architectural styles and material types. The proximity of the application site to several Listed Buildings had also been considered, with the Historic Environment Team being of the view that the proposal would not adversely affect the setting of these buildings. Moreover, with regard to any potential impact on neighbouring properties, it was accepted that proposals of this nature would lead to unavoidable changes in the relationships between dwellings. However, Policy GD1 required that such changes did not facilitate an unreasonable impact upon the amenities of adjoining properties as opposed to whether changes were visible from an adjacent property. Given the modest scale and size of the fence, as well as the site orientation, when compared with neighbouring dwellings, the Department had concluded that the proposal was unlikely to facilitate any unreasonable impact in terms of loss of light or overbearing. The loss, or partial loss, of a view was not a matter upon which an application could be determined. Consequently, it was recommended that permission be granted.

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

The Committee heard from Ms. [REDACTED] Duhamel, [REDACTED] Ms. Duhamel explained that the original site notice for the Rosemount Mews development had been displayed on Mont Pinel so by the time she had become aware of the scheme for the new houses it was too late to submit an objection. Ms. Duhamel noted statements within the Department report which appeared to contradict those in a report which had been prepared in 2019, which stated that the development would give rise to an overbearing impact due to its proximity with the boundary and would be detrimental to the level of natural light received. Ms. Duhamel advised that she had experienced a loss of light since the construction of the new dwellings and this was especially noticeable during the winter months. In terms of the fence, Ms. Duhamel understood that the Department had previously advised that planning consent was not required

response from the case officer was dismissive. Mr. Watkins advised that he had been shocked and disappointed with the recommendation for refusal and stated that there had been very little communication from the Department. Whilst he understood that the pressures the Department was under, he was concerned about inaccuracies in the application report and declared that he had no confidence in the planning process as a result. In concluding, he advised that a number of neighbouring properties had been extended and asked for consistency of approach.

Mrs. Watkins addressed the Committee, stating that whilst the start of the process had been straightforward, since November 2021, it had been a 'nightmare'. She was familiar with the planning process, having undertaken development projects in the UK but had experienced considerable distress and anxiety during the life of the application. She stated that there had been a lack of communication from the case officer and that he had failed to keep appointments. Mrs. Watkins was most concerned that the Committee's decision would be based upon inaccurate information contained within the application report. Whilst she had been assured that the assessment of the application and the decision had been quality assured by a line manager, she remained concerned about the accuracy of the information this had been based upon. Mrs. Watkins explained to the Committee that there had been 'so much riding on a positive outcome'. [REDACTED]

[REDACTED] Mr. and Mrs. Watkins had never considered re-building the property and the aim was for the proposed development to blend in with the natural environment, unlike other development in the vicinity. She stated that a precedent had been set with surrounding development but she felt that the 'trainee planner' did not like the design and had refused the application with no communication. She described the planning process as 'archaic' with no ability to liaise professionally with the Department. [REDACTED]

[REDACTED]

[REDACTED] In concluding, she stated that the impact of the decision [REDACTED] was significant and that if the Committee decided to endorse the recommendation to refuse permission the applicants would appeal.

[REDACTED]

The Committee considered the application and the points which had been raised. Members expressed concern about the allegations which had been made by the applicants and wished to receive relevant background information. Consequently, determination of the application was deferred pending the receipt of this information and this was without prejudice to all parties concerned.

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Green Roofs,
La Grande
Route de la
Côte, St.
Clement:
various works
(RFR).

P/2021/1276

A8. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the demolition of an extension to the south of the property known as Green Roofs, La Grande Route de la Côte, St. Clement and its replacement with a new 2 storey extension with a terrace at first floor level. It was also proposed to extend a ground floor utility room and construct an extension to the first floor east elevation. A demountable car port to the west elevation, an extended entrance with new internal staircase and timber cladding to the north elevation, the installation of a new zinc clad roof and the creation of a second floor, together with the installation of 3 Juliette balcony dormer windows to the south elevation were also proposed. The Committee had visited the application site on 2nd February 2022.

Deputy K.F. Morel of St. Lawrence was not present and Connétable M. Troy of St. Clement did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Shoreline Zone of the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, BE4, BE6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application sought consent for a number of changes to the property. Attention was drawn to Island Plan Policy GD1, which required that development have no unreasonable impact on the character of the surrounding area. Policy GD7 required high-quality designs which were sympathetic to the surrounding area and respected, conserved and contributed positively to the diversity and distinctiveness of the landscape. Lastly, Policy BE6 required development to be respectful, complementary and sympathetic to the design, form, scale and proportions of the existing building and the surrounding area. Accordingly, given the considerable mass that the proposal would add to the dwelling, when paired with the fact that the scheme failed to respect, conserve and contribute positively to the surrounding area, the Department did not believe that the application satisfied the necessary Island Plan Policy criteria. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, BE6 and GD7 and it was recommended that the Committee maintain refusal.

On a related matter, the Committee noted certain errors in the original report produced by the Department in connexion with the application. Whilst the report had indicated that the roof was to be raised by approximately 2,200 millimetres it was to be raised by exactly 1,680 millimetres. The report had also stated that the prospective eastern extension was to be approximately 7,400 millimetres in height when it would be exactly 6,960 millimetres. Notwithstanding these errors, the Department remained of the view that the application should be refused due to the fundamental policy concerns.

The Committee heard from the applicant, Mr. ■ Meiklejohn and his agents, Messrs. ■ Stein of MS Planning and ■ Waddington of Waddington Architects. Mr. Meiklejohn advised that, due to certain building restrictions, development on the western side was not an option so the only alternative was to use the roof space. He had shared details of the scheme with neighbours and there had been no objections. The applicants wished to renovate and extend the property to make it suitable for modern living.

Mr. Waddington advised that he had been most surprised at the decision to refuse permission and he outlined the benefits of the scheme, to include the provision of better bedroom space and add greater visual interest. He referred to the error regarding the increased roof height and stated that this was an important point to note.

Mr. Stein had also been surprised to learn of the decision to refuse permission and believed the reasons for refusal to be 'entirely subjective'. A traditional design approach with a contemporary twist was proposed and the scheme complied with the policy context. The immediate and wider area was characterised by a mix of development and the site could easily accommodate the modest changes proposed. Recent 'missives' encouraged the remodelling of existing buildings and the site was in the Built-Up Area. The scheme made the best use of the application site and would significantly upgrade the fabric of the building. Mr. Stein also focussed on the errors relating to the roof dimensions and questioned whether this might have contributed to the decision to refuse permission. He added that the 'flat 2 dimensional elevations' were not a helpful illustration on their own and he explained that the roof would 'plane away' from the eaves in the same way as the roof of the neighbouring property. Letters of support from neighbours had been submitted and it was noted that one particular neighbour was present to offer support.

Having considered the application, the Committee, with the exception of Deputies J.M. Maçon of St. Saviour and S.G. Luce of St. Martin, concluded that the scheme was acceptable and decided to grant permission, contrary to the Department recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Northern
Storage, La
Rue de la Mare
des Pres, St.
John: proposed
new storage
unit (RFR).

A9. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for construction of a 4 bay storage unit to the east of an existing storage facility on La Rue de la Mare des Pres, St. John. The Committee had visited the application site on 2nd February 2022.

Deputy K.F. Morel of St. Lawrence was not present for this item.

P/2021/0281

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, 2, 3, 5, 6 and 7, GD1 and GD7, NE7, ERE2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application site formed part of a wider area comprising a main warehouse to the west of the plot, a warehouse to the south of this and a 4 bay warehouse to the east. Vehicle and boat storage were accommodated on an area of hard-standing to the north of the main warehouse and vehicle parking was situated to the north and south of the 4 bay warehouse to the east. The application site comprised the vehicle parking area to the north of the 4 bay warehouse. The site was located approximately 600 metres south of Bonne Nuit Bay and Mont Mado was located to the south west. There were residential properties to the west of the site.

The Committee was provided with details of the extensive and complex planning history of the site and noted the evolution from agricultural use to general warehousing. The Committee was informed that the wider application site had originally comprised an agricultural storage building supporting an agricultural use. Permission had been granted in 2002, to allow the use of the agricultural building for general warehousing. This warehousing use had been extended in 2017, when further warehousing was permitted south of this unit. In 2018, following compliance action, permission had been granted to allow the open storage of boats and vehicles on parts of the site. In 2020, a further permit had been granted for another warehouse to the east of the site. As a result of this incremental development the use of the site from an agricultural store to a significant warehouse and distribution centre in the countryside had evolved, resulting in a cumulative impact on the narrow surrounding

road network in a location where such development would not normally be permitted.

The current proposal sought a further expansion within this Green Zone countryside location and proposed the erection of a 4 bay warehouse unit to the north of existing warehousing. This part of the site had permission for the open storage of vehicles only and the scheme would result in the intensification of the use. No justification for the proposed use in this countryside location has been provided and the scheme was contrary to Policy NE7. The wider site offered no direct employment and the proposal did not involve the diversification of an agricultural use.

The application site was in a countryside location in the Green Zone which was afforded a high level of protection from development, with a presumption against all forms of development. The Island Plan sought to focus such development within the Built-up area. It was noted that the Infrastructure, Housing and Environment (IHE) Department – Transport Section had objected to the application due to the absence of adequate visibility splays, a lack of details regarding the provision of parking and the failure to provide a legal agreement securing contributions towards transport infrastructure. Consequently, the application had been refused on the basis that it was contrary to Policies SP1, SP2, SP3, SP6, GD1, TT5, TT7 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. ■■■Moullin and his agent, Mrs. ■■■ Steedman. Mr. Moullin advised that the concerns raised by the Transport Section of the IHE Department in relation to visibility splays had been addressed in a previous application. Mr. Moullin explained that there was a desperate need for storage facilities for small businesses and that demand was outstripping supply. He confirmed that no staff worked on site and urged the Committee to grant permission.

In response to a question from Deputy S.G. Luce of St. Martin as to whether the application site had been ‘re-zoned’, Mrs. Steedman advised that whilst it had not been rezoned, the approved use of the site in the planning context was for warehousing, as set out in the Department report. She expressed surprise at the objection raised by IHE Transport as this issue had previously been addressed in an earlier application. With regard to the failure to provide a legal agreement securing contributions towards transport infrastructure, Mrs. Steedman stated that this could not be justified as it did not accord with the relevant Supplementary Planning Guidance. She expressed the view that IHE Transport now appeared to seek financial contributions towards transport infrastructure at every opportunity, irrespective of whether development had a material impact.

The Committee discussed the application and all members expressed considerable consternation at the manner in which this site in the Green Zone had been allowed to incrementally develop over time. This was particularly concerning as the majority of the approved applications had been dealt with by the Department under delegated powers. It was, therefore, difficult to understand the rationale behind the recommendation to refuse the current application and Deputy J.M. Maçon of St. Saviour undertook to raise the matter with the Department.

Having considered the application and the manner in which the warehousing use had been permitted to grow, the Committee concluded that it would be unreasonable to withhold permission on the basis that no landscape harm would arise. Consequently, the application was approved, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Field No. 561B and 683, La Rue de la Clochette, St. Martin: proposed new vehicular access/stable block/hay store/tack room/w.c./menage/hardstanding/parking.

P/2021/0281

A10. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for a new vehicular access on to La Rue du Rue, St. Martin and the construction of a stable block, hay store, tack room and w.c. on Field Nos. 561B and 683, La Rue de la Clochette, St. Martin. It was also proposed to create a 'menage' and an area of hardstanding with car parking and install wire fencing between paddocks. The Committee had visited the application site on 2nd February 2022.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, 2, 3, 4, 5, 6 and 7, GD1 and GD7, NE1, 2, 7 and 8, ERE1, ERE2, ERE6 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the applicant was seeking to create a commercial livery and riding school on agricultural land in the Green Zone. However, the application failed to demonstrate that the development could be implemented without harm to the rural landscape and the amenity of occupants of nearby dwellings. The application did not demonstrate how existing trees on and around the site would be protected, the loss of which would result in further landscape harm. Due to the height difference between the application site and the road, a significant amount of engineering work would be required to create the proposed access and the required visibility splays. Insufficient information had been provided on the submitted plans to demonstrate that the creation of the proposed access would not cause landscape harm or the loss of trees on and around the access. Furthermore, the applicant had not demonstrated how large vehicles such as horse boxes would enter and leave the site in a safe manner. There would also be inadequate manoeuvring space for vehicles on the site and no cycle parking was proposed. The application also failed to demonstrate how surface water would be managed and how waste from the site would be stored, managed and disposed of. The proposal was, therefore, contrary to Policies SP1, SP2, SP3, SP4, SP6, SP7, GD1, GD7, NE4, NE7, ERE6, TT4, TT5, WM5, LWM1, LWM2 and LWM3 and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. [REDACTED] Last, [REDACTED] who referred to his written representation. [REDACTED] Mr. Last was concerned about the impact of the proposals on the landscape character and also felt that the introduction of a commercial livery would increase traffic and noise. He was also concerned about the level of excavation required to create the access, the potential for light pollution and the provision of adequate screening. Finally, Mr. Last asked how animal waste would be dealt with in order to avoid water contamination.

The Committee heard from [REDACTED], Mr. [REDACTED] Cox, [REDACTED] Mr. Cox explained how the proposed development would compliment the [REDACTED] organic farm. He added that the scheme proposed the establishment of a small livery which would accommodate 6 ponies at the most and not a riding school. The application was supported by the Land Controls and Agricultural Development Section and the fields benefitted from equine grazing rights. Whilst the Parish of St. Martin had objected to the application, consent for the relocation of the field entrance to a safer place had been granted by the Parish. A waste management plan had been prepared and hedging was proposed to provide screening. Mr. Cox noted that a large garage and trees separated the site

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from nearby residential accommodation. In concluding, Mr. Cox stated that high quality structures and lighting had been chosen to minimise the impact.

Mr. Cox advised that whilst his wife was not present, she had asked him to read from a pre-prepared statement. Mrs. Cox had highlighted the organic farming practices [REDACTED] and the small scale nature of the operation. The lighting would be ‘dark sky compliant’ and Mrs. Cox noted that lights were left on all night at the nearby Haut du Rue Farm. The applicants were willing to accept restrictions on the times of use of the menage. Mrs. Cox believed that the application had been assessed against policies which were irrelevant in this context. She highlighted the fact that the application site was in the Green Zone, a location which was suitable for horses and where there was a precedent for uses of this nature. The scheme was supported by the Land Controls and Agricultural Development Section, a new safer access would be created and native hedging planted. Only 2 trees would be removed and the applicants were willing to strengthen the planting on the northern boundary. Traffic and footfall would not increase significantly due to the low key nature of the proposal and measures would be put in place to ensure that noise was not an issue. Surface water would be managed on site by the introduction of 3 soakaways and no objection had been received from the drainage authority. The applicants believed that many of the issues raised could be addressed.

In response to a question from a member with regard to the permitted use of the fields, the case officer advised that aerial photographs did not evidence equine use. In any case, the application proposed a change of use to facilitate a commercial development and this was not supported by the policy framework. Mr. Cox interjected stating that he believed that the Department’s search had not related to the correct fields and that he was aware [REDACTED] that horses had been kept on the fields for many years.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing so the Committee noted that the Parish of St. Martin had, in fact, stated that support for the new entrance would not have been forthcoming had the intended use been known.

Criticism of officers in a public forum.

[REDACTED]