

KML/LMH/PM/
MH/108

PLANNING COMMITTEE

(38th Meeting)

15th March 2018

PART A

All members were present with the exception of Connétable P.B. Le Sueur of Trinity, Deputy R.J. Rondel of St. Helier and Deputy S.M. Wickenden of St. Helier, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
Deputy J.M. Maçon of St Saviour
Deputy G.J. Truscott of St. Brelade
Deputy R. Labey of St. Helier

In attendance -

P. Le Gresley, Director, Development Control
A. Townsend, Principal Planner
J. Nicholson, Principal Planner
J. Gladwin, Senior Planner
E. Stables, Senior Planner
G. Urban, Planner
R. Greig, Planner
S.H. Chang, Trainee Planner
T. Ingle, Principal Historic Environment Officer
L-M. Hart, Deputy Greffier of the States, States Greffe
(items A1 - A7 only)
P. Monamy, Senior Committee Clerk, States Greffe
(items A8 - A15 only)

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

Minutes.

A1. The Minutes of the meeting held on 15th February 2018, having been previously circulated, were taken as read and were confirmed.

Noya Shapla
Restaurant,
Charing Cross,
St. Brelade:
proposed
removal of
condition of
permit.
477/5/3(980)

A2. The Committee, with reference to its Minute No. A8 of 15th February 2018, considered a report in connexion with an application which proposed the variation of a condition attached to the permit in respect of the Noya Shapla Restaurant, Charing Cross, St. Aubin, St. Brelade. The Committee had visited the site on 6th December 2016, and, more recently, on 13th February 2018.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was represented.

RC/2017/1171

The Committee had concluded that whilst it had no issue with the variation of the condition attached to the permit to facilitate the provision of a delivery service, it would wish to see a 6 month trial period (commencing on 15th March 2018 - to be made personal to the applicant) to be applied in respect of both the delivery and

takeaway services. 4 conditions were proposed, 2 of which specifically related to the temporary nature of the permit and the fact that it would be made personal to the applicant, and these would be attached to the permit. The Committee was advised that the Parish Officials would monitor the situation during the course of the trial and report back to the Department when it ended on 15th September 2018.

Having considered the conditions, as set out in the officer report, the Committee confirmed its decision to approve the application.

Jersey Airport,
Le Mont
Fondan (land
near to the
radar
building), St.
Peter:
proposed new
aircraft
hangars.
477/5/3(372)
P/2017/1184

A3. The Committee, with reference to its Minute No. A13 of 15th February 2018, received a report in connexion with an application which sought permission for the construction of 3 aircraft hangars with associated landscaping, to include raised bunds, on an area of land near to the radar building at Jersey Airport, Le Mont Fondan, St. Peter. The Committee had visited the site on 13th February and 13th March 2018.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that Jersey Airport was situated in Airport Noise Zone 3 and that Policies SP5, GD1, GD5, GD7, NE1, NR8 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the application proposed 3 new hangars (each measuring 55 metres by 40 metres to a maximum height of 16.9 metres) in a north-south orientation on an extended apron within the Airport operational area. The hangars were a modular product consisting of an architectural membrane over an aluminium sub-structure. Although not seen in Jersey before, they would be supplied by a long established global provider. Aircraft hangers were a familiar form in the airfield and these would be appropriately sited and designed. The scheme would facilitate a diversification of the hangar services offered at the Airport into a new sector.

The Committee further recalled that it had previously decided to defer consideration of the application in order to give the applicant time to properly respond to neighbours' concerns regarding noise. It had also been suggested that, in the first instance, the consultants employed by the applicant and those employed by the Bosdet Foundation should meet representatives of Environmental Health to agree a basis for the noise assessment. Further details were also requested on the exact nature of the landscape architecture. The Committee had agreed that it would not be necessary for further presentations on the visual impact or economic benefits of the scheme as these had been well rehearsed during the course of the previous meeting.

The planning issues centered to the off-site visual impact, traffic movements and the impact on the amenities of neighbours – which related primarily to noise. A noise impact assessment had been commissioned by the applicant and, in terms of the nearest residential property (on the corner of Rue Carré and Mont à la Brune) it was anticipated that there would be a total increase in noise (due to aircraft using the hangars) of 1-2 decibels over the course of the day in the worst case. It had also been pointed out that an increase in noise levels of less than one decibel was not audible to the human ear. Jersey Airport had operating guidelines which sought to control and manage the running of engines and, whilst this would be difficult to control with planning conditions, it did offer a layer of further management.

The applicant had submitted a Landscape and Visual Assessment, reviewing the application by reference to receptors around the site, in the local, wider and distant

context. This work was relevant to the policy framework, particularly Policies GD5 and GD7. It had been concluded that any views would be glimpsed and with an integrated landscape layout (new bunding) the application was considered to meet the policy tests.

The Department was of the opinion that the proposal complied with the relevant policies and that there would be no unreasonable impact on the amenities that neighbouring users might expect to enjoy. Consequently, the application was recommended for approval, subject to the imposition of certain conditions.

8 letters of representation had been received in connexion with the application. A number of additional representations had been received after the distribution of the Committee's agenda for the meeting held in February 2018. Among these representations was a noise impact report prepared by Acoustic Associates which had been commissioned by the Bosdet Foundation in response to the report prepared by Aura on behalf of the applicant. Aura had subsequently responded to the findings of the Acoustic Associates report. The Committee noted that the Bosdet Foundation had withdrawn its objection to the application following several constructive meetings with the applicant and on the basis of the decision to include acoustic screening along the southern boundary. Further, Acoustic Associates had confirmed the appropriateness of the approach and methodology which had been adopted by the applicant (a noise map had been produced and shared with interested parties).

The Committee heard from Mr. R. McAllister, who lived in a property to the south of the site. He thanked the Ports of Jersey for the efforts they had made in trying to mitigate the noise concerns, but he was unable to support the revised proposals as he felt that they were insufficiently robust. Mr. McAllister stated that there needed to be restrictions on the amount of time that aircraft engines were in use and the model used to assess the noise levels had not taken into consideration the increased frequency of the noise events. He was of the view that the Ports of Jersey's impetus to make economic gains had been a driver in increasing aircraft movements. Long duration noise events posed a greater risk to those in the vicinity and the noise levels were exacerbated when the aircraft was stationary on the stand. He suggested that the reason Ports of Jersey had decided not to implement permanent noise measuring was because the cost was deemed excessive and he was disappointed that an Aviation noise expert had not been consulted and referenced Exeter and Southampton airports where sound sampling had been undertaken for 3 months and 92 days respectively despite the fact that neither had neighbours in as close proximity to the airfield as Jersey, nor as many scheduled daily flights. Mr. McAllister advised the Committee that he would not have maintained his objection to the proposals, had permanent noise monitoring been agreed by the Ports of Jersey and he speculated that although this would have had an annual cost of around £10,000, it was potentially a "Pandora's box of industry best practice which (the POJ) do not wish to open". Mr. McAllister concluded by observing that staff working airside a short distance away from his property would be wearing ear defenders, whilst his family would have no such protection. He argued that measures should be taken to mitigate the noise from the Airport, in the same way that action had been taken to address the odour problems for residents living adjacent to Bellozanne.

The Committee heard from Mr. M. Graham, Bosdet Foundation who advised that his organisation was now supportive of the revised proposals and considered that the recent discussions with the Airport representatives had produced a better outcome than had been anticipated. He recognised that the Airport had to strike a balance between its commercial interests and being a good neighbour and he maintained that the revised proposals succeeded in this regard.

The Committee heard from Messrs J. Crick, Chief Commercial Officer, Jersey Airport, I. Mathews, Acoustics Associates, Noise Consultant and M. Stein representing Jersey Airport. Mr. Crick reiterated that following the last meeting, he and his colleagues had been tasked to agree a methodology for monitoring the noise levels and to also look at ways that the noise could be mitigated. There had been two meetings with Bosdet Foundation representatives and a long telephone conversation with Mr. McAllister in order to ascertain his views. Although Mr. McAllister had wanted permanent monitoring to address the extended use of aircraft auxiliary power units, it had been decided that it would be more effective to increase the number of stand audits as this was considered a more accurate way of assessing noise levels and identifying concerns.

Mr Mathews advised that the noise contour measurements had been based on worst case (loudest) scenarios. A 3D model of sound propagation had been created comparing sound levels within the existing site and within the proposed topography. The acoustic fence would absorb sound airside. South of the development the level was expected to be 3 decibels and a maximum operating time of 30 minutes before departure would be implemented in respect of aircraft auxiliary power units. Mr. Mathews opined that permanent noise monitoring would encompass all of the noises created at the Airport and therefore be imprecise, whereas the procedure suggested would provide more accurate and reliable data.

The Committee established that there would be limited exclusions to the agreed hours of operation for medical emergencies and flights in distress, subject to the agreement of the Airport Director. Deputy J.M. Maçon of St. Saviour sought confirmation that maintenance of the acoustic fence would be undertaken by the Airport. Having obtained such confirmation, the Committee approved the application, subject to the inclusion in Condition 8 that the acoustic fence would be maintained operationally.

Coast Road
Stores, Nos. 1-
4 Pres de la
Mer, Nos. 1-2
Sur la Côte,
Ceol Na
Mara, Nos. 1-3
Prospect Place
& Nos. 1-2
Mon Caprice,
La Grève
d'Azette, St.
Clement:
proposed
demolition and
redevelopment.
477/5/2(775)

A4. The Committee, with reference to its Minute No. A4 of 21st December 2017, considered a report in connexion with an outline application which sought permission for the demolition and redevelopment of Coast Road Stores, Nos. 1 - 4 Pres de la Mer, Nos. 1 - 2 Sur la Côte, Ceol Na Mara, Nos. 1 - 3 Prospect Place and Nos. 1 - 2 Mon Caprice, La Grève d'Azette, St. Clement and the construction of a new residential development comprising 11 new residential units. It was also proposed to alter the vehicular accesses onto La Grève d'Azette. The application sought permission for the proposed means of access, siting, scale and mass of the development, with the external appearance, materials and landscaping being reserved. The Committee had visited both the site and the property known as La Maisonette on 19th December 2017 and, more recently on 13th March 2018.

A site plan, drawings and a 3 dimensional model 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 – SP3, SP6 and SP7 of the 2011 Island Plan were of particular relevance.

PP/2017/1269

The Committee recalled that a previous application for the redevelopment of the site had been refused on the grounds that the Committee was concerned that the scheme would be detrimental and have an overbearing impact on the property known as La Maisonette, not just in terms of loss of sunlight, but also the 'boxing in effect' which would arise from the construction of proposed unit No. 2. The Committee had agreed that further consideration was required with regard to the scale and mass of unit No. 2 and its impact on La Maisonette. Consequently, the application had been refused. The current scheme addressed those concerns by removing the second floor element of unit No. 2, so that units No. 1 and 2, which were nearest to La Maisonette, were both 2 storey townhouses.

The Committee noted that the application proposed the demolition of all existing buildings on the site and the construction of a residential development. The site was located within the Built-Up Area in a sustainable location close to St. Helier and all its amenities, employment opportunities and services. The area was also served by a regular bus service and was adjacent to the beach. The scheme proposed good car parking and cycle provision. The Committee was advised that Policy H6 stated that new dwellings would be permitted within the Built-Up Area, subject to the housing standards being met, which was the case in this instance. Policy GD3 sought a more sustainable approach to the redevelopment of land and required that the highest reasonable density was achieved for all developments, commensurate with good design. The scheme proposed a higher density of development than existed at present, but this approach was consistent with the emphasis within the Island Plan and the Department considered that the redevelopment of sites such as this in the Built-Up Area (subject to the impact being acceptable) was important to meet the housing demand on the Island, rather than developing the countryside.

The Committee noted that the applicant had submitted a marketing report which acknowledged the current employment use on the site (one of the units was occupied by a nail bar). The Department took the view that the criteria in Policy E1 could not be met as demand existed for the site, albeit on a small scale. However, it was recognised that the comprehensive redevelopment of the site offered regeneration benefits, providing a higher density of housing in a sustainable location within the Built-Up Area and making the most efficient use of the site. The development would also be set back from the road edge with a landscaped communal amenity area to the front. The scheme offered certain public benefits in terms of pavement widening, a bus shelter and a contribution to the eastern cycle route. Taking the overall aims of the Island Plan into account, the aforementioned benefits of the scheme were considered to outweigh the small loss of employment land on the site. It was not considered that the scheme would cause unreasonable harm to neighbouring properties (subject to the obscure glazing of certain windows and balconies), due to the orientation and distance between properties. The application was, therefore, 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, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), to secure the following –

- (1) a contribution of £14,850 prior to commencement towards the Eastern Cycle Route;
- (2) the provision, maintenance and upkeep of a new bus shelter, to include the land upon which it would sit;
- (3) the ceding of a proposed new footpath at the front of the site to the Department for Infrastructure; and,
- (4) the provision of street lights at the front of the site.

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

The Committee heard from Mr. J. Hill of the property known as La Maisonette. Mr. Hill stated that he had lived at La Maisonette for 18 years and, although the plans had been altered, he still considered that the resulting development would be overbearing. It was noted that currently there was an open space adjacent to the site which afforded a pleasant view of the coast looking eastwards and the area was a suntrap. To illustrate this point he showed members photographs taken of the garden bathed in sunlight. In this connexion the Committee viewed a virtual 3 dimensional model which showed the sun path at different times of the year. The case officer advised that the main impact appeared to be in the morning and during the winter months, when the sun was lower. Mr. Hill advised the Committee that he felt it was

grossly unfair that neighbours were afforded protection against the impact of high hedges, but that no such protection existed in relation to the overbearing from tall buildings. He opined that it was a matter of reasonableness. He considered that the scheme would create fantastic apartments, but not from his property's perspective. It was noted that the altered scheme would move the footprint 2 metres away from the existing property. The nearest building was currently a flat roofed structure and the proposed building would be 2.6 metres higher and span further south. Mr. Hill advised the Committee that the chalet formed an integral part of his house and would receive no natural light as a consequence of the development.

The Committee heard from Ms. A. Turner who lived in the neighbouring Roche de la Mer development. Ms. Turner also maintained her objection to the proposals on the grounds of loss of privacy. She advised that her only outside amenity space was her balcony and this would be overlooked by the new development. Referring to comments from the applicant's architect, as detailed within correspondence dated 8th March 2018, she remained concerned about the issue of overlooking and opined that obscure glazed panels should be conditional for those windows which would overlook her property. The architect had claimed that the occupants of the new development would be focused on the main view over Grève d'Azette Bay, but Ms. Turner argued that the developers could not know who would occupy the apartments and how they would use their outdoor space. Moreover she presented the Committee with photographs taken that morning which demonstrated the clear sightline onto her balcony from the development. It was noted that the Committee had not viewed the application site from Ms Turner's balcony during its site visit and she maintained that the windows and balcony of the proposed development would overlook any outside usable area to the west, unless obscure glazing was used.

The Committee received Mr. J. Gallagher, the applicant's agent. Mr. Gallagher stated that he was happy to endorse the suggested condition that there should be privacy screens on the first and second floor balconies, but considered it unnecessary for all windows on the east to also be obscure glazed. He advised that the windows which overlooked Ms. Turner's balcony on the second floor were the kitchen, master bedroom and bathroom and they were narrow and all at least 20 metres away from Ms. Turner's property.

The Connétable of St. Mary suggested that the kitchen window could be louvered to the right side, thereby allowing in light but mitigating the overlooking of neighbouring properties.

In relation to La Maisonette, Mr Gallagher advised that he had taken on board Mr. Hill's original reasons for objection pertaining to the height, overbearing and sunlight and had consequentially reduced the development by a storey. The proposed development responded to the pattern of buildings in the area and integrated with the roof flows in the vicinity. The block nearest La Maisonette had moved slightly forward, but this was not considered significant and the roof was only visible from a limited perspective. Mr. Gallagher did not regard the development as overbearing and opined that the proposed height was only slightly higher than that of the existing adjacent building. He considered that the possible negative impacts had been mitigated as much as possible and that the overall development would improve the street scape.

The Connétable of St. Mary, whilst recognising that the development site was within the Built-Up Area, wherein there existed a need to maximise use of space, reasoned that developments which placed properties in such close proximity needed to be reasonable and some compromise was required. Whilst she accepted that the overlooking issues in relation to Roche de la Mer could be overcome through conditions, she did not feel that the enclosed, oppressive and overbearing impact of

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the blank fascia of the proposed development on La Maisonette was acceptable.

The Committee concurred that the overbearing impact on La Maisonette and its amenities were of sufficient impact that they would pose serious harm under Policy GD1. The Committee, having considered the application, unanimously refused the same for the reasons set out above.

Field Nos. 230,
234 and 234A,
Paddock End,
Grouville:
change of use
to boat and
motor vehicle
parking/
installation of
hardstanding to
east (RETRO-
SPECTIVE).
477/5/2(777)

A5. The Committee considered a report in connexion with a retrospective application which sought permission for the change of use of part of the agricultural Field Nos. 230, 234 and 234A, Paddock End, Grouville to permit vehicle and boat parking. Permission was also being sought for a hardstanding area which had been created to the south east of the site. The Committee had visited the site on 13th March 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated in both the Green Zone and the Built-Up Area and was also on the Eastern Cycle Route Corridor. Policies SP1, 4 and 6, GD1, GD7, NE1, NE2 and NE3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site was located in a sensitive location adjacent to Grouville Marsh, which was an Ecological Site of Special Interest (SSI). To permit the change of use of part of the fields and the formation of the hardstanding area, as detailed above, would change the character of the site and the wider area, causing serious harm to the landscape. The scheme was considered to be contrary to Policies SP4, GD1, GD7 and NE7 of the 2011 Island Plan and was, therefore recommended for refusal.

The Committee recalled that permission had been granted in 2016 for the demolition of some existing glasshouses on an adjacent site (known as de la Mare Nurseries) and the construction of 35 houses with associated communal gardens, landscaping and parking. A new vehicular access was also to be created onto La Rue a Don (planning application reference P/2016/0308 refers). As part of that approval the creation of a wildlife corridor to the east of an existing polytunnel, as well the formation of a landscaped area to the north of the polytunnel had been required to provide a buffer between the residential development and Grouville Marsh. This formed part of the site where permission was now being sought retrospectively for the storage of vehicles and boats. In the Department's view the creation of a hardstanding area and the storage of vehicles and boats was prejudicial to the integrity of the wildlife corridor linking to the Ecological SSI in the area and would not act as a suitable buffer between the housing development and the SSI, contrary to Policies SP4, NE1 and NE3 of the 2011 Island Plan.

The Committee heard from Mr. R. Smith, the applicant and his agent Mr. A. Lee. Mr. Smith advised that the site had a long planning history, as detailed above. There had been no hedge along the perimeter of the site initially, but, after seeking advice on enhancing the ecology of the area, Mr. Smith had removed the existing *Leylandii* border and had replanted the land. When the site had been purchased there had been no agricultural constraints and the area had been reclaimed from marshlands by the previous owner and the resulting soil quality was poor. The hard standing area had been used for recycling tomato peat bags, but the ground was impenetrable and it would be impossible to sink a plough across the land. There was a small area of hoggin on the field boundary line and the wildlife corridor to the west was still to be installed. Mr. Smith advised the Committee that he had not been aware that there was supposed to be a grass land corridor to the east and he apologised for this not having been created previously, and maintained that he had now fully complied with the ecological requirements in respect of the necessary wildlife areas.

Mr. Smith owned the road and in order to be a good neighbour had allowed the land to be used as an overspill parking area, which he advised the Committee would no longer be the case. There had been no objections from the general public in relation to his unauthorised use of the land and the works were not visible from anywhere other than Paddock End. Mr. Smith advised that he had owned the site since 1973 and now that he was in his sixties he wished to continue to use the plastic tunnel to grow vegetables for sale at a local stand at Ann Port. He recognised that he should not have used the land for vehicle storage and agreed to move the boats and vehicles and the hardstanding if he was able to maintain access to one tunnel (to the middle or left).

The Committee, having considered the application, unanimously refused the same for the reasons set out above. Mindful of the applicant's intentions, the Committee suggested that he negotiate with the Department to bring forward a revised application in due course to meet the needs of this ecologically sensitive area.

Le Clos, La
Maudelaine
Estate, St.
Brelade:
proposed
demolition and
redevelopment.
477/5/3(963)

A6. The Committee, with reference to its Minute No. A9 of 17th March 2016, considered a report in connexion with an application which sought permission for the demolition of the existing bungalow known as Le Clos, La Maudelaine Estate, St. Brelade and its replacement with 3 x 4-bedroom dwellings with associated car parking and landscaping. The Committee had visited the site on 13th March 2018.

Deputy Truscott did not participate in the determination of this application.

P/2018/0051

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies SP1, 2, GD1, GD3, GD7 and H6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Le Clos was a 1950s bungalow of poor build quality and appearance occupying a sizable plot accessed from La Route Orange. The site was surrounded by residential development of various ages, styles and densities. The application proposed the demolition of the existing property and its replacement with 3 chalet-style dwellings, each with 4 bedrooms. 4 letters of objection had been received and concerns had been expressed regarding the overdevelopment of the site, the impact of the development on neighbouring amenities and on the area generally.

The scheme had been carefully assessed against the relevant Island Plan Policies and the style of the proposed houses and the plot sizes had also been compared with neighbouring sites. The applicant had worked with the Department to ensure concerns raised by an independent Planning Inspector regarding a previously refused scheme had been addressed. The number of houses proposed had been reduced (the previously refused scheme had proposed 4 dwellings) and the design and placement on site were considered to have improved. The mass and scale of the dwellings was modest, with the roof heights being low (7 metres to the ridge) compared with a conventional 2 storey property, and the new units would comply with the residential standards. Whilst the Department had a duty to encourage the best use of sites, any impact on neighbours also had to be carefully considered and, in this case, the impact was judged to be minimal and not unreasonable. Overall, the department was satisfied that -

- the dwellings would provide well-designed family accommodation;
- the level of development proposed would fit comfortably within the site;
- the site was being developed appropriately for the location and to a density equitable with the surrounding area in line with the requirements of the Island Plan.

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

The Committee received Mr. M. Collins, the applicant's agent. Mr. Collins advised that he had worked with the Department to ensure that the site was suitable for the development of 3 new family homes. All of the dwellings would be lower than neighbouring buildings and each would sit on a generous plot within the Built-Up Area.

The Committee heard from Ms. D. Lumsden, the applicant. She advised that the current house, which occupied a large site, had been owned by her grandparents and over the years had been surrounded by development. She and her cousins wished to create 3 family homes in an area which held fond memories for them all.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of the conditions set out in the officer report.

Millemont, Les
Varines, St.
Saviour:
proposed
conversion/
new vehicular
access/
extensions.
477/5/2(73)

P/2017/1029
P/2016/1097

A7. The Committee, with reference to its Minute No. A14 of 26th January 2017, considered a report in connexion with an application which proposed the conversion of the property known as Millemont, Les Varines, St. Saviour to provide 4 x 2 bedroom dwellings. It was also proposed to convert the gate house garage to provide habitable accommodation, demolish a bin store to the north-east of site and create vehicular access onto La Val Aume. In addition, it was intended to construct a single storey extension with terraces above and a 2 storey extension to the south elevation, and convert a garage and 4 x-one bedroom units to provide 2 x 2-bedroom units. Various external alterations, to include constructing dormers to the Gate House, a bin store to the east of site and storage units to the south-east were also proposed. The Committee had visited the application site on 24th January 2017, in connexion with an earlier application and, more recently, on 13th March 2018.

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 located in the Green Zone and was on the Eastern Cycle Route Corridor. Policies NE7, GD1, GD7 and H10 of the 2011 Island Plan were relevant to the application.

The Committee recalled that a previous application (reference - P/2016/1097) which had proposed alterations and extensions to the existing buildings to create a total of 9 units had been refused on the basis of the scale and massing of the proposed extensions and a significant increase in occupancy.

The current scheme proposed the rearrangement of the existing residential units on site. Whilst this could potentially be acceptable, the scheme also included extensions and the conversion of some garages to enlarge the existing building, resulting in both an increase in the number of residential units and a significant potential increase in the number of bedrooms and occupants. Given the site's Green Zone location this was not considered to comply with the Green Zone Policy or the Island Plan's Spatial Strategy. Consequently, the application was recommended for refusal.

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

The Committee heard from the applicant, Mr. H. Falle and his agent, Mr. R. Godel. The property had been owned by the applicant's family for generations and the existing buildings had been built anew in 1969. The adjacent outbuilding had been divided into smaller apartments which did not comply with current space standards

or Bye Law regulations. The property was in need of a large amount of renovation work, to include upgrading of the building fabric and internal layout alterations to allow the existing building and adjoining outbuildings to comply with space standards and building regulations. The current number of bed spaces was 18 and could, theoretically, be increased to at least 24 if the habitable roof space in the main house and a study were used as bedroom accommodation. The number of bed spaces in the revised application was 27. Substantial landscaping improvements were proposed on land owned by the applicant on both sides of Les Varines and this would be beneficial both visually and ecologically. The proposed increase in total internal floor area of all accommodation on the site would be 54 square metres, an area which would normally be acceptable as an extension to a dwelling under current Green Zone Policy. This increase in space allowed greater efficiency in terms of the number of units. Mr. Godel argued that the proposed increase in gross internal floor area could not be deemed to cause significant harm to the Green Zone. He stated that this application would enhance the use of the property and deliver road safety and environmental improvements. Mr. Godel disputed comparisons drawn between this development and a property known as Windemere which had been referenced within the Case Officer's report. In that example, the floor area and occupancy had been doubled and there had been an overall increase in mass and scale. In concluding, Mr. Godel maintained that in contrast this proposed development would not result in a significant increase in occupancy and was a sensible, reasonable approach to maximising the potential use of the building.

The Committee heard from Mr. Falle, who confirmed that his family had owned the land since 1820. The family wished to regenerate the existing buildings, which were in need of considerable renovation works. Mr. Falle felt that the proposed scheme was well designed. He also discussed the landscape improvements and ecological measures which were proposed. The Committee was advised that car parking was provided as well as retaining the gardens as a communal area.

The Case Officer countered that Windemere had been a very relevant comparison at the time of the previous application and maintained that the proposal would result in an increase in occupancy and the use of non-habitable parts of the existing building, both of which were contrary to current Green Zone Policy.

Having considered the application, the Committee, with the exception of Connétable J. Gallichan of St. Mary, was minded to support the application on the basis that the development was on the cusp of Policy G2 and would produce an attractive scheme and provide valuable homes. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting.

Co-operative
Society
warehouse site,
La Route de
Beaumont,
St. Peter:
proposed
demolition and
redevelopment.
477/5/3(1026)

A8. The Committee considered a report in connexion with an application which proposed the redevelopment of the Co-operative Society warehouses at La Route de Beaumont, St. Peter to provide 21 x one-bedroom and 44 x 2-bedroom residential units with associated landscaping and car parking. The Committee had visited the application site on 13th March 2018.

A site plan and drawings, together with a 3D model, were displayed. The Committee noted that the application site was located in the Built-Up Area, adjacent to the Green Zone, and included a Listed Building. Policies SP1 - SP7; GD1 and GD3 – GD8; HE1; H1, 4 and 11; BE5; NE1 and NE2; E1; TT2, 3, 4, 8, 9 and 14; NR1, 2, 3 and 7; WM1; and LWM2 and 3 of the 2011 Island Plan were relevant to the application.

P/2017/1479

The Committee noted that the application proposed the removal of an existing large, unattractive commercial building and the construction of 3 residential blocks comprising 63 apartments. This was considered to be a positive and sustainable re-

use of a commercial site in the Built-Up Area. The proposed residential blocks were taller than those typical of the surrounding area but, due to their position, were not considered to be overbearing on other properties. The residential element of the scheme had limited amenity space and only one car parking space per unit. However, it was considered that the development would not appear cramped given the open fields to the north and the public car park to the south, which would be improved and landscaped as part of the development, and all residents would have access to balconies and private or shared amenity spaces. The site was well located in terms of amenities, to include access to an open outlook, the beach and local facilities plus a choice of modes of transport. The seafront cycle track and a regular bus services to and from town were in very close proximity. The provision of one car parking space per unit, plus one cycle space per unit, would serve to reduce car journeys, in line with Island Plan Policy SP6. Concerns had been raised regarding the volume of traffic and the quality of the existing access and it was acknowledged that the route into and through the site via the existing Co-operative supermarket was narrow and failed to safely separate cars from lorries, and vehicles generally from pedestrians. The scheme proposed widening the road in front of the Co-operative supermarket, moving deliveries further into the site and separating vehicles from pedestrians, with clear crossing points being introduced. The potential for larger vehicles to visit the existing warehouse would also be removed. The Department for Infrastructure (DfI) had also requested a substantial Planning Obligation Agreement (POA) and a suite of transport initiatives in the event that permission were to be granted.

The Committee was advised that the former Total Sport retail unit sat within a Listed 'German Bakery' building. Whilst this building would be refurbished, it was proposed to remove 2 wings and the Historic Environment Team (HET) had objected to the scheme. The Department considered that the improvements to the building would be beneficial, retaining the scale and overall appearance of the core part whilst enlivening it. The removal of the wings allowed for improvements to be made to the access road as it turned into the main body of the site and for the most to be made of the area to the north. The public realm and architectural improvements within the scheme also enhanced the setting of the building. Taken as a whole, it was considered that the scheme offered a unique opportunity to remove an unattractive building, improve a Listed Building, address access and transport issues and create a number of new residential units in a pleasant setting with access to a range of modes of transport. The application was, therefore, 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 POA to secure a number of transport related works on and off the site, as detailed in the consultation response, dated 29th November 2017, from DfI. In the event that the POA was not agreed within 3 months, it was recommended that the Director, Development Control be authorised to refuse the grant of planning permission.

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

The Principal Historic Environment Officer outlined the effects of the development on the Listed 'German Bakery' building, as well as on the setting of the adjacent Listed buildings at the entrance to the site which it was considered would be improved. Whereas the positive retention of much of the German Bakery, the reinstatement of architectural features and improvements to the setting were welcomed and considered to offset the loss of structure (i.e. the 2 wings), the proposed demolition of the 2 surviving wings and the impact on the setting of the Bakery from Block A were not considered to meet the specific policy tests of HE1. However, overall, the balance of the application was considered to favour approval.

There were no oral representations against the application. The Committee received late submissions from Ms. C. Hammond and Mr. C.A. Rive

The Connétable of St. Peter, on behalf of the Tenants of Goose Green Marsh and also the Parish of St. Peter, confirmed that the new footpath proposed was welcomed. It was recognised that the loss of the 2 wings of the German Bakery would benefit the adjacent cottages given that traffic would be moved further away from them.

Mr. W. Dempsey, a near neighbour for a period of 18 years, welcomed the improvements proposed for the area which he considered would be beneficial.

Mr. M. Stein, Agent for the applicant, highlighted the sustainable re-use nature of the proposed development, emphasising the benefits to transport and the replacement of outworn commercial premises. The improvements to be made to the car park and the public realm generally were welcomed. Although elements of the German Bakery would be lost, these were considered to be balanced by the positive aspects of the proposals. Overall, a 'bad neighbour' would be eliminated and the ecological value of the marsh and the natural environment enhanced.

Messrs. A. Huckson, Applicant, and A. Gibb, Historic Buildings Consultant, outlined the decision which had been taken from the outset to retain as much of the German Bakery as possible, including the chimney. The benefits which would accrue to a number of the smaller adjacent Listed buildings were also outlined. It was confirmed that, overall, the development would represent a significant improvement to the area. It was confirmed that the development would be connected to the nearby drainage and other infrastructure, with the nature of the area's water table having been taken fully into account, which had led to the omission of initially proposed sub-basement parking.

Deputy R.J. Rondel of St. Helier, Assistant Minister for Infrastructure, indicated that the proposed scheme was supported by DfI, as was the suggestion from the Principal Historic Environment Officer that a log be maintained which recorded the conditions discovered during the demolition of the wings of the German Bakery. The Deputy suggested that the proposed walkway should be separated from the cycle track, and it was agreed that this should be discussed with the marsh Tenants. The developers were urged to pay close attention to the recommendations of DfI regarding the various issues around traffic in the area, and it was confirmed that the developers would make a financial contribution towards the provision of 2 bus shelters nearby, which would be dealt with under a separate planning application in due course. It was further confirmed by the Principal Planner that agreement had been reached regarding the requirement for the height of the chimney on the German Bakery to be increased; and also in respect of the 'recording of condition' of the structures to be demolished. These aspects of the application, together with details of the materials to be used, would be dealt with in the conditions to be imposed.

The Chairman welcomed the degree to which the developers had worked closely with nearby residents regarding the representations which had been made. The Chairman accepted that the mitigation associated with the demolition of part of the German Bakery – including full documentation of the demolition process - was sufficient to balance approval of the overall application. She welcomed the improvements to be made to the adjacent public car park and the revised arrangements for unloading goods to the nearby Co-operative Society supermarket. The Chairman accordingly approved the application.

Deputy Labey indicated that the Historic Buildings aspect of the development was of particular interest, including the height proposed for the chimney. Having confirmed that he considered that the current scheme represented the correct balance for the development, he approved the application.

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Deputies Maçon and Truscott, having concurred with the views expressed above, congratulated the developers on the extent of their liaison with neighbouring residents and both approved the application.

The Committee accordingly approved the application, on the basis of the conditions set out in the planning officer's report, with the addition of a condition in advance of the conclusion within 3 months of a Planning Obligation Agreement (POA) relating to an increase in height of the chimney to be reinstated on the German Bakery element of the development.

No. 12 La
Colomberie,
St. Helier:
display of
illuminated
fascia sign
(RETRO-
SPECTIVE)
(RFR).
477/5/1(630)

A9. The Committee received a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the display of an illuminated fascia sign to the north elevation of No. 12 La Colomberie, St. Helier. The Committee had visited the site on 13th March 2018.

Deputy R. Labey of St. Helier declared that he was conflicted by this application and withdrew from the meeting, taking no part in the discussion or resolution of this item.

A/2017/1229

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that No. 12 La Colomberie was a Grade 4 Listed Building. Policies GD1, GD9, BE6 and HE1 of the 2011 Island Plan were of particular relevance. In addition, Supplementary Planning Guidance Practice Note 20 - Signs and Adverts – was also relevant.

The Committee noted that permission had been sought retrospectively for an illuminated fascia sign. The Historic Environment Team had objected to the application on the grounds that the design, form and illumination would have a detrimental effect on the character and significance of the Listed building and its immediate context. The sign was not considered traditional or appropriate and the use of individual light bulbs to illuminate the sign was considered to be obtrusive in this context, detracting from the character and visual amenity of the site and the surrounding area. As set out in Policies HE1, GD9 and SPG 20, proposals (including advertisement signs) which did not preserve or enhance the character of a Listed building and its setting would not be approved. Consequently, the application had been refused and it was recommended that the Committee maintain this decision.

The Committee noted that no representations had been received in connexion with the application and that there were no oral representations against the application.

The Committee heard from Mr. R. Lapidus, Proprietor, who outlined the general decline in customer footfall to businesses in La Colomberie, which it was considered had become a relatively unattractive street, and the need to counter this trend by attracting customers. Mr. Lapidus emphasised that, following detailed historical research, he had commissioned an expert signmaker in the United Kingdom to manufacture the sign which closely resembled Marquee Signage which had been fashionable in Jersey and widespread at the beginning of the 20th century. Consequently, the sign was of Edwardian design and placed on an Edwardian-era building. It was contended that, in any event, the low level of light emitted by the sign was not an issue as the shop principally operated in only daylight hours (08:00 to 16:00). It was emphasised that the aim of the sign was to increase the vibrancy of the town of St. Helier generally, for the benefit of all.

The Principal Historic Environment Officer outlined the approach adopted by the Historic Environment Team whereby the whole frontage of a building was taken

into consideration in assessing applications. It was explained that in the present case, it was considered that the proposed lighting was not appropriate for a daytime opening business.

The Chairman indicated that she did not consider the signage to be obtrusive when viewed on passing the premises. Given that the States overall sought to support retail premises to flourish, particularly in the town of St. Helier, the Chairman confirmed her support of the application on the basis that such approval was linked to the lifetime of the business concerned.

Deputy Maçon concurred that the sign was not obtrusive and agreed that he supported the sign currently in use, again on the basis that permission should endure during the lifetime of the business. Accordingly, he approved the application.

Deputy Truscott indicated that he supported the views expressed by the Historic Environment Team and that he refused the application.

Having noted that its decision by a majority to approve the application - subject to the imposition of a condition linking approval to the life of the current business - was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision.

Nos. 12 – 14
Poonah Road,
St. Helier:
proposed new
dwelling.
477/5/1(631)

A10. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a new dwelling on the site of Nos. 12 – 14 Poonah Road, St. Helier. The Committee had visited the site on 13th March 2018.

P/2017/1382

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was in a Regeneration Zone. Policies SP1, 2 and 7; GD1, 3, 7; BE6 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site was a small but prominent corner site located at the intersection of Poonah Road and Poonah Lane. It was understood that the site had previously accommodated 2 residential dwellings which had been demolished in the 1980s. It was currently used as a car parking area and the scheme sought to infill the footprint of the entire site with a 2-storey pitched roof 2-bedroom dwelling. It was acknowledged that the site was within the Built-Up Area, wherein the presumption was in favour of higher density development. However, the relationship of the proposed development with the surrounding context, the impact on neighbouring properties and the provision of car parking also had to be taken into account. In this instance, the proposal was not considered acceptable as it failed to demonstrate a high quality of design that maintained and enhanced the character of the surrounding area, as required by Policies BE6, SP7 and GD7 of the 2011 Island Plan. The site was located on a prominent corner which provided a ‘breathing space’ within a densely built-up residential area. It was considered that the proposed development, by reason of its design and layout, would appear out of character with, and detrimental to, the surrounding built context.

The Committee was advised that the proposed development sought to build right up to the boundary edges and this was viewed as imposing and overbearing on the neighbouring property to the west. The scheme did not provide car parking and the Parish of St. Helier had objected to the application on the grounds that there was already a shortage of car parking in the area. For all of the reasons set out above, the application had been refused and it was recommended that the Committee maintain refusal.

There were no oral representations against the application.

The Committee heard from the applicant's agent, Mr. C. Buesnel, that the area had become unkempt. It had not been possible to design suitable premises with even one bay-wide parking, and consideration had been given to creating a frontage onto Poonah lane, rather than Poonah Road. It was explained that the ridge height adopted in the design had been based on the other properties in the street, although it was accepted that this could be lowered, if necessary.

The Chairman recognised that the site presently provided much-needed parking in the area, but that the proposed design envisaged in-filling the site edge-to-edge, right up to the edges of the boundary of the property, which was of concern as it accentuated the dominant effect of the proposed dwelling. Overall, the Chairman considered that the proposal was too much for a restricted site and refusal was maintained. This view was endorsed by Deputies Maçon and Truscott, who were both concerned that the proposal would be overbearing and would represent town 'cramming' in a restricted site.

Deputy Labey considered that the proposal was in keeping with the area, given that other properties nearby also did not provide parking. He did not object to the design proposed and considered that it would fit well into the site and provide much-needed accommodation. The Deputy accordingly supported the application.

The Committee accordingly, by a majority, maintained refusal of the application.

Faldouet
House, La
Ruelle de
Faldouet,
St. Martin:
proposed
demolition of
outbuilding/
construction of
dwelling.
477/5/2(778)

A11. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of an existing outbuilding at Faldouet House, La Ruelle de Faldouet, St. Martin and its replacement with a one-bedroom residential unit. The Committee had visited the site on 13th March 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Faldouet House was a Grade 3 Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were of particular relevance.

P/2017/1441

The Committee noted that the application sought consent for the demolition of an existing outbuilding to the north of the site, which was currently used as a garage/store and its replacement with a 2-storey pitched roof one-bedroom unit of accommodation. The Committee was advised that a separate household could be permitted within the Green Zone (Policy NE7) where the following criteria could be satisfied:

- the proposal related to the extension of a dwelling or conversion of part of an existing dwelling (NE7.1c);
- the accommodation was for an elderly relative or a relative who required a degree of care and/or support for reasons of health and well-being (NE7.1ci);
- the new accommodation was capable of re-integration into the principal dwelling (NE7.1cii); and
- the new dwelling was designed to lifetime home standards (NE7.1ciii).

The application under consideration related to the construction of a *detached* unit so failed to satisfy the starting criteria regarding the *extension* of a dwelling. The new unit of accommodation could not be integrated into the principal dwelling. No

information had been submitted to demonstrate that the accommodation was for a dependent relative. As such, the proposed development did not satisfy the criteria and the Department did not believe that there was any justification for making an exception to policy. Aside the above, there were also issues with some elements of the scheme. The visibility splay indicated on the amended plan appeared to be inaccurate and did not comply with the minimum standard required by the Department for Infrastructure. It was also unclear how the works would impact on a structure on a neighbouring site, which was attached to the north east of the existing outbuilding and appeared to share the same boundary wall. The occupants of the neighbouring property had objected to the scheme. For all of the reasons set out above, the application had been refused and it was recommended that the Committee uphold this decision.

The Committee heard from Mr. A. Ward, the immediate neighbour, who outlined the background to the sale of his property to him and the circumstances in which he was required to allow access to the owners of Faldouet House to maintain their property, emphasising that no maintenance had been carried out for at least 30 years. Mr. Ward's main concern centred on the lack of privacy which would result to his property from the proposed development.

Ms. J. Blakely, Architect, indicated that the proposed demolition of the existing outbuilding should be able to be accomplished without detriment to the adjacent property. Whilst clarity was sought regarding the status of both (a) an attached and (b) a separate garage under NE Policy, the Director, Development Control outlined the wording of the Policy.

The Chairman commented that whilst the existing building matched its surroundings, it was evident that it was in a dilapidated condition. It was considered that as the building has originally been conceived as a residential small house, the present application was not appropriate and the Chairman accordingly refused it.

Deputies Labey, Maçon and Truscott endorsed the sentiments expressed by the Chairman, recognising the limited possibilities for the site given its close proximity to the neighbouring property, and all refused the application.

The Committee accordingly refused the application.

La Basse Cour,
Les Grupieaux,
St. Peter:
proposed
variation of
condition.
477/5/3(1027)

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the variation of a condition attached to the permit issued in respect of the reconstruction of a ruined outbuilding to form a car port with bedrooms above at the property known as La Basse Cour, Les Grupieaux, St. Peter. The Committee had visited the application site on 13th March 2018.

RC/2012/0229

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the above application sought to extend the life of the permit by a further 3 years. Planning permission for the original proposal had been granted in 2005, with the timescale for the implementation of that permission being subsequently extended (in May 2012) by a further 5 years under planning permission reference RC/2012/0229. It was recalled that planning permission had been refused because the proposal was considered not to meet the requirements of Policy NE6 on the basis that (a) the proposed building would be disproportionately large in relation to the existing main building on the site; and (b) the development would result in the

creation of habitable accommodation in a detached ancillary building.

It was recalled that, in 2005, the principle of developing an ancillary building in the Green Zone had still been considered acceptable under the policies of the Jersey Island Plan 2002, which was the development plan in force at the time. Similarly, the 2012 permission to extend the period for the implementation of permission had been assessed against the original version of Policy NE7, and at the time the department had considered the proposal to be in accordance with that policy. The 2011 version of Policy NE7 set out a general presumption against all forms of new development for whatever purpose, but allowed certain types of development, provided that the scale, location and design would not detract from, or unreasonably harm, the character of the area.

It was noted that the revised version of Policy NE7 retained the statement that the Green Zone would be given a high level of protection from development and the general presumption against all forms of development, but reinforced that further by clarifying that the development of an ancillary building would only be acceptable if it were modest and proportionate to other buildings on the site.

Consequently, the Committee recognised that as Green Zone policy had been tightened in 2014, the proposal as previously approved, did not now conform to current policy.

There were no oral representations against the application.

The Committee heard from Mr. J. Mallinson, Applicant, that the case officer had miscalculated the percentage increase of the proposal for the ancillary building as measured against the main property, and that consequently the proposed development would indeed be subservient. It was contended that the main environmental gain from the proposal would be the connection of both premises to the main drainage system, rather than continued reliance upon tight tanks.

The Chairman confirmed that the planning history of the site was material to the Committee's consideration of the present application under current policy. Given that the proposed car port with ancillary accommodation above would be not be out of scale with the main property, and also that there would be no increase in occupation of the premises, the Chairman approved the application. The Chairman emphasised however, that the construction must proceed within the further period of 3 years now permitted through this consent. Deputies Labey, Maçon and Truscott endorsed the sentiments expressed by the Chairman and all approved the application.

Having noted that its decision to approve the application was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision.

High View, Le
Mont
Rossignol,
St. Ouen:
proposed
extension/
conversion of
tack room to
residential
unit.
477/5/3(1015)

A13. The Committee, with reference to its Minute No. A15 of 19th October 2017, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the construction of an extension to the property known as High View, Le Mont Rossignol, St. Ouen. It was also proposed to convert an existing tack room to the south-east elevation of the main house to create a 2-bedroom residential unit. The Committee had visited the application site on 17th October 2017, in connexion with a previous application and, more recently, on 13th March 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that High View was a Grade 4 Listed

Building. Policies SP4, GD1, GD7, NE7, BE6 and HE1 of the 2011 Island Plan were relevant to the application.

The Committee recalled that High View was a 2-storey granite farmhouse dating from the 1860s/70s with surrounding barns in rural St. Ouen. The front (south west) elevation was cement rendered and lined in imitation ashlar with quoins. At the rear there was a lean-to extension with a mono-pitch roof. It was proposed to construct a single-storey extension, convert the existing tack room on the side (south east) elevation to create a 2-bedroom residential unit and replace the existing foul sewage tank. The proposal also included revisions to the visibility splays at the entrance of the access drive onto the public highway.

A previous application for a similar scheme had been refused in October 2017, on the grounds that insufficient information had been submitted, despite repeated requests, to demonstrate to the satisfaction of the Department that the proposed development would preserve the architectural and historic character and integrity of the main house, contrary to policies SP4 (Protecting the Natural and Historic Environment), GD1 (General Development Considerations) and HE1 (Protecting Listed Buildings and Places) of the 2011 Island Plan. The current application had been refused on the following grounds :

- the application failed to demonstrate that the proposed extension would be subservient to the main house, particularly to the principal south elevation where there would be an unacceptable impact on the render quoins; and
- the application failed to demonstrate that the design of the proposed roof lights would be consistent in their form with the existing house window details.

As a consequence, the proposal was not considered to preserve the architectural and historic character and integrity of the main house and, therefore, failed to satisfy the requirements of Policies SP4, GD1 and HE1 of the 2011 Island Plan;

Additionally, it had been considered that insufficient information had been submitted regarding the potential impact of the development on protected species which might be present on the site, and the development was, therefore, considered to fail to satisfy the requirements of Policies NE1 and NE2 of the 2011 Island Plan;

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

There were no oral representations against the application.

The Principal Historic Environment Officer addressed the Committee, outlining further discussions which had taken place regarding the amount of set-back required for the proposed extension from the existing main house frontage. The Committee noted that set-back of 125 millimetres had now been agreed and that the method of attaching the extension to the main house would be addressed by engineering drawings to be provided in due course. The Committee was also apprised of differences in the heritage roof light design and in the details of the timber windows and door/s proposed in the various versions of the drawings submitted for the iterations of the application over time.

The Committee heard from Ms. J. Blakeley, Architect, who outlined the approach which had been taken to address concerns expressed by the Historic Environment Team.

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The Committee asked for further drawings which showed the final version of the proposed development as now agreed with the Historic Environment Team, and accordingly deferred the application to enable such drawings to be submitted to the Department on the basis that the application would be determined under delegated authority.

Quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade: demolition of sheds/ replacement with shelters (RETRO-SPECTIVE) (RFR). 477/5/3(864) P/2017/0482

A14. The Committee, with reference to its Minute No. A13 of 25th January 2018, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission retrospectively for the demolition of some sheds at a quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade and their replacement with some shelters for storage and for staff. The Committee had visited the application site on 23rd January 2017.

Deputy G.J. Truscott of St. Brelade declared that he was conflicted by the application and withdrew from the meeting, taking no part in the discussion or resolution of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee recalled that permission was being sought on a temporary 3-year basis for a free-standing container, intended to serve as a secure store for tools and equipment; and, for a second open-fronted structure designed two-fold: to provide 5 workstations and a machinery store.

The Committee had deferred consideration of the above application at its meeting in January 2018, pending the receipt of legal advice. It was recalled that the applicant's agent, Mr. M. Stein, had advised that a Departmental Compliance Officer had visited the application site and had acknowledged that the cutting and dressing of stone had taken place on the site for a period in excess of 8 years. Mr. Stein had subsequently written to the Officer confirming the details of their conversation and had been advised that no enforcement action would be taken in respect of the current use of the site because of the period of time during which the activity had taken place. However, the Director, Development Control had advised that if this position were to be accepted, the applicant would effectively have to admit to breaching the terms of the original planning permit for storage use issued in 1991, potentially making him liable to prosecution (notwithstanding any enforcement action which might be taken) and he had suggested that the Committee might wish to seek legal advice on this matter.

The Committee was advised that it had been concluded that the Department's assessment of the application and analysis of all material planning considerations were logical and appropriate. Further, with regard to the use of the site, it had been confirmed that the starting point in this respect should commence with the permitted storage use, as set out under the 1991 grant of planning permission. The Department recognised that the permitted storage use of this site, and any given site, might include some incidental activity or ancillary use. In this particular instance it was acknowledged that, historically, the working of granite on a limited, low key basis could be seen as being an incidental activity or ancillary to the primary storage use of the site. Indeed, the business appeared to have operated on this basis without complaint from neighbouring residents for a prolonged period. However, in early 2017 (with the erection of 5 dedicated workstations – now the subject of this application), the balance appeared to have shifted to a dual use – a stone working and processing operation, with some storage of granite on site. The introduction of workstations on this scale and the manner in which this facilitated more intensive

working of the granite was directly at odds with the limitations of the permitted storage use of the site. Consequently, the working of stone could no longer be regarded as incidental or ancillary and its current scale and intensity had to be regarded as a (retrospective) material change of use of the land in its own right.

Several parties had objected to the use and the intensity of the existing and ongoing operation. It was also noted that the use of the site was presently the subject of an investigation (under the Statutory Nuisances (Jersey) Law 1999) by the Environmental Health section of the Department of the Environment. In conclusion, the current use and associated workstations supported a distinctly different, more intensive and more harmful activity which was not permissible under the Green Zone Policy and was likely to cause unreasonable harm to the amenities of neighbouring land users. Moreover, to permit such development would represent a departure from the Island Plan for which there was insufficient justification. It was, therefore, recommended that the Committee maintain refusal of the application.

The Committee had received all additional documents submitted by the various parties since the January Committee meeting. The Committee also received late submissions from Messrs. P.J. Norman and J. Cattell.

The Committee heard from Mr. A. Belcher, an immediate neighbour, who was also representing Mr. J. Chinn, and a coloured plan of the site was distributed. It was emphasised that the prevailing wind to the site was from the south-west and that this inevitably brought much of the dust and noise emanating from the stone-cutting operation situated only 20 metres from his boundary and which so adversely affected his immediately adjacent property and other neighbours close by.

Mrs. C. Belcher also addressed the Committee, emphasising that since the work stations had been established, nuisance from dust and/or noise had significantly increased. It was noted that the level of nuisance subsequent to the planning hearing held on 20th January 2018, had been considerably less than hitherto, presumably because concerted effort -possibly temporary - had been made to reduce the nuisance. However, the business had generally had a devastating effect on the enjoyment of her property, particularly throughout the summer months, preventing normal use of patios, balconies and upstairs rooms, and even the ability to open windows to ventilate the house in hot weather. Mrs. Belcher commented that her family, and others in the vicinity, were generally not the type of neighbours who complained but had been driven to do so because of the intolerable situation which had existed. The Committee was informed that investigations under the Statutory Nuisances (Jersey) Law 1999 were ongoing.

Mrs. S. Harris, a near neighbour - who was also representing the views of Mr. G. Parrott - addressed the Committee regarding a previous conversation with the applicant at the time application was being made for residential development at the quarry site, wherein he had indicated that, in his view, the site was not suitable for working granite.

Mr. J. Noel, a near neighbour, indicated that not all the houses in the vicinity of the quarry had been built after cessation of quarrying activity. He commented that compliance with the planning conditions imposed in 1991 (namely, that the site was to be used solely for granite storage and that no associated building works would be permitted) had been satisfactory until such time as the operation of the site had been taken over by Mr. S. Boydens. Mr. Noel suggested that consideration of the present application should be determined solely on the basis of the relevant planning considerations.

The Committee heard from Mr. S. Boydens, Applicant, who emphasised that the majority of the dust experienced by neighbours to the quarry was caused by surface dust blown by the wind, especially that which was disturbed by vehicle movements. Mr. Boydens emphasised that hitherto he had been on good terms with all the neighbours and certainly had no wish to antagonise them. His emphasis was on developing his growing business whilst complying with the relevant Health and Safety requirements; and it was this which had led to the introduction of shelters and work stations for his staff, which were the same as those put in place at other quarries across the Island. He confirmed that he had purchased a stone-cutting guillotine, at considerable capital cost, and sought to house it in a secure building, together with other tools of the trade. This was intended to increase productivity and to safeguard his employees working on-site. His total number of employees was confirmed as 30, but of these, a maximum of only 6 or 7 would be working at the former quarry site at any one time, the remainder being engaged in work on customers' sites throughout the Island. Mr. Boydens confirmed that, whilst much work was in prospect, there had been little activity at the quarry site other than at the beginning of 2018.

Mr. M. Stein, representing the applicant, acknowledged that the current application represented a difficult situation for all concerned. He read to the Committee a number of letters of support; and the Committee also received a late letter of representation from Deputy M. Tadier of St. Brelade. It was recalled that Mr. Stein had previously advised that some stone had been stored, cut and dressed on-site since 1991, but that in the majority of cases the stone was cut and dressed at construction sites on which the applicant company was working. It was recognised that, if weather conditions were inclement or there was a lack of space on a construction site, it would be necessary to work on the application site. The shipping container was intended to facilitate such working, as were the work stations which were envisaged as a temporary measure for a period of up to 3 years. It was confirmed that working hours had been restricted to 08:00 to 16:00 during the week, with no weekend or public holiday working.

Advocate M. Boothman, representing the applicant, reminded the Committee that complaints regarding nuisance (from dust and noise, etc.) were most often determined by the Royal Court. He commented that the majority of dwellings in the vicinity of the quarry had been constructed after the quarry had been operational. He confirmed that Mr. Boydens proposed to seek to improve the appearance of the current structures for the benefit of the immediate neighbours.

The Chairman outlined the difficulties for the Committee which arose from the apparent tacit change of use of the quarry from solely the storage of granite (and implied incidental activity or ancillary operations) to operations which now often included the mechanical cutting of stone. The Committee recognised that a Departmental Compliance Officer had previously visited the application site in relation to the unauthorised structures (the shipping container and work stations) and had acknowledged that the cutting and dressing of stone had taken place on the site for a considerable period of time. It had subsequently been confirmed that no enforcement action would be taken in respect of the current use of the site because of the period of time during which the activity had taken place.

The Director, Development Control indicated that the Department might, however, in due course wish to investigate the apparent unauthorised 'change of use' of the site.

Deputy Maçon suggested that it was apparent that, over a period of time, storage and dressing of stone had been allowed at the site. However, the recent purchase of the stone-cutting guillotine in 2014 had altered that situation to that of, at least, a dual use, and it was this that needed to be addressed by means of an application for a

‘change of use.’

In summary, the Chairman commented that it should not be for the Planning Committee to be put in the position of determining, in effect, whether a business might be placed in jeopardy through the imposition of limitations on its operations. However, it was apparent that the storage of stone which had been permitted in 1991 had been intended to include the movement of product inward to and outward from the site, together with some limited ancillary operations (the hand-dressing of stone, etc.). In the event that a formal ‘change of use’ were to be pursued, the Chairman opined that a relevant application would need to proceed through the usual process of determination.

The Committee decided to defer consideration of the present application pending a visit to the site by Deputy Labey, following which the application would proceed to determination by the Committee without further representation.