

KML/

PLANNING COMMITTEE

(site visits)

(26th Meeting)

17th March 2020**PART A (Non-Exempt)**

All members were present, with the exception of Connectable D.W. Mezbourian of St. Lawrence, Deputies S.M. Wickenden of St. Helier, J.M. Macon of St. Saviour and Deputy K.F. Morel of St. Lawrence, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Connectable P.B. Le Sueur of Trinity
 Deputy R.E. Huelin of St. Peter
 Deputy L.B.E. Ash of St. Clement

In attendance -

P. Le Gresley, Director, Development Control
 A. Townsend, Principal Planner
 C. Jones, Senior Planner
 E. Stables, Senior Planner
 A. Parsons, Planner
 R. Hampson, Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe

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

Covid-19:
 revised
 procedures for
 public
 Planning
 Committee
 meeting.

A1. In accordance with Government advice, and in an attempt to support efforts to contain the spread of Covid-19, the Committee had reviewed its agenda for the public meeting to be held on 19th March 2020. Consequently, applications with a large number of objections had been deferred. In terms of the remaining items, the Committee had resolved to meet as many applicants and agents on site as was possible (and where prior agreement had been reached with interested parties), in the presence of a Secretariat Officer from the States Giraffe and Departmental officers. This measure was intended to eliminate the need for individuals to attend the public meeting on 19th March 2020. All applications would, however, be determined at the public meeting and whilst individuals were free to attend no further representations would be received and certain restrictions on access would be in place.

Georgetown
 House,
 Elizabeth
 Street, St.
 Saviour:
 proposed
 remodelling

A2. The Committee visited Georgetown House, Elizabeth Street, St. Saviour and considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for the demolition of some existing extensions to the south elevation and a garage to the south of site. It was proposed to construct various extensions to the south elevation and convert 9 bedsit units to form 6 bedsit units, 2 x one bed and one x 2 bedroom residential units. Various external alterations to

and extension.

P/2019/1127

include 2 Juliet balconies to the first floor north elevation and a garage with a 2 bedroom residential unit above were also proposed.

A site plan and drawings were displayed on site. The Committee noted that the application site was located within the Built-Up Area and was on the Eastern Cycle Route. Policies SP4, SP7, GD1, GD7, BE6, H6, NE1, NE2, NE3, NE4 and TT4 of the 2011 Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Note No. 6 – 'A Minimum Specification for New Housing Developments' and Planning Policy Note No. 3 – 'Parking Guidelines'.

The Committee was advised that the application had been refused on the following grounds –

the proposed development would result in the overdevelopment of the site. The quantum of built form being proposed on this constrained site was considered to result in a cramped scheme with a poor standard of design. Accordingly the application failed to satisfy the requirements of Policies GD7, GD1 and BE6;

the proposed development would result in sub-standard units of accommodation which failed to satisfy the requirements of Policy H6 and Planning Policy Note 6 (PPN6): A Minimum Specification for New Housing Developments - 1994.

the proposed amenity space which would serve flat No. 3 was considered to cause overlooking as a result of its second floor position and lack of privacy screen, contrary to Policy GD1.

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

No representations had been received in connexion with the application.

The Committee received an overview of the proposals from the case officer and discussed the size of the proposed units, the majority of which fell significantly short of the minimum standards. Only flat No. 4 exceeded the standards. It was noted that the 1994 standards - A Minimum Specification for New Housing Developments - did not contain a minimum space standard for units with shared facilities (namely unit Nos. 1 and 2, which shared a kitchen and unit Nos. 3 and 5, which shared a shower room. PPN6 also required a minimum area of 20 square metres for amenity space. Whilst this requirement could be satisfied for flat Nos 1 and 4, the remaining units would share a communal amenity space on the roadside elevation.

The Committee heard from Ms. E. Pool, representing the applicant company and the agent, Mr. M. Collins. Mr. Collins explained that the application sought to greatly enhance the existing bedsit accommodation. He believed that the refusal of the application had arisen as a result of the scheme having been assessed against the residential standards when it was, in fact, registered lodging house accommodation. All registered rental property in Jersey was in high demand but there was currently a lack of supply of registered smaller studio accommodation. The number of units would be reduced by one and the building would be upgraded and vastly improved. The proposal for shared facilities was based on advice received from the Department.

Ms. Pool advised that Georgetown House had been in the ownership of the applicant company for many years and had provided 9 registered bedsits accommodating 16 people and a one bedroom flat. Of those 9 bedsits, only 3 provided private en-suite bathrooms. It was proposed to reduce the number of units by one unit and use that bedsit and another currently under-utilised space to create en-suite bathrooms for other units, provide better kitchen areas for all the bedsits and, in the case of 2

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bedsits, increase the living area by creating a small lounge. In addition, it was proposed that an existing one bedroom flat would become a 2 bedroom flat by utilising a redundant attached outbuilding. In addition, the existing double garage would be rebuilt with a 2 bedroom apartment above. Ms. Pool stated that she had been involved in several similar schemes submitted by the applicant company for other sites, all of which had been approved. She also pointed out that the application was supported by the Population Office and Environmental Health. She concluded by stating that the applicant company did not sell the units.

The Committee discussed the differing standards for residential and lodging house accommodation and noted the view of Mr. Collins that a review of the standards was necessary. However, the Committee was reminded that scheme was also considered to represent the overdevelopment of the site.

The Committee thanked those present for attending the site visit and withdrew.

Santa Sofia
Cottage, La
Rue de la
Sente,
Grouville:
proposed
extension to
eastern
elevation of
dwelling.

A3. The Committee, with reference to Minute No. A5 of 15th October 2010, of a Ministerial Hearing, visited the property known as Santa Sofia Cottage, La Rue de la Sente, Grouville and considered a report in connexion with an application which proposed the removal of a greenhouse and the extension of an existing outbuilding to provide a residential dwelling.

A site plan and associated drawings were displayed and it was noted that the application site lay within the Green Zone and that Santa Sofia was a Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that permission had previously been granted under application reference (P/2008/0138) for the sympathetic refurbishment of the existing structures to provide a simple cottage. Subsequently, the former Minister for Planning and Environment had granted permission under application reference P/2010/1324 (contrary to the Department's recommendation for refusal) for the raising of the eaves and ridge height of the existing outbuilding and the construction of an extension on the eastern elevation to create a 2 bedroom unit. The scheme had not been commenced and the permit had lapsed.

The current application was similar to the 2010 scheme and proposed refurbishing the cottage and raising the roof to form a 2 bedroom dwelling with garden and parking area. A tight tank and domestic access were also shown on the drawings.

The cottage formed part of a late 19th century farm group and was located in the Green Zone, wherein there was a general presumption against all forms of development, including the change of use of land to extend domestic curtilage. Whilst the Green Zone policy allowed for the extension of a dwelling, the design must be appropriate to existing buildings and its context, must not facilitate increased occupancy and must not seriously harm landscape character. In this instance the proposals were not considered to be in-keeping as the mass of the building would effectively be doubled. Further to this, the design of the extension appeared as a separate dwelling, with the development as a whole taking on the look of a pair of semi-detached cottages, rather than a vernacular structure with a sympathetic extension.

To facilitate the associated requirements for a new dwelling, a significant part of the garden and parking areas were proposed on Field No. 173a. This change of use, which was contrary to Green Zone policy, was considered excessive and had attracted an objection from the Land Controls and Agricultural Development Section. Significant alterations to the Listed building were proposed and whilst amended plans had been submitted to address the comments of the Historic Environment Section, outstanding issues remained concerning the dormer windows which were not in the vernacular form.

The application had been refused on the grounds that it was contrary to Policies GD7, NE7, HE1 and LWM2 of the 2011 Island Plan.

The Committee heard from the applicant, Mr. A. Chandler and Ms. E. Bennett and the agent, Mr. J. Nicholson. Mr. Nicholson advised that the application accorded with the relevant Island Plan Policies and was very similar to the previously approved scheme. Whilst it was accepted that the approved application had been assessed against the previous Island Plan, Mr. Nicholson advised that the Green Zone Policy had not changed in the 2011 Island Plan. He asked the Committee to give due weight to the planning history of the site.

Mr. Chandler and Ms. Bennett addressed the Committee, advising that, on submitting the application, he had been lead to believe that a positive outcome was likely given the history

The applicant wished to create a family home on the application site and this would have the added benefit of bringing a derelict property back into use whilst making it suitable for modern living. Ms. Bennett advised that whilst some works had been carried out on site, these had been deemed insufficient to have implemented the previously approved scheme. She went on to explain that the property had previously been occupied by French farmworkers and that the area to be used for the garden and car parking had not previously been farmed. Mr. Nicholson added that because the application site had previously been a working farm there was no defined domestic curtilage.

The Committee thanked those present for attending the site visit and withdrew.

Chateaubriand,
La Rue de
Guillaume et
D'Anneville,
St. Martin:
proposed
tennis court
and fence.

P/2019/1256

A4. The Committee visited the property known as Chateaubriand, La Rue de Guillaume et D'Anneville, St. Martin and considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for a tennis court and associated fencing on Field No. 661, which was to the north west of the site.

A site plan and drawings were displayed on site. The Committee noted that the application site was located within the Green Zone and that Chateaubriand was a Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were relevant.

The Committee was advised that whilst the above field had not been used for agriculture purposed for many years, it was not within the domestic curtilage of Chateaubriand, nor did it have permission to be used for residential purposes. The land was protected by Green Zone and Agricultural Policies.

A similar application had been approved in 2012 but the scheme had not been implemented and the permission had lapsed. Whilst it was acknowledged that a tennis court had been approved in a similar position previously, the policy with regard to introducing domestic uses to agricultural land, even where the land had not been farmed for a long time, was now applied much more stringently. The Department report for the previously approved application (reference P/2012/0167)

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stated that the site was already used as an informal garden area for the house and, crucially, **was within the established domestic curtilage/garden**. This latter statement was now considered to be incorrect. Whilst the site may have been used informally for residential purposes, its authorised use as an agricultural field remained. Therefore, the application could not be supported as it was contrary to Policies NE7 and ERE1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. P. Smith and his agent, Mr. A. Davey, [REDACTED]. He discussed the planning history of the site, which included the approval of 6 previous applications which showed a red line around Field No. 661 (the land subject to this application), which set ‘a clear precedent that the land was considered to be part of the domestic curtilage of Chateaubriand’. He pointed out that the 2012 application had been approved during the lifetime of the current Island Plan and advised that the area was used [REDACTED] as a domestic garden. Mr. Smith went on to explain the approach which was proposed in terms of the soft mutli-purpose court surface.

Mr. Davey added that the land was classed as ‘unconditional’ in agricultural terms. However, the Director, Development Control pointed out that this status related to its definition in agricultural land legislation, not in Planning legislation. Such a definition did not override its status or use as a field. He went on to explain the different agricultural land use categories. Mr. Smith responded by stating that there were examples of land associated with historic farm groups having been used over a long period as a garden and ultimately having received planning permission to formalise this use. However, it was noted that, in this particular case, the Department was of the view that a smaller area to the east of the property between the buildings and the road was the most natural area for a domestic garden. Field No. 661 measured approximately 6 verges so it far exceeded any reasonable domestic need. However, it was accepted that the field had been used for more than 8 years in a very ‘light touch domestic capacity’ (in that goal posts had been positioned on the land) and this was immune from enforcement.

Prior to leaving the property the Committee viewed an existing garden associated with the dwelling. Members thanked the applicant and his agent for attending and withdrew.

Greencliff, La
Rue de Fliquet,
St. Martin:
proposed
raising of roof/
installation of
rooflights
(RFR).

A5. The Committee, with reference to Minute No. A13 of 5th July 2018, of the Committee as previously constituted, visited the property known as Greencliff, La Rue de Fliquet, St. Martin and 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 replacement of the roof. It was also proposed to install 2 dormer windows and one rooflight on the south elevation, one rooflight on the east elevation, 2 roof lanterns and one rooflight on the north elevation and one rooflight on the west elevation.

P/2017/1614

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that Greencliff was a Grade 4 Listed Building. Policies NE7, GD1, GD7, HE1 and BE6 of the 2011 Island Plan were relevant to the application.

The Committee recalled that a previous application to raise the roof to extend the loft space and install 2 lantern rooflights to the north elevation had been refused.

The property was a historic Grade 4 mid-19th century villa retaining an interesting historical character and contributing to the rural setting. The amended scheme did not address the issues which had previously been raised and the Historic Environment Section had always objected to the replacement of the roof. There was no clear justification for the loss of the existing roof structure and no additional information to demonstrate that the replacement of the roof would not have an adverse impact on protected species. The impact was, therefore, still considered to be unacceptable.

The Historic Environment Section accepted that sensitive alterations to the existing roof may be acceptable. The Department's position was that the replacement of the roof would result in an unacceptable loss of the historic fabric of the building, and the scale, size and proportions of the proposed dormers on the south elevation and the rooflight on the north elevation would cause harm to the character of the Listed Building.

The applicant's agent had suggested that permission could be granted with conditions regarding the works to the roof and protected species. Whilst the department did often condition a requirement for additional information regarding protected species, this was only where the application was acceptable in all other respects. It was not appropriate in this case to approve permission for a new, larger, roof without adequate justification.

The Committee heard from the applicants, Mr. and Mrs. R. Hickling and their agent, Mr. C. Buesnel. Mr. Buesnel stated that the size and scale of the proposed works to the roof had been significantly reduced. The revised proposals did not include the raised pediment detail and the dormers as proposed were considered to be of an appropriate size and proportion. The design maintained the basic principle of retaining the hipped arrangement of the main house roof. The building was suffering from a number of damp issues relating to the existing roof, which was not adequately insulated or ventilated. The design proposals allowed for a thermal upgrade in line with the Building Bye-Laws. The finish of an existing porch had also suffered as a result of water ingress and this would be repaired and refurbished. However, the full extent of the works required to facilitate this could not be determined until the roof structure was stripped back. The exterior of the building would also be re-rendered and upgraded and bat crevices had been incorporated in the design, albeit that there was no evidence of bats.

Mr. Buesnel suggested that the Committee might consider permitting the removal of the roof structure to facilitate investigatory works and to identify the source of problems. In terms of resolving the details of the roof structure, this could be done in conjunction with the Historic Environment Section.

In terms of the historic context, Mrs Hickling advised that many of the features referred to in the schedule were modern interventions. She added that the building had been subject to significant changes over its lifespan, to include the removal of its chimneys and window shutters. The Committee noted that Greencliff was situated immediately adjacent to another Listed Building, La Heche, which shared a number of similarities in terms of its size, scale and general arrangement. The notable difference was that La Heche had a pitched roof with gables incorporating an array of chimneys to the east and west elevations and 2 modern dormers on the main roadside elevation. Mrs. Hickling concluded by stating that the aim was to carry out the sympathetic repair and restoration of the property and the refusal of the submitted schemes was preventing this. She also referred to conflicting advice which had been received from the Department in terms of what would be deemed acceptable and stated that the changing position on this [REDACTED] attempts to move forward.

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Members thanked the applicants and their agent for attending and withdrew. Members were concerned that the Committee had been unable to seek the expert advice of the Principal Historic Environment Officer on site [REDACTED]

However, it was acknowledged that the adopted approach was not considered to be represent the best solution. Nor was it believed that the dormers on the neighbouring Listed Building should be used as a precedent.

Le Pressoir, La
Rue de Bechet,
St. John:
proposed
removal of
conditions.

A6. The Committee visited the property known as Le Pressoir, La Rue de Bechet, St. John and received a report in connexion with an application which sought permission for the removal of condition Nos. 4 (*corpus fundi*) and 5 (agricultural occupancy) which had been attached to the permit in respect of the dwelling.

The Director, Development Control withdrew for the duration of this item.

P/2019/1478

A site plan and drawing were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, NE7 and H9 of the 2011 Island Plan were of particular relevance.

The Committee noted that permission was sought for the removal of the aforementioned conditions attached to a historic planning permission (reference 13526/G) which related to the construction of a 2 storey dwelling approved in 1990. The *corpus fundi* condition tied the development to the surrounding fields and the agricultural occupancy condition restricted the occupancy of the dwelling to persons solely or mainly employed in agriculture. The removal of the *corpus fundi* condition was considered acceptable as such conditions were no longer imposed as the sale of property could not be controlled by planning legislation. However, the removal of the agricultural occupancy condition was not supported as it remained pertinent to the approval of the dwelling, which had been permitted to house key agricultural workers. The 2011 Island Plan applied strict criteria to the construction of new dwellings in the countryside and it was maintained that agricultural occupancy conditions should not be removed as long as there was a need for the dwelling within the relevant industry. The application did not include any evidence that the dwelling was no longer required within the industry or a substantial justification for making an exception to key Island Plan Policies. Whilst the Department was sympathetic to the applicant's personal circumstances, the removal of the agricultural occupancy condition could not be supported. Consequently, the application was recommended for refusal.

4 letters of support for the application had been received.

The Committee heard from [REDACTED] Ms. H. Le Miere, who advised that the house had once been associated with a working farm, which had ceased to operate many years ago. [REDACTED]

The Committee discussed the requirements of Policy H9 with the case officer and noted the ongoing demand for agricultural accommodation. Members also sought advice as to how much weight could be given to the applicant's [REDACTED]

[REDACTED]. It was noted that the Royal Court had ruled that 'very little weight' should be given to personal circumstances in planning matters, with the focus being on the application of the relevant Island Plan Policies. Whilst it was acknowledged that the occupancy of the dwelling by Mrs. Le Miere was not strictly in accordance with the agricultural occupancy condition, this had been the case for in excess of 20 years and was immune from enforcement.

Members thanked the applicant [REDACTED] for attending and withdrew.

La Verte Rue
Farm, La Verte
Rue, St Ouen:
proposed
demolition of
car port/
construction of
garage with
office above.

A7. The Committee visited La Verte Rue Farm, La Verte Rue, St Ouen and 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 demolition of an existing car port and the construction of a new garage with an office above to the south of the site.

Deputy R.E. Huelin of St. Peter withdrew for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that La Verte Rue Farm group was Grade 3 Listed. Policies NE7, GD1, GD7, HE1 and NE4 of the 2011 Island Plan were relevant to the application.

P/2019/1424

The Committee noted that the existing car port structure was of no architectural or historic interest so its loss was not opposed. However the scale of any proposed replacement building would need to respect the context of the adjacent granite farm buildings and should retain positive architectural features.

The proposed new building was considered to be over-scaled in this context. It would be attached to the Listed farm building, was deeper in plan form and the eaves and ridge would be higher. A simple low scale building, which was not attached to the outbuilding and was clad in natural external materials might be more successful. Furthermore, any new building should not breach the clear line of development formed by the southern edge of the existing out buildings. Consequently, the application had been refused for the following reasons -

by way of its scale, design and location in relation to the Grade 3 Listed farm group, the proposed development was considered to have an unreasonable impact upon the setting of the historic buildings. As a result, the proposal failed to meet the requirements of Policies GD1, GD7 and HE1;
the proposal failed to sit within one of the permissible exceptions to the presumption against development within the Green Zone and was, therefore, contrary to Policies GD1 and NE7;

the proposed development would result in the loss of a mature tree and existing hedges on site, having an unreasonable effect upon natural features, contrary to Policies GD1 and NE4.

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

On a related matter, the Committee noted that an administrative error had led to the application being marked as 'approved' on the Planning portal. The Department had apologised for this error and the Committee was advised that the applicant's agent had been sent a Decision Notice on the 9th January 2020, stating that the application had been refused. All documentation on the Register of planning applications also stated that the application had been refused.

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The Committee heard from the applicant, Mr. M. Lamy and his agent, Mr. M. Smith. Mr. Smith explained that the garage would be used to house farm vehicles, which were not used outside of the potato growing season. The Committee discussed the issues of scale and the impact on the historic building and Mr. Smith advised that the scale was dictated by the need to accommodate farm vehicles in the building. Furthermore, the proposed development did not lie within the extent of the Listing. The Committee viewed the existing small farm office, which was accessed via a shed and noted that the applicant's requirement for additional office space. Mr. Smith went on to advise that, if possible the tree would be retained. In concluding he expressed some frustration with regard to the administrative error which had caused the applicant to believe that permission had been granted. Again officers apologised on behalf of the Department and the Chairman stated that whilst the error was regrettable the Committee was focussed on the specifics of the application and this was not a material planning consideration.

Members thanked the applicant and his agent for attending and withdrew.