

Planning Committee

(6th Meeting)

8th December 2022**Part A (Non-Exempt)**

All members were present, with the exception of Connétables D.W. Mezbourian of St. Lawrence, M.O'D. Troy of St. Clement and R.A.K. Honeycombe of St. Ouen.

Connétable P.B. Le Sueur of Trinity, Chair (From item No. A7)
 Connétable K.C. Lewis of St. Saviour
 Deputy S.G. Luce of St. Martin, Vice Chair
 Deputy M. R. Le Hegarat of St. Helier North
 Deputy T.A. Coles of St. Helier South
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy A. F. Curtis of St. Clement (From item No. A5)

In attendance -

G. Duffel, Principal Planner
 L. Davies, Planner
 J. Durbin, Planner
 W. Johnston, Planner
 B. James, Planner
 G. Vasselin, Planner
 J. Gibbins, Trainee Planner
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1 - A7 and A10 - A16 only)
 A. Goodyear, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A8 & A9 only).
 H. Roche, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1-A7 only)

Note: The Minutes of this meeting comprise Part A only

Minutes.

A1. The Minutes of the meeting held on 17th November 2022, were taken as read and were confirmed.

Broadfields
 Vinery, Les
 Chanolles de
 Six Rues, St.
 Lawrence:
 proposed
 demolition of
 greenhouses/
 construction of
 new dwelling.

A2. The Committee, with reference to its Minute No. A2 of 17th November 2022, received a report in connexion with an application which proposed the demolition of some glasshouses and ancillary structures at Broadfields Vinery, Les Chanolles de Six Rues, St. Lawrence and the return of the land to agriculture. It was also proposed to construct a 3-bedroom dwelling to the north-west of the site with various landscaping alterations also proposed. The Committee had visited the application site on 15th November 2022.

Connétable P.B. Le Sueur of Trinity and Deputy A. Curtis of St. Clement were not present for this item. Deputy S.G. Luce of Grouville and St. Martin acted as Chair.

P/2021/1968

The Committee recalled that it had been minded to approve the application, contrary to the Department's recommendation. Consequently, the application had been re-

presented for formal decision confirmation and to set out the specific reasons for approval.

The Committee confirmed approval of the application for the reasons set out in the Department report and subject to the implementation of certain conditions.

The Topsy
Toad Town
House, No. 57
New Street, St.
Helier:
proposed
change of use
to residential
accommodat-
ion.

A3. The Committee, with reference to its Minute No. A? of 17th November 2022, received a report in connexion with an application which proposed the change of use of The Topsy Toad Town House, No. 57 New Street, St. Helier, to facilitate the creation of residential accommodation. The Committee had visited the application site on 15th November 2022.

Connétable P.B. Le Sueur of Trinity and Deputy A. Curtis of St. Clement were not present for this item. Deputy S.G. Luce of Grouville and St. Martin acted as Chair.

The Committee recalled that it had been minded to refuse the application, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

P/2020/1726

The Committee confirmed refusal of the application for the reason set out in the Department report.

No. 33 Queen
Street, St.
Helier:
proposed
installation of
awnings.

A4. The Committee, with reference to Minute No. A13 of 17th November 2022, received a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which proposed the installation of retractable awnings at No. 33 Queen Street, St. Helier. The Committee had visited the application site on 15th November 2022.

Connétable P.B. Le Sueur of Trinity and Deputy A. Curtis of St. Clement were not present for this item.

The Committee recalled that it had been minded to approve the application, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for approval.

P/2022/0749

The Committee confirmed approval of the application for the reasons set out in the Department report.

Ann Court,
Providence
Street, St.
Helier:
proposed
redevelopment.
477/5/1(626)

A5. The Committee, with reference to Minute No. A9 of 23rd November 2017, of the Committee as previously constituted considered a report in connexion with an approved scheme which involved the demolition of all existing structures at Ann Court, Providence Street, St. Helier and their replacement with 165 residential units, 4 retail units, car parking and other associated highway works.

Connétable P.B. Le Sueur of Trinity was not present for this item. Deputy S.G. Luce of Grouville and St. Martin acted as Chair.

P/2017/0730

The Committee noted that, as part of the approval of the application, the applicant had entered into a Planning Obligation Agreement (POA) designed to secure the provision of an additional 26 car parking spaces at the Ann Street Brewery site or on land within 300 metres of the application site. The applicant was now seeking permission for a variation of the POA to secure the provision of only 9 additional spaces within a wider area of the north of St. Helier. In addition, the level of bicycle parking would be increased together with 10 additional motorbike spaces and at least 2 additional Evie car-club spaces in a prominent on-street location at Liberation Court on Ann Street.

In support of the request, the applicant had highlighted the fact that, since permission had been granted, a Sustainable Transport Plan had been published and endorsed by the States, which confirmed support for a reduction on the reliance on the private car, particularly in the centre of St Helier. This had also now been supplemented by the Movement Strategy, which was a background paper to the Bridging Island Plan. This more up-to-date policy position had been reflected in recent decisions where lower levels of parking provision had been agreed at the Mayfair, the Revere/Stafford and Apollo Hotel sites.

It was recommended that the Committee approve the variation to the POA, as set out above.

Having considered the application, the Committee endorsed the recommendation to vary the POA as detailed above. In doing so, the point was made that approval might set a precedent for other sites and that the distance between the new residential development and the additional off site car parking could be considerable, especially for those with young children.

Field Nos. 210, 213, 214 and 221, La Rue du Moulin à Vent, St. Clement: proposed temporary renewable energy generating station.

A6. The Committee received a report in connexion with an application which proposed the construction of a temporary renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with a substation, inverter/transformer stations, grid connection, infrastructure, grid cable route, site accesses, security measures, other ancillary infrastructure, landscaping and biodiversity enhancements on Field Nos. 210, 213, 214 and 221, La Rue du Moulin à Vent, St. Clement. The use of the fields for agriculture would be maintained. The Committee had visited the application site on 29th November 2022.

Connétable P.B. Le Sueur of Trinity was not present for this item and Deputy A. Curtis of St. Clement did not participate in the determination of this application.

P/2022/1095

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, 7, GD1, 2, 3, NE1, 2, 3, HE1, 5, ERE1, ME6, TT2 and UI1 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site comprised 2 agricultural fields (with 4 separate field numbers), was surrounded by agricultural fields and lay within the Interior Agricultural Plateau, more specifically the Southern Plateau and Ridges Farmland (as defined by the Integrated Landscape & Seascape Character Appraisal (ILSCA)). Le Moulin de Beauvoir (a Grade 2 Listed Windmill Tower) was situated to the north-west and to the south-west was the Parish Church of St. Clement (a Grade One Listed Building). The fields had been leased to the Jersey Royal Company for the growing of potatoes and rye on an annual basis. Access to the site was via an existing track which ran along the eastern boundary of Field No. 210.

Permission was sought for ground mounted, fixed-tilt solar photovoltaic arrays to generate approximately 4 Megawatts (MW) of power, which was equivalent to the power consumption of 634 average homes or 14 percent of the homes in the Parish of St. Clement. The rationale behind the proposal was to accelerate renewable energy generation to meet energy aims and to comply with the Carbon Neutral Strategy's low-carbon energy policy. It was noted that this was the first of a number of solar sites being brought forward by Jersey Electricity, with the aspiration of delivering 25 MW of renewable energy, equivalent to approximately 5 percent of the local annual demand. Approximately 30 hectares of land would be required to achieve the overall ambition and the application site measured 4.9 hectares. The proposals involved the installation of 7,500 ground-mounted, fixed tilt photovoltaic panels for a period of 40 years; 2 transformers located in the north-west corner of the site and along the eastern boundary of the southern field of arrays; a substation located in the north-west corner of the site, clad in a dark green composite board

cladding; a permeable crushed rock vehicular access along the western boundary of Field No. 210; underground cabling; swales (shallow, broad and vegetated channels designed to store and/or convey runoff); new and enhanced hedgerow planting; timber post wire stock fencing around the perimeter of the site at a height of 1.2 metres (fencing was allowed under permitted development rights); and, a timber gateway at the vehicular entrance.

The Committee was advised that the maximum top height of the solar panels fixed onto the framework would be approximately 2.5 metres above ground level. The minimum height of the lowest part of the solar panels would be 0.8 metres. The solar panels would be mounted 4 modules high, with 3.5 metre inter-row spacing. All modules would be south facing, and the solar panels would be mounted onto metal pilings inserted to a depth of approximately 1.5 metres below ground. The minimum distance between the edge of the panels and the retained hedgerows would be 5 metres and infill planting of native hedgerow species was proposed. The construction phase was estimated at 12 weeks and no external lighting post-construction was proposed. Construction access would be via the existing track on the eastern boundary of Field No. 210 and the retention of the agricultural use of the land and the conversion of the land beneath the solar panels from arable to grazing pasture was proposed. Post-construction, the panels would be monitored remotely to ensure optimum operation and annual operational activities that required attendance at the site included cleaning panels and general maintenance. These activities would occur approximately twice a year and would last for a few days. No chemicals would be used to clean the panels. Routine site visits would be undertaken approximately 4 times a year to check on the electrical equipment. The applicant company would lease the land for 40 years from the owner, with tenants farming the land. The submission included a letter from a bona fide small holder with 100 sheep who wished to use the land beneath the panels for grazing. Decommissioning of the site would take approximately 16 weeks and the application was supported by an Environmental Impact Statement (EIS) which assessed: ground conditions; water resources (including flood risk); noise and vibration; lighting; waste; transport; socio-economic impacts; terrestrial ecology; landscape and visual impact; heritage and archaeology. A Glint and Glare Study assessed the impact on residential amenity, road safety and aviation activity at Jersey airport. A Site Selection Summary and Sequential Analysis outlined the rationale for the site selection process and the site selection evaluation criteria. It demonstrated that over 50 sites had been assessed for suitability, including sites in the Built-Up Area and former glasshouse sites. Criteria for site selection included assessing proximity to heritage assets; grid connection proximity; ground conditions; neighbouring land uses; site topography, orientation and shading; site access; landscape and visual impact; ecology; aviation; proximity to environmentally sensitive designations; public rights of way; site capacity and site irradiance. An Agricultural Impact Assessment noted that there was no published classification of agricultural land in Jersey. However, the owner of the fields characterised them as being of 'medium' quality, with a topsoil depth of 10 to 14 inches. A Sustainability Appraisal assessed the development against local and international sustainable development criteria. A Framework Construction and Environmental Action Plan outlined the environmental protection measures proposed during the construction phase to minimise impacts on sensitive receptors.

The Bridging Island Plan supported the creation of larger scale terrestrial renewable energy installations subject to a number of considerations. Whilst environmental impacts would arise from the development, the EIS provided a range of mitigation measures to reduce the impact to an acceptable level. Having assessed the application against the relevant policies of the Island Plan and having regard to all material considerations, including the consultations and representations received, the proposal was considered to be acceptable subject to appropriate conditions and the entering into of a Planning Obligation Agreement (POA) to secure the continued agricultural use of the land and its decommissioning and restoration upon expiration

of the permission. On this basis it was recommended that permission be granted.

4 representations had been received in connexion with the application.

The Committee heard from Ms. [REDACTED], who objected to the use of agricultural fields in the Green Zone for industrial purposes and was concerned that approval would set an undesirable precedent. She also highlighted the visual impact of the proposals and noted the submission of a number of documents pertaining to the application which had been submitted in both November and December 2022. Reference was also made to the technical nature of one particular document, the interpretation of which presented a challenge, and to amended site layouts. Ms. [REDACTED] requested that the Committee defer consideration of the application to allow sufficient time for interested parties to properly assess and comment on these documents.

The Committee heard from Mr. [REDACTED] of Grouville Community, Environment and Change Group (GCECG), and noted apologies for the submission of a number of late representations on 7th December 2022. Mr. [REDACTED] highlighted the complexity of the application and the potential implications if permission was granted, not least the precedent which would be set in respect of future applications. Mr. [REDACTED] understood that the applicant company intended to submit a further 5 applications of this nature. Whilst the CGECP supported renewable energy, the view was that such initiatives should not be detrimental to long term food security and the preservation of the Green Zone. Mr. [REDACTED] suggested that consideration should be given to locating solar arrays in urban areas on the top of car parks and that alternative renewable energy solutions such as wind farms should also be explored. He, too, urged the Committee to defer consideration of the application in order to allow for proper consultation.

The Committee heard from Ms. [REDACTED] (of GCECG) and noted apologies for the submission of late representations and was advised that the Group had engaged with the consultation process at a meeting held at Caldwell Hall. Ms. [REDACTED] informed the Committee that the group was supportive of Jersey Electricity's (JE) sustainability and self-sufficiency endeavours, but felt that consideration should be given to commercial sites or land in public ownership ahead of agricultural land. Ms. [REDACTED] urged the Committee not to compromise viable agricultural land and to put the environment at the heart of decision making.

The Committee heard from Deputy A.F. Curtis of St. Clement who requested that the Committee consider Policy NE3, noting that seascape and landscape views could be obscured by the proposals and this could be addressed by reducing the number of arrays. He also referenced Policy ERE1 and expressed the view that more detail was required in respect of the grazing element of the proposals in order to ensure that this was not just 'a tick box exercise'. Deputy Curtis stated that St. Clement was already densely developed and that if permission was granted it would be inappropriate for any more Green fields in the Parish to be used for the same purpose. Deputy Curtis expressed the view that a strategic review of the provision of land based solar arrays was required.

The Committee heard from the applicant, [REDACTED], Director of Commercial Services, JE, who wished to provide some context to the proposals and address the concerns raised. Mr. [REDACTED] advised that JE had a responsibility to deliver affordable, secure, low carbon power and there was a balance to be struck between investment and the provision of affordable energy. The company was investing in technologies which were economically available, with large scale solar and offshore wind solutions being considered. Customer feedback supported solar generated power and affordable tariffs and whilst energy was currently imported from France, forward strategies such as that which was being proposed would allow JE to socialise benefits across all customer groups and hedge pricing in the future. With

reference to site selection, Mr. [REDACTED] advised that the use of roof tops for solar arrays had not been ruled out, but that ground based solutions also had a part to play alongside agricultural uses. It was noted that more than 60 projects had been rigorously evaluated by JE and there had been stakeholder engagement in relation to 6 potential sites.

The Committee heard from Mrs. [REDACTED] of KE Planning, acting as the agent for JE, who reminded the Committee of the Government's declaration of a climate emergency (P.27/2019 refers) and the agreed actions, which included achieving carbon neutrality by 2030. Mrs. [REDACTED] referenced various documents to include, the Energy Strategy, the Carbon Neutral Roadmap and the Infrastructure Capacity Study (2020), the latter requiring support for a zero-carbon future through policy and support for large scale renewable energy proposals. Mrs. [REDACTED] commented on the balance which had to be struck between Policies SP1 and PL5 and the challenge of identifying appropriate locations for uses such as this in an Island with finite space. The applicant company had been seeking to identify sites for 2 years and pre-application advice had been sought. This was the first of 6 sites which had been selected for the proposed use, with the total amount of agricultural land representing 0.6 percent (0.08 percent for this site). Mrs. [REDACTED] advised that the agricultural use would be retained and the scheme presented little risk to food security with environmental concerns being at the fore of the assessment process. The rationale for the site selection had been submitted and the applicant was willing to accept the retention of the agricultural use as part of the POA. New hedgerows and trees would be planted and swales formed. The scheme replaced an intensive agricultural use and the land would be restored to agriculture at the end of the life of the permit. A Heritage Impact Assessment had been undertaken and a watching archaeological brief was acceptable to the applicant. Mrs. [REDACTED] confirmed that a Community Participation statement had also been submitted.

In response to a question from a Member regarding the design of the solar arrays and their compatibility with agricultural uses, Mr. [REDACTED] JE, confirmed that the 800 millimetre height of the solar arrays was the standard size and that the grazing of smaller animals such as sheep was possible alongside the proposed use. Discussions were taking place in relation to the potential for growing crops alongside the arrays and trials would be carried out. It was also confirmed that 4 gigawatt hours of power per year would be generated, which equated to one percent of the total annual consumption. The piles which would be required for the arrays would not have a detrimental impact on the land below and ground levels were considered to be sufficient.

In response to comments regarding the submission of revised drawings, the case officer confirmed that these had been required as a result of discrepancies and related to the position of the transformer and sub-station and additional planting.

Having considered the application, the Committee, with the exception of Deputies A. Howell of St. John, St. Lawrence and Trinity and M.R. Le Hegarat of St. Helier North, decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of the entering into of a POA to secure the continued agricultural use of the land and its decommissioning and restoration upon expiration of the permission.

The Line Up,
La Grande
Route des
Mielles, St.
Peter:
proposed
installation of
shipping

A7. The Committee received a report in connexion with an application which proposed the installation of an extendable shipping container to the north of the Line Up catering facility, La Grande Route des Mielles, St. Peter. The Committee had visited the application site on 29th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park, the Protected Coastal Area and the Aircraft Noise Zone and that Policies SP1, 2, 3, 4, 5, PL5, GD1, 6, NE1, 3, C15,

container.

TT1, 4, E3, ER4, WER2 and WER10 of the 2022 Bridging Island Plan were relevant.

MS/2021/0473

The Committee was advised that there had been a catering facility on this site since the mid-2000's (the structure was visible on aerial photographs from 2006). A number of temporary permits had been issued, the most recent being P/2017/0192, which was an application to vary condition No. 1 of P/2016/0662 to extend a time limited condition by 10 years. This time limited condition related to the installation of the mobile catering unit and the change of use of land to create external seating area. Consequently, the approval of this application permitted the facilities to remain in place until 26th July 2027.

Planning Permission was now being sought for the siting of a container to facilitate the creation of a surf school with ancillary shop. Whilst the surf school would be open to the public, the main focus would be on experienced surfers who wished to improve their skills. The container would be sited to the direct north of the existing Line Up catering facility and would measure 6.25 metres x 2.2 metres and would be 2.4 high. The container would have a side panel which allowed a glazed section to slide out, thus increasing the floorspace. The container would be used to support the surf training facility, with an ancillary activity-related retail provision. The submitted Design Statement referred to policies which had been superseded by the adoption of the Bridging Island Plan. The intention was to operate the facility from April to January, although the applicant was keen to have the ability to operate all year round in order to provide tuition for schoolchildren at weekends and during school holidays.

On balance, it was considered that this proposal was acceptable, subject to the imposition of certain conditions detailed within the Department report. It was recommended that permission be granted on a temporary basis (to 26th July 2027) in order to allow a re-assessment of the impact of the development.

5 representations had been received in connexion with the application.

The Committee heard from Mr. [REDACTED], National Trust for Jersey, who expressed concern over the use of the term 'temporary' as the existing structure had been in situ for approximately 20 years and the proposal was for a 5-year permit for a year round use. Mr. [REDACTED] reminded the Committee of the sensitive nature of the application site, which was located in the Coastal National Park and the Protected Coastal Area and he questioned whether the installation of a shipping container was appropriate in this context.

The Committee heard from Mr. [REDACTED], who pointed out that although there was a surf school on the Watersplash site it was operated by a third party, so no conflict of interest existed in his view. Mr. [REDACTED] informed the Committee that he had objected to various applications for the extension of the existing permits for this site. Mr. [REDACTED] noted that whilst the application proposed a surf school and shop, the supporting information indicated that the majority of the space would be used for retail purposes. He went on to question the viability of a surf school in an area which already had 6 surf schools, not including Healing Waves. He was not convinced by the argument that demand outstripped supply year round, but accepted that there might be a desire for surf camps during school holidays. Mr. [REDACTED] went on to add that, in his view, permission for further temporary structures in the area was not appropriate. Previous approvals referred to by the applicant related to surf schools with associated facilities, which were not included in the scheme. Mr. [REDACTED] stated that the nearest public conveniences were at Le Braye and he expressed concerns about the potential use of the facilities at the Watersplash Beach Bar and Diner by patrons.

The Committee heard from the applicant, Mr. [REDACTED], who felt that objections from the National Trust for Jersey were somewhat hypocritical given the

fact that the organisation had been permitted to undertake development in the Bay. He also expressed the view that the objections made by Mr. [REDACTED] were motivated by the threat of competition. The Chair asked Mr. [REDACTED] to address planning related issues. He went on to explain that, due to the temporary status of the permits which had been issued on the application site he had been left with no choice but to reapply for extensions. The temporary nature of the extant permit also made it difficult for him to formulate a business plan. In terms of access to facilities, the Committee was reminded that conditions which had been attached to permits for other premises in the Bay, [REDACTED] included a requirement to provide public access to toilet facilities. Mr. [REDACTED] discussed the history of the site, [REDACTED]

[REDACTED] had established the Line Up in 2004, which had been voted the best place to eat in St. Ouen's Bay in 2009. He was absolutely convinced that sufficient demand existed for the proposal. Mr. [REDACTED] noted that outdoor activities were promoted by the Government of Jersey as part of a healthier lifestyle and he advised that there were approximately 10,000 people who wished to surf every year with only *circa* 350 surf boards for hire in total, the majority of which were utilised all summer by surf camps, which indicated that demand outweighed the supply. The applicant informed the Committee that the venture would be predominantly a surf school and academy with the retail aspect required to generate funding.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed within the Department report.

Samuel Le Riche House, Arzl, Canning Court and former Waitrose Warehouses, Plat Douet Road, St. Saviour: proposed demolition of existing buildings and construction of 18 one bed and 48 two-bed residential units and dementia care village.
P/2021/1977

A8. The Committee considered a report in connexion with an application which sought approval for the demolition of the properties known as Arzl House, Canning Court, Samuel Le Riche House and warehouses and the construction of 18 one-bedroom and 48 2-bedroom residential units and a dementia care village. The Committee had visited the application site on 6th December 2022.

Connétable K.C. Lewis of St. Saviour was not present for this item.

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 Network. Policies SP2, SP3, SP4, SP6, SP7, PL3, GD1, GD2, GD3, GE5, GD6, GD7, GD10, NE1, NE2, ER3, H1, H2, H3, H4, ME1, ME2, C12, C16, C18, TT1, TT2, TT3, TT4, WER1, WER2, WER6 and WER7 of the 2022 Island Plan were of particular relevance.

The Committee noted the extensive planning history of the sites and was advised that now the entire area was within the same ownership, the opportunity existed for a more holistic and comprehensive approach to redevelopment.

The scheme proposed the demolition of all existing buildings and proposed a mixed-use residential and care home development, which would be spread across a series of 5 storey/4 to 5 storey blocks. The residential element of the scheme would provide 66 apartments (18 x one-bedroom and 48 x 2-bedroom) which would be located within the 2 western most blocks. This would include a ground level car park, with two podium level landscaped courtyards for residents. The vehicle access and circulation routes through the site would be re-designed and this would involve the replacement of the existing internal circular road and 2 vehicle access points with a single point of entry and exit and a double-width roadway along the southern part of the site. This would provide access to parking for residents, care home staff and visitors, as well as continued access for deliveries through to the neighbouring supermarket. Public pedestrian access would also be maintained. The Highway Authority was content with the transport arrangements and implications of the proposed development, subject to certain contributions towards sustainable

transport infrastructure. The applicant had also agreed to the provision of various other off-site contributions, including upgrading children's play equipment at an adjacent school.

The site presently comprised a variety of different uses which were generally redundant and disused, significantly detracting from the character and appearance of the area. In recent years, permission had been granted for various schemes, but none had been progressed. The Department was satisfied that the proposed development would fit comfortably into the established wider context of the area, making good use of a valuable Built-Up Area site, and would not unreasonably harm the residential amenity of neighbouring residents. Therefore, the application was recommended for approval, subject to the imposition of certain conditions which were detailed within the Department report and on the basis of the entering into of a Planning Obligation Agreement to secure the following –

- a financial contribution towards bus shelters at the 2 nearest locations for Town bus services (to be provided prior to occupation of the development [REDACTED])
- a financial contribution towards improving the bus service (to be provided prior to occupation of the development [REDACTED])
- a financial contribution towards the Eastern Cycle Network (to be provided prior to commencement of the development [REDACTED])
- a financial contribution towards the creation of a footway between the site and Plat Douet Road, to include a crossing point at the junction with Bagot Road (to be provided prior to commencement of the development [REDACTED])
- a financial contribution towards the supply of 5 electric bicycles and charging stations for staff of Plat Douet School [REDACTED]
- a financial contribution towards the supply of a minibus for Plat Douet School [REDACTED]
- a financial contribution towards new play equipment for Plat Douet School [REDACTED]
- a financial contribution towards the refurbishment of the community cricket facilities located at FB Fields [REDACTED]
- a financial contribution towards the refurbishment of the existing children's play equipment at nearby play areas, including Clos Gosset and Grasset Park [REDACTED] and,
- ensuring that unimpeded access was maintained for pedestrians through the site from Plat Douet Road to the neighbouring supermarket during its opening hours.

In the event that a suitable POA was not agreed within 3 months of approval, the application would be re-presented to the Committee.

11 representations had been received in connexion with the application, including one on behalf of Waitrose Limited and these had been included with the Committee's agenda packs.

The Committee viewed a digital 3D model of the site and surrounding area It considered the west and south-west corners of the site from Plat Douet Road and

noted a view of the proposed development from outside Plat Douet School. It was noted that whilst the Canning Court building line came up to the edge of the site, the proposed development provided a buffer along the northern boundary. The Committee also considered a view of the existing warehousing and the proposed façade of the care home.

No persons present wished to speak against the application.

The Committee heard from Mr. [REDACTED] head teacher of Plat Douet School. Mr. [REDACTED] advised that the scheme had been revised to reduce overlooking of the school playground. The proposal would result in improvements to transport and traffic, as existing parking for the school was limited and the applicant company was working with the school to develop an upgraded school parking system and the school would be provided with electric minibuses as part of the Planning Obligation Agreement (POA). These would be used [REDACTED] on trips and to sporting events as well as for a drop and drive service for staff. Electric bicycles had also been offered to staff who wished to cycle to school. Mr. [REDACTED] concluded that the proposed development would result in a number of positive benefits for the school.

The Committee heard from Mr. [REDACTED] of MS Planning. Mr. [REDACTED] advised that the site had been redundant for a considerable period and the current application provided a significant and comprehensive proposal, which included properly planned infrastructure. The proposed development was supported by the Bridging Island Plan Policies and presented the opportunity to provide a vibrant, mixed-use community development, of a scale and form that were relevant to the area, with minimal waste as no basement was proposed, and an energy plan.

The Committee heard from Mr. [REDACTED] of Axis Mason who stated that the scheme offered a unique opportunity to provide dementia care facilities alongside new homes. The care facilities would be adaptable and inclusive, extending independence for care home residents and including apartments alongside the care home to create a more integrated living environment. The scheme would make a positive contribution to the area using high quality design with vertically proportioned windows and a layered façade and balconies. It was a sustainable proposal which promoted active travel, providing 93 parking spaces, car sharing bays, bicycle and motorcycle spaces. There would be extensive landscape and ecological improvements and the application provided an opportunity to create a well-integrated, attractive space that would benefit residents and the community.

The Committee heard from Mr. [REDACTED] of LV Care Group. Mr. [REDACTED] advised that LV was a local care group which operated [REDACTED] in the Island. It was noted that there was currently a total provision of approximately 1,000 care home beds in Jersey, [REDACTED]. There were [REDACTED] individuals waiting to access services who were currently in hospital due to the lack of available beds in the community. Incidences of dementia were set to increase with the aging demographic and the Island was considered to be in a crisis situation, with a predicted to rise in the number of dementia patients [REDACTED]. The proposal followed a Dutch model, which created a village environment, normalising life as far as possible, with the inclusion of a facilities such as a café, pub and supermarket, working on the principle of social inclusion. It was hoped that the proposed development would provide one of the best dementia facilities in the UK and Europe.

The Committee heard from Mr. [REDACTED] of Dandara Jersey who referred to the previously approved schemes for residential development. The application site was considered to offer a valuable opportunity to create a bespoke dementia care village. Consultation had been undertaken with Waitrose, the school and the Parish during development of the scheme, which would remove unsightly buildings and antisocial behaviour and create safe access with a nature walk to the northern boundary.

Funding would be provided to refurbish [REDACTED] areas within [REDACTED] metres of the site and to update the cricket fields at F.B. Fields, following consultation with Jersey Sport. Up to [REDACTED] in contributions would be made to the community. The proposed development would ease the care and housing crises and would create a cohesive community and public space replacing the current buildings with well-designed architecture.

In answer to a question from the Committee, Mr. [REDACTED] advised that the proposed care village included a restaurant, a theatre and a community hall which would be used as a flexible space for activities, including arts and crafts.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chair and Deputy M.R. Le Hegarat of St. Helier North, decided to refuse permission, contrary to the Department's recommendation. Members considered that in only meeting minimum standards, the living spaces were too small; that the height of the roadside elevation onto Plat Douet Road was overbearing, that the design was not distinctive enough, and that design finesse was needed in respect of the appearance of the gable end aspect from Gordon Le Breton Close. While not being cited as a reason for refusal, the Committee was of the view that more open space and places for children to play on site should be considered.

As the Committee's decision was contrary to the Department's recommendation, the application would be re-presented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

31-41 Broad
Street and 19-
29 Commercial
Street,
Commercial
Street, St.
Helier.
P/2022/0388

A9. The Committee considered a report in connexion with an application which sought approval for the demolition of existing buildings at Nos. 31-41 Broad Street and 19-29 Commercial Street and the construction of 137 one-bedroom, 96 x 2 bedroom and 5 x 3 bedroom residential units, and the construction of an 103 room aparthotel with ground floor restaurant, cafés and shops with associated car parking, landscaped public courtyard and pedestrian access link, as well as the restoration of the facades to Nos. 35-37 Broad Street. The Committee had visited the application site on 6th December 2022.

Deputy T.A. Coles of St. Helier South was not present for the determination of this item.

A site plan, drawings and 3D model were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor and the site included Listed Buildings. Policies SP1, SP2, SP3, SP4, SP6, SP7, PL1, GD1, GD2, GD3, HD5, GD6, GD7, GD10, NE1, NE2, HE1, HE5, ER1, ER2, ER4, EV1, H1, H2, H3, H4, H6, ME1, ME2, ME3, CI6, CI8, TT1, TT2, TT3, TT4, WER1, WER2, WER6, WER7, UI3, UI4, of the 2022 Island Plan were of particular relevance, as were Supplementary Guidance notes SPG3 and SPG6; the January 2020 Shoreline Management Plan; and the March 2021 St. Helier Character Appraisal.

The Committee noted the relevant planning history of the site, which included planning application reference P/2011/0817, which had been approved on 16th December 2011, but had not been implemented. That application had proposed the demolition of the existing buildings and the construction of a 6-storey building comprising retail units and offices with basement parking and the restoration of the facades of 35-37 Broad Street and the harbour wall structure.

It was noted that the application sought planning permission for the demolition of existing buildings and the erection of a mixed development comprising high street shops and offices, residential dwellings and an hotel. To facilitate the construction of the new buildings, the demolition of the existing buildings would be completed behind the retained frontages of the pair of Listed Buildings facing onto Broad

Street. The northern part of the site that fronted onto Commercial Street and formed the south-western boundary of the site, was presently largely open and used as a car park. There was a substantial group of buildings facing onto Commercial Street which were used as commercial offices and these would be demolished to make way for the key components of the scheme. The demolition of the buildings had commenced and the Listed Building within the site had been demolished. Demolition works, to include the demolition of the Listed Buildings, had been undertaken pursuant to a previous grant of planning permission for an office development on the site, which had subsequently been abandoned due to the absence of market demand.

The residential units would comprise 137 one-bedroom; 96 x 2 bedroom and 5 x 3 bedroom residential units within 3 main blocks identified as A, B and C within the plans. Block A would comprise the front third of the site within a U shape, with a frontage to Broad Street and return projections along the north-west and south-east side boundaries of the application site. Blocks B and C would, respectively, be close to the north-west and southeast boundaries, and abut Commercial Street. The hotel block (H) would be centrally located across the Commercial Street frontage. All the residential dwellings and hotel bedrooms would be at first-floor level or above and the dwellings would have balconies. Residential communal areas would be provided on the roof over the fourth floor towards the front of the development (block A). The residential units within the south-east facing side elevation at first-floor level would have access onto the roof over the proposed car parking, and private external garden areas would be provided for those dwellings. However, this would only serve one of the 5 x 3 bedroom units.

Out of 238 residential units, 20 units would be dual aspect, while the remaining units would have a single aspect to either the north-west or south-east. All of the residential units would be accessed from communal corridors running centrally along the 3 main residential blocks.

96 car parking spaces were proposed below a flat-roofed area adjacent to the southern boundary of the application site, accessible from Commercial Street which would utilise a double stacking system using a mechanical lift to enable cars to sit above each other. The proposals included secure cycle storage within communal areas on the ground floor. Areas were provided for the storage of household waste and recycling.

The proposals included the restoration of the Listed façades of Nos 35-37 Broad Street and the removal of the bulk of the built form of those buildings, with the ground floor of No. 35 Broad Street being removed to provide pedestrian access into a central courtyard. The built form of the development would comprise a broadly rectangular structure with a central undeveloped core providing pedestrian access and landscaping at ground floor.

The numbers of floors within the proposed development generally increased as the site extended back from Broad Street towards Commercial Street and the Committee noted the details of the same. The application proposed 5 distinct components to the front elevation to Broad Street. The proposed hotel, which would front onto Commercial Street, would be 8 storeys high and would include a ninth floor housing plant and equipment. Towards the south-eastern side boundary of the Commercial Street frontage, the building height would reduce to 6 storeys.

During the application process, amended plans had been submitted which had not changed the scale of built form, but had sought to increase articulation of the upper floors in relation to the remainder of the building. The applicant had stated that the maximum height of the components of built form proposed would not be materially greater than that of the previously approved office development. However, for the hotel element, there would be an increase in the height of built form on the

Commercial Street frontage. The tallest existing building on the site was noted as being 19.5 metres to its ridge and 14.8 metres to the eaves.

The applicant had stated that the total volume of built form would be circa 30 percent less than that previously approved, and the floor area would be reduced by approximately 15 percent. The lesser scale reduction of floor area was attributed to floor-to-ceiling heights, which were much reduced within a residential/hotel development compared with an office development.

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

While the delivery of housing and other contributions to the local economy were welcomed by the Department, the harm caused by the scale of the development and the poor-quality living conditions proposed were considered to outweigh the benefits. Furthermore, it was considered that a reduced scheme, which was better designed in terms of scale and living conditions, could deliver a similar scale of benefit to the local community. Therefore, it was recommended that the application be refused on the basis that the excessive height of the proposed building would be incongruous and out of keeping with the prevailing scale of built form in the locality, being harmful to the character and appearance of the area. The application was considered contrary to policies SP3, GD6 and GD7 of the Bridging Island Plan 2022. The Department further contended that the proposed development, by way of its design, layout and orientation, would result in unacceptable living conditions for occupiers by way of inadequate daylight and sunlight and was considered contrary to be Policy GD1 of the of the Bridging Island Plan 2022 and SPG 6, 'A Minimum Specification for New Housing Developments'.

It was noted that the applicant had provided the Department with information relating to the viability of the site and that the valuation of the site included the existing land value. Whilst density calculations were not available in respect of the scheme, it was considered that these would not alter the impact, whether they were within or above acceptable levels.

The Committee heard from Principal Historic Environment Officer, Ms. [REDACTED]. It was noted that the Historic Environment Team (HET) had objected to the previously approved office development due to its impact on the wider setting. The application site was located in a Medieval part of St. Helier, which also included 18th century buildings. It was recognised that the demolition of the Listed Buildings on the site accorded with the conditions of the previously approved scheme and that any objections to the loss of those buildings accordingly fell away. The HET objection now related to the impact of the newly proposed development on Broad Street. The Committee noted that the building presently occupied by Aurum the jeweller, which adjoined the site on Broad Street, was Grade 4 Listed.

No persons present wished to speak against the application.

The Committee heard from Connétable A.S. Crowcroft of St. Helier, who spoke in favour of the application and was disappointed that it had been recommended for refusal. He advised that the application had been subject to consultation, which had included the erection of displays in the Town Hall, discussions with Government and Chamber of Commerce. He considered the application to be a catalyst for the regeneration of Broad Street, as it would include paving the road, providing open space approximately the size of the Royal Square, improving pedestrian permeability to the bus station and would deliver much needed homes and tourist beds. While there were some nuances in terms of the height of the proposed buildings and the light available to some of the apartments, the Connétable considered that these could be addressed by minor adjustments to the scheme.

The Committee heard from Mr. [REDACTED] of MS Planning who also expressed

disappointed at the Department's recommendation for refusal. Mr. [REDACTED] distributed images of the proposed scheme, which the Committee had received as part of its agenda pack.

The Committee heard from Dr. [REDACTED] who specialised in daylight and sunlight assessment. She considered that the wrong metric had been used to assess the level of daylight and sunlight provided to units in the proposed development, with requirements that could not be achieved by properties on Broad Street and Charing Cross due to the layout of the street. Dr. [REDACTED] noted that the latest guidance removed the need for a 'no skyline assessment'. The proposal could achieve 84 percent compliance with the Building Research Establishment's (BRE) guidance, which was considered good in a town centre area with narrow streets. Dr. [REDACTED] was of the view that the application delivered an entirely respectable level of daylight and sunlight.

Mr. [REDACTED] addressed the Committee, stating that the proposed development enhanced connectivity, took placemaking into account, provided housing and made better use of already developed land, was in accordance with the policies of the Island Plan and aligned with the stated aims of the Minister for the Environment. This was considered an appropriate site for taller buildings and the current proposal had been modulated to provide a settled roof form, as well reducing the expansive mass of the previously approved scheme on Broad Street (there would no longer be oversized office floors and the plant had been moved to a less sensitive side of the development). The 2022 Bridging Island Plan required over 800 new homes year on year and the scheme would make a valuable contribution towards this aim and insufficient weight had been given to this. The Jersey Architecture Commission had invited the applicant to focus on the courtyard area and had described the scheme as 'exciting' with the potential to raise the benchmark. There was no reference to this in the Department's report. Consultation had been undertaken, the outcomes of which were not mentioned, nor were engagements with the Future Places Ministerial Group. Furthermore, no reference had been made to the adopted Design Guidance for St. Helier. No criteria-based rebuttal to the proposal had been provided and it was felt that the overall benefits outweighed any adverse impact. The proposals aligned with the aims of the Bridging Island Plan.

The Committee heard from Mr. [REDACTED]. Mr. [REDACTED] advised that the application was concerned with placemaking and delivering benefits for Islanders. Public consultation had been undertaken in respect of the project and businesses had been excited as the plan was seen as an opportunity to boost the economy and meet strategic priorities. The proposal would go some way towards addressing the housing crisis, create a new courtyard garden and improve access to the bus station. The scheme would provide 238 units of accommodation which would exceed minimum standards and include private amenity space. Le Masurier's [REDACTED] recently approved development in Bath Street demonstrated their ability to provide regeneration in St. Helier and to protect green space. Tourism had struggled in the wake of the Covid-19 pandemic and the application offered a new aparthotel, which was supported by Visit Jersey and would generate 17,000 overnight stays each year [REDACTED]. The site would be accessible to the public, create green space in Town and feature internationally acclaimed art.

There was synergy with other proposals for Broad Street, including an opportunity to create a safe pedestrianised core for St. Helier. The development would support 150 full-time jobs in construction and the creation of 25 jobs at the new aparthotel, as well as further jobs in the supply chain. Consideration had been given to carbon reduction and energy efficiency and the application met common strategic policies and amounted to an investment in St. Helier at no cost to the tax payer. This was a considered proposal made following the receipt of pre-application advice and it was underpinned by a robust plan which made it commercially viable as presented.

Reducing the height of the development would negatively affect the viability of the scheme and this considered to be unnecessary as the application offered a 30 percent reduction in mass. Mr. ██████ concluded by stating that the provision of housing, the boost to tourism and the provision of green space in town would be given due weight.

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

Field Nos. 800
and 801, St.
Saviour:
proposed
change of use.

A10. The Committee received a report in connexion with an application which proposed the change of use of Field Nos. 800 and 801, St. Saviour to facilitate their use as outdoor educational amenity space for Jersey College for Girls. The Committee had visited the application site on 29th November 2022.

P/2022/1044

Connétable K.C. Lewis 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 Green Zone, was designated for school recreational purposes and was on the Eastern Cycle Route Corridor. Policies SP3, 4, GD1, 6, NE1, 3, HE1, 5 and TT1 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site comprised a parcel of land which formed part of an agricultural field used for the growing of crops. It was located immediately adjacent to the defined settlement limits and the land sloped away in a south easterly direction, occupying a prominent hillside position with distant views. The application site was also situated within a wider area of land surrounding Les Varines, a Grade One Upper Palaeolithic site, which was of international significance.

The application sought permission for the change of use of the above land to outdoor educational amenity space and the scheme included a 2 metre high fence. The proposals had originally included a substantial earth bund along the eastern boundary of the site, but this element had now been removed from the scheme. Pedestrian access by staff and pupils to the site would be via a track along the northern boundary of the dwellings which faced onto New Zealand Avenue. If permission was granted informal access to this track would no longer be available to local residents for safeguarding reasons.

The application had been assessed against the relevant policy context and given the designation of the site for educational purposes, there was no objection to the principle of the change of use of the land. Consequently, the application was recommended for approval, subject to the imposition of the condition detailed within the Department report.

6 representations had been received in connexion with the application.

The Committee heard from Messrs. ██████ of Jersey College for Girls and ██████ of KE Planning. As the land was designated for the intended purpose in the Bridging Island Plan, the Committee asked Messrs. ██████ to focus specifically on the objections which had been raised in relation to the track referred to above as this appeared to be used currently as a safe pedestrian route. Mr. ██████ outlined the benefits both to students and in terms of the landscape restoration. He reminded the Committee that there was no authorised public access to the site at present but advised that the school would seek to maintain access before and after school for pupils walking to other schools in the area. Mr. ██████ advised that whilst the gate would not be manned, staff on duty in the mornings and afternoons would monitor its use.

Mr. [REDACTED] also highlighted the positive impact of the creation of outdoor educational amenity space. He explained that access would be maintained for pupils attending schools in the area before and after school and that access from the north of the site would be available at other times.

The Committee heard from 3 students of Jersey College for Girls, all of whom discussed the positive benefits of the creation of outdoor amenity space on both physical and mental health.

The Committee heard from Connétable Lewis of St. Saviour and Mr. R. Le Quesne, Procurer du Bien Public, Parish of St. Saviour, both of whom raised objections to the loss of the informal public access to the track, especially given the volumes of traffic on both Les Varines and Fountain Lane. Mr. Le Quesne suggested that the use of the track should at the very least be formalised as a safer route to schools.

Having considered the scheme the Committee, with the exception of Deputy M. R. Le Hegarat of St. Helier North, concluded that it could not support the application and permission was refused on the basis of the loss of the informal public access to the track, which was contrary to the stated aim of the Government to provide access to the countryside and to the Active Travel Policy. The Committee made it clear that it was not opposed to the change of use of the fields to facilitate the creation of outdoor educational amenity space, but it did not believe that the school had explored all available options to maintain public access and specific reference was made to students attending other schools.

Having recognised that its decision was contrary to the Department recommendation, the Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation.

Reaction
Physiotherapy,
Bienvenue, La
Rue du Froid
Vent, St.
Saviour:
proposed
demolition and
redevelopment.

P/2022/1103

A11. The Committee received a report in connexion with an application which proposed the demolition of the existing medical facility known as Reaction Physiotherapy, Bienvenue, La Rue du Froid Vent, St. Saviour and its replacement with 2 new dwellings with associated landscaping and car parking. The Committee had visited the application site on 29th November 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 was on the Eastern Cycle Route Corridor. Policies SP1, 2, 3, 4, 7, PL1, GD1, 5, 6, 8, NE1, HE1, H1, 2, 4, ME1, TT1, 2, 4, WER6, 7 and UI3, of the 2022 Bridging Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Notes. No. 3 (car parking standards) and 6 (a minimum specification for new housing developments).

The Committee was advised that a previous application for the construction of 2 x 4-bedroom dwellings on the application site had been refused on the grounds that it was contrary to Policies H1, SP3, GD1, 5, 6 and ME3 of the 2022 Island Plan.

It was noted that the application site comprised land and buildings which were used in connexion with a medical practice. The site was dominated on the southern boundary by a large single storey building and there was an open area for car parking towards the front of the site alongside an access road, which also led to dwellings to the rear. The scheme proposed the demolition of the existing building and the construction of 2 detached residential units (one x 4 bedroom and one x 3 bedroom) each with integral garages and private amenity spaces. The dwellings would be finished with flat roofs and would incorporate a mix of materials for the external surfaces. Each dwelling would have 2 off-street car parking spaces and an integral garage. Private gardens would be located to the rear and this would create a buffer between the proposed buildings and an adjoining property to the south/south-east known as Primrose Hill. The key differences between this proposal and a scheme

previously refused by the Department under delegated powers was that the dwellings would be sited further away from the boundary with Primrose Hill and the footprint of unit No. 2 would be altered so that it was further away from the property immediately adjoining to the east, known as Mon Tresor. There were also changes to elevation treatments which were designed to address issues of overlooking.

The general principle of the redevelopment of the site for residential purposes was accepted. The revised siting and detailed layout of the proposed dwellings was considered to adequately address the impact on neighbours. The application had been assessed against the relevant policy context and it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report.

7 representations had been received in connexion with the application.

Deputy A.F. Curtis of St. Clement questioned whether the premises had been marketed in accordance with the Bridging Island Plan Policy SP6.

The Committee heard from Ms. [REDACTED] who lived at the property [REDACTED] [REDACTED] which was a Listed Building with single pane sash windows. Ms. [REDACTED] was of the view that the proposed development would significantly affect the privacy enjoyed [REDACTED] by virtue of overlooking. She was also concerned about the potential loss of an area of green open space between the application site and [REDACTED] she felt that this would further exacerbate the perceived loss of privacy. It was confirmed that the land in question was designated as protected open space in the Bridging Island Plan. In concluding, Ms. [REDACTED] suggested that consideration be given to a more modest development.

The Committee heard from Messrs. [REDACTED] [REDACTED] [REDACTED] who were concerned about the proximity of the proposed development to [REDACTED] property and the impact this would have on natural light. Messrs. [REDACTED] were also of the view that the design of the proposed dwellings was not appropriate in this context and suggested that the existing building should be converted to provide residential accommodation in the form of apartments.

The Committee heard from Ms. [REDACTED] who also supported the conversion of the existing building to provide flats and the view of Messrs. [REDACTED] that the proposed development would have a detrimental impact [REDACTED] in terms of loss of natural light.

The Committee received Mesdames [REDACTED] the applicant and [REDACTED] of KE Planning and Mr. [REDACTED] of J Design. Mrs. [REDACTED] advised that she had owned and operated the existing physiotherapy clinic since 1995, and had been trying to sell or lease the building since 2017, without success. The building was in poor condition and was no longer fit for purpose, so conversion was not an option.

Mr. [REDACTED] advised that the existing building had been constructed in the 1950s and was in poor condition, with the works required to upgrade it exceeding the value of the structure. The premises had been marketed for sale and rental in accordance with the relevant policy context and a marketing strategy had been submitted. The proposed new development would be more appropriate in this context and would result in a visual improvement whilst also providing much needed homes.

Mrs. [REDACTED] outlined the changes which had been made to the scheme to address the previous reasons for refusal. These included moving the dwellings further away from the boundary with Primrose Hill. She noted that Primrose Hill was located to the south of the application site so it was unlikely that there would be any impact on sunlight. Furthermore, the application site was lower than Primrose Hill. The revised scheme also moved the development away from the dwelling to the east and

proposed changes to elevations. Mrs. [REDACTED] argued that the application site had sufficient capacity to accommodate the proposed development and the scheme passed the relevant policy tests. Policy PL1 directed new development to this area and the scheme would provide 2 family homes within walking distance of schools.

There was no policy requirement for the provision of affordable housing in this location. The scheme would not have an overbearing impact and the contemporary design approach was considered appropriate in this context of dwellings of mixed character. It was not unusual to have windows which served secondary rooms in the positions shown and care had been taken to avoid prejudice by overlooking. The scheme would result in a reduced number of vehicle trips when compared with the clinic use and the applicant was willing to accept the imposition of a condition requiring targeted energy reduction.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity and Deputy M. R. Le Hegarat of St. Helier North, decided to refuse permission on the grounds that the scheme was contrary to Policies SP3, GD1, GD6, TT1 and TT2 of the 2022 Bridging Island Plan.

Ville au Veslet
Farm, Le Mont
Isaac, St.
Lawrence:
proposed
alterations to
vehicular
access.

A12. The Committee received a report in connexion with an application which proposed, among other things, alterations to the vehicular access at Ville au Veslet Farm, Le Mont Isaac, St. Lawrence. The Committee had visited the application site on 29th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Ville au Veslet Farm was a Grade 3 Listed Building. Policies GD1, 6, NE1, 3, HE1, ERE1 and TT1 of the 2022 Bridging Island Plan were relevant.

P/2022/0492

The Committee was advised that the application proposed the retention of a temporary track within Field No. 400 as a permanent means of access for the site, which included 5 residential properties, an equine business and an agricultural yard. It was proposed to use the existing access as a layby for vehicles. Finally, a driveway, which had been approved under application reference P/2018/0414, was to be removed and replaced with extended amenity space.

Having assessed the application against the relevant Island Plan policies, the Department had concluded that the provision of a track within Field No. 400 would lead to the loss of agricultural land, contrary to Policy ERE1. In addition, the proposal was considered to cause harm to the surrounding landscape and adversely affect the distinctive character, quality and sensitivity of the Green Zone, contrary to Policy NE3. It was noted that whilst certain aspects of the scheme complied with the aforementioned Policies, the application was recommended for refusal for the reasons set out above.

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

The Committee heard from Mr. [REDACTED], representing the applicant. Mr. [REDACTED] advised that 5 letters of support for the application had now been submitted and that there had been no objections from statutory consultees. Mr. [REDACTED] further advised that the temporary track across Field 400 had been created to facilitate access to the site during construction works due to the constraints of the surrounding road network. However, the Vice Chair stated that it appeared that the majority of the development had been constructed using the existing approved access arrangements. Mr. [REDACTED] continued, advising that the proposal to retain this temporary access as a permanent means of entry was considered to result in road safety improvements as the existing access was close to a series of bends with poor visibility at the top of Mont Isaac. The existing access was not suitable for modern agricultural machinery

and the scheme would result in bio-diversity and ecological improvements. The proposals also accorded with the relevant policy context and Mr. [REDACTED] stated that the applicant was willing to carry out additional landscaping should the Committee consider this necessary.

In response to questions from the Committee, the applicant, Mr. [REDACTED], confirmed that whilst he did not farm the land, he did maintain it and was himself a registered farmer. It was noted that equine, agricultural contracting and building companies operated from the site. Some of the land was leased for growing and some was used in association with the equine business. [REDACTED]
[REDACTED]
[REDACTED]

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

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

A13. The Committee, with reference to Minute No. A10 of 3rd February 2022, of the Committee as previously constituted, considered a report in connexion with an application which sought approval for 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 car parking area with a permeable surface and alter the vehicular access onto La Rue de la Clochette. The Committee had visited the application site on 29th November 2022.

Deputy S.G. Luce of Grouville and 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, PL5, GD1, 6, NE1, 2, 3, ERE2, ERE7, TT1, 2, 4, WER5, 6, 7 and UI3 of the 2022 Island Plan were of particular relevance.

The Committee noted that a previous application had been refused on the grounds that it was contrary to Policies SP1, 2, 3, 4, 6, 7, GD1, 7, NE4, 7, ERE6, TT5, NR1, WM5, LWM1, 2 and 3 of the 2011 Island Plan.

The Committee was advised that the applicant was seeking to create a commercial livery and riding school on agricultural land in the Green Zone. The design, size and siting of the proposed stables and parking area within a central, open location in the fields with minimal additional boundary planting were considered inappropriate and failed to integrate the development into the character of the area, causing landscape harm. The proposed alterations to the roadside bank to improve the visibility of the vehicular access were also considered harmful to the character and appearance of the road and the landscape character of the area. In addition, the intensification of use of the site for the proposed livery would result in unacceptable traffic generation along narrow country roads. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies SP3, SP4, SP6, PL5, GD6, NE3, ERE2, TT1 and ERE7 of the 2022 Island Plan.

10 letters of support and 29 letters of objection had been received in connexion with the application. The Parish of St. Martin objected to the application on the grounds of, among other things, traffic intensification on the surrounding narrow road network and the visual impact of the changes to the roadside bank.

The Committee heard from Mr. [REDACTED]
[REDACTED]
[REDACTED]

Mr. [REDACTED] objected to the application on the grounds that the proposed use would result in increased traffic movements and this would have a significant impact on the surrounding narrow road network, which was popular with walkers.

P/2022/0882

The roads were also too narrow to accommodate large vehicles, such as those which would be required to service the business if permission was granted. Mr. [REDACTED] concluded by referencing works which had been carried out by the applicant which had involved the creation of an entrance onto the road, which he believed were visually unacceptable and unsympathetic to the rural character of the area.

The Committee heard from Mr. [REDACTED] who asked the Committee to require the reinstatement of a hedge which had been removed to facilitate the creation of an access. The Chair advised that this was a compliance matter and would be referred to the relevant team.

The Committee heard from the applicant, Mrs. [REDACTED] and her agent, Ms. [REDACTED] of PF&A. Ms. [REDACTED] advised that pre-application advice had been sought in 2017, with regard to the proposals for the site. An application had subsequently been refused earlier in 2022, for the reasons set out above. The proposed scheme sought to address the previous reasons for refusal by removing the sand school and relocating the entrance and the proposed lighting. Landscaping, water treatment and traffic generation had been assessed and the scheme was considered to meet the key policy tests. There was a need for stabling in the Island and the proposal would have a modest impact and promoted activity which led to a healthier lifestyle. The scheme would not harm the landscape character, but would contribute positively to the character of the local area. The impact on surrounding properties and amenities was considered to be negligible and the quality of the land would not be compromised and would complement an existing small holding business which operated from the site. Animal welfare and environmental protection were at the heart of the proposal and only 6 horses would be accommodated on the site. Temporary works had been undertaken to facilitate revised access arrangements (which had been approved by the Parish of St. Martin) and it was intended to carry out additional planting to soften the appearance of the new access. The Committee was also advised that 2 existing entrances would be extinguished. Field shelters (which were believed to constitute permitted development) had also been constructed. The scheme supported the rural economy and the equine industry was the second largest in the sector. In concluding, Ms. Smits stated that the number of small farms was dwindling and the scheme helped to preserve the character of the countryside and promoted Island identity.

In response to questions from the Committee regarding the 'field shelters', the applicant advised that she had sought advice from the Department before installing the moveable structures. However, the case officer advised that whilst in-principle advice had been given to the effect that the structures might be supported by policy, no details of the structures or their placement had been submitted. Whilst the structures did not form part of the application under consideration, they did constitute permitted development, as defined by the General Development Order.

Having considered the application, the Committee decided to refuse permission for the reasons set out above.

Les Deles, La
Route de
Vinchelez, St.
Ouen:
proposed
demolition of
summerhouse/
construction of
pool house.
P/2022/0081

A14. The Committee received a report in connexion with a request for the reconsideration of an application which proposed the demolition of an existing summerhouse and its replacement with a pool house at the property known as Les Deles, La Route de Vinchelez, St. Ouen. The Committee had visited the application site on 29th November 2022.

Connétable K.C. Lewis of St. Saviour was not present for this item.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies PL5, H9 and NE3 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that whilst there were no issues with the design of the

single storey pool house, which would be screened from the public road to the north-east by mature hedging and a high granite roadside wall, the size (5.1 metres x 5.9 metres) was considered to be disproportionate in relation to other buildings on the site. This was exacerbated by an overhang which extended the width of the structure to 7.2 metres. The pool house would also be positioned away from other buildings on the site, resulting in a detrimental impact on the landscape character. Most significantly, the building (shown provided with a seating area and bathroom) would be capable of habitable use.

It had been concluded that whilst the proposed pool house was unlikely to result in any significant or unreasonable harm to the amenities of nearby users, it was likely to have a detrimental effect upon the wider setting of the site and on the landscape character. Consequently, the application had been refused on the grounds that it was contrary to Policies NE7, GD1 and GD7 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant Mrs. [REDACTED] who stated that the structure would be lower than the existing summer house and would have constituted permitted development had it been constructed behind the principle elevation of the property. It was not intended to use the building as habitable accommodation. The siting of the proposed development had been selected on the basis that this would have the least possible impact on neighbouring properties and would be well screened by a neighbouring granite wall and roadside hedge.

Having considered the application, the Committee was unable to reach a majority decision with Connétable P.B. Le Sueur of Trinity, Deputies T.A. Coles of St. Helier South and A.F. Curtis of St. Clement being minded to support the application (Deputy Curtis on the basis of the removal of permitted development rights). The remaining members, Deputies S.G. Luce of Grouville and St. Martin, M.R. Le Hegarat of St. Helier North and A. Howell of St. John, St. Lawrence and Trinity endorsing the recommendation to refuse permission. Consequently, the application was refused for the reasons set out above and in accordance with agreed procedures for instances where a vote was tied.

Written
representations received
after the
publication of
the agenda.

A15. The Committee, with reference to its Minute No. A14 of 27th October 2022, recalled that it had previously discussed the number of late representations which were being received after the publication of the agenda for the public meeting and whether to introduce a cut-off point for the receipt of such representations. Members had requested that the Department ascertain whether there was anything to prevent the imposition of a deadline for the receipt of written representations.

The Committee noted that legal advice indicated that the Department could not reasonably refuse to accept late representations. Consequently, it was suggested that consideration might be given to amending the Planning and Building (Jersey) Law 2002, in future to set a deadline for the receipt of representations. In the interim, and for the purposes of equality and fairness, the Committee concluded that written representations should not be shared with members of the Committee until such time as these had been published on the website in order to afford all interested parties the opportunity to read them. The Committee was mindful of the fact that it was open to any individual to address the Committee to raise issues relating to applications during the course of the public meeting. These oral submissions were recorded in the formal record of the meeting produced by the States Greffe.

Compliance
report.

A16. The Committee received and noted statistics which related to outcomes in connexion with compliance issues arising during 2021 and 2022.