

KML/SB/14

PLANNING COMMITTEE

(22nd Meeting)

19th December 2019**PART A (Non-Exempt)**

All members were present., with the exception of Deputy R.E. Huelin of St. Peter and Connétables P.B. Le Sueur of Trinity and D.W. Mezbourian of St. Lawrence.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Deputy S.M. Wickenden of St. Helier
 Deputy J.M. Maçon of St Saviour
 (not present for item No. A5)
 Deputy K.F. Morel of St. Lawrence
 (not present for item Nos A6 and A15)
 Deputy L.B.E. Ash of St. Clement

In attendance -

P. Le Gresley, Director, Development Control
 C. Jones, Senior Planner
 L. Davies, Planner
 G. Duffell, Senior Planner
 E. Stables, Senior Planner
 R. Hampson, Planner
 G. Urban, Planner
 S. H. Chang, Trainee Planner
 G. Vasselin, Trainee Planner
 T. Ingle, Principal Historic Environment Officer
 K.M. LARBALÉSTIER, Committee Clerk, States Greffe
 (item Nos. A1 – A12)
 K. Slack, Committee Clerk, States Greffe
 (item Nos. A13 – A15)

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

Pont Rose
 Farm, Le Pont
 du Val, St.
 Brelade:
 proposed
 demolition of
 extensions/
 construction of
 new
 extensions/con
 version of
 various
 structures.

A1. The Committee, with reference to its Minute No. A17 of 21st November 2019, considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the following works at Pont Rose Farm, Le Pont du Val, St. Brelade –

- the demolition of various extensions to the north elevation of Pont Rose Farm and
- the construction of new extensions to the north and east;
- the conversion of units 3 and 4 to form one x 3 bed dwelling;
- various external alterations, to include replacement windows and dormers, the removal of render, the construction of a carport and bin store to the north and the construction of garages to the south;

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- the formation of a driveway and the creation of a vehicular access onto Pont du Val;
- the conversion of a bake house to a garden store;
- the demolition of some existing sheds and the construction of 2 x 2 bed self-catering accommodation units; and
- the alteration of the existing vehicular access and alterations to the slipway onto La Rue des Sauvalleries.

The Committee had visited the site on 19th November 2019.

The Committee recalled that it been minded to approve the above application, contrary to the Department's recommendation. It was noted that, in accordance with the Committee's direction, the scheme had been amended to address certain issues raised by the Historic Environment Section.

For the purpose of formally confirming its decision and approving the conditions which were to be attached to the permit – to include the entering into of a Planning Obligation Agreement (POA) to secure the construction of a footway - the application was re-presented.

The Committee confirmed its decision to grant permission, subject to the implementation of the conditions detailed within the officer report and on the basis of the entering into of a POA in accordance with Article 25 of the Planning and Building (Jersey) Law 2002. In the event that a suitable POA was not agreed within 3 months, the application would be returned to the Committee for further consideration.

Les Ormes
Golf and
Leisure
Village, Le
Mont à la
Brune, St.
Brelade:
proposed
demolition of
tennis
hall/construct-
ion of self-
catering units.

A2. The Committee, with reference to its Minute No. A9 of 21st November 2019, considered a report in connexion with an application which proposed the demolition of the existing tennis hall at Les Ormes Golf and Leisure Village, Le Mont à la Brune, St. Brelade and its replacement with 44 x one bed, 2 x 2 bed, 13 x 4 bed and one x 6 bed self-catering accommodation units with reception and ancillary structures and landscape alterations. It was also proposed to extend the existing house-keeping building to the north-east of the site. The Committee had visited the site on 19th November 2019.

The Committee recalled that it been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reasons for refusal (as detailed within the officer report), the application was re-presented.

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The Committee confirmed its decision to refuse permission on the grounds that the application was contrary to Policies SP4, HE1, SP7, GD1, GD7 and NE7 of the 2011 Island Plan.

Tramonto, La
Route du Petit
Port, St.
Brelade:
proposed
extension/
erection of
fence.

A3. The Committee, with reference to its Minute No. A11 of 21st November 2019, considered a report in connexion with an application which proposed the extension of the existing garage and the construction of a first floor extension above to create a one bed residential unit at the property known as Tramonto, La Route du Petit Port, St. Brelade. The Committee had visited the site on 19th November 2019.

The Committee recalled that it been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reason for refusal (as detailed within the officer report),

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the application was re-presented.

The Committee confirmed its decision to refuse permission on the grounds that the application was contrary to Policy GD1 of the 2011 Island Plan.

La Crete
Quarry, La
Route de la
Côte, St.
Martin:
proposed
change of use
of part of site
to al fresco
dining area.

A4. The Committee, with reference to its Minute No. A12 of 21st November 2019, considered a report in connexion with an application which proposed the change of use of part of the site at La Crete Quarry, La Route de la Côte, St. Martin to an *alfresco* dining area, the installation of picnic tables, the erection of a fence to the boundary and the creation of a grass verge to the east of the site. The Committee had visited the site on 19th November 2019.

The Committee recalled that it been minded to approve the above application, contrary to the Department's recommendation. It was noted that, in accordance with the Committee's direction, the scheme had been amended to address certain issues raised by the Historic Environment Section.

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For the purpose of formally confirming its decision the application was re-presented and the Committee granted permission with no conditions attached.

Jersey College
for Girls
Primary
School,
Claremont
Road, St.
Saviour:
proposed
pedestrian
bridge between
junior and
senior schools.

A5. The Committee, with reference to its Minute No. A3 of 19th September 2019, considered a report in connexion with an application which sought permission for the construction of a pedestrian bridge between Jersey College for Girls Preparatory School and the Jersey College for Girls (senior school), Claremont Road, St. Saviour. The Committee had visited the site on 17th September 2019.

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 Built-Up Area and was on the Eastern Cycle Route. Jersey College for Girls was a Listed Building. Policies SP1, SP7, GD1, GD7, HE1 NE4, SCO1, TT3 and TT5 of the 2011 Island Plan were relevant.

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The Committee recalled that it had granted permission for the above application, contrary to the Department's recommendation on the grounds of safety and the educational benefits which would arise, which were considered to outweigh objections raised by the Department. In approving the application the Committee had requested that a condition be attached to the permit requiring the planting of additional trees elsewhere on the site.

The Committee noted that, after the decision had been made and during the 28 day 'cooling off' period, a query had been raised as to whether or not the site notice advertising the application had been correctly displayed for the statutory 21 day period. After due consideration, and in the interests of completeness, the application had been re-advertised for a further 21 day period. The responses received, together with comments from the applicant's agent, were detailed in the Department's report. The Department's recommendation for refusal remained.

The Committee recalled that the scheme proposed the construction of a pedestrian footbridge over Claremont Road to link the secondary and primary school sites. The bridge would measure 14.5 metres long by 1.9 metres wide, would sit with 5.5 metres clearance above the road and measure 7.5 metres high in total. Cedar cladding panels, galvanised steel beams and columns and cedar clad balustrading were to be used in its construction. The bridge would be accessed by a series of steps on either side of it, all similarly enclosed by cedar panels and balustrading.

The Committee noted that the size, height, massing and design of the proposed footbridge were considered to be visually incongruous in the street scene. The design and appearance of the footbridge was neither modern, nor traditional and the excessive use of cedar cladding introduced another material into the street scene.

The rationale behind improving pedestrian safety and allowing easier access between the 2 school sites was understood and a contribution from the Parish of St. Saviour as the Highway Authority was noted. However, the chosen solution in the form of a footbridge was not supported given the height, design, scale and massing, which would be visually unattractive, detrimental to the street scene and to the character and appearance of the area as a whole. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies SP7, GD1, GD7, TT5 and NE4 of the 2011 Island Plan.

A total of 5 letters of representation had been received in connexion with the re-advertised application and the Committee noted the grounds for objection and the responses provided by the applicant's agent. The Committee's attention was also drawn to responses from statutory consultees, to include the comments of the Transport Section of the Growth, Housing and Environment Department (which Department did not administer the road) expressing concerns regarding the wider impact on the surrounding road network.

The Committee heard from Deputy Maçon, who spoke in his capacity as a parish Deputy for St. Saviour. The Deputy acknowledged the difficult position he found himself in in objecting to the application on behalf of parishioners as he was also an Assistant Minister for Education. Deputy Maçon conveyed the concerns of residents in relation to the size, scale, design and impact of the proposed footbridge and requested that the Committee consider the policy context. He concluded by stating that residents were also concerned about the potential for increased traffic speeds.

The Committee heard from Mr. A. Watts, a resident [REDACTED] who advised that he spoke on behalf of a number of residents who could not be present. Mr. Watts expressed his gratitude for the decision to re-advertise the scheme.

Residents were grateful that that the school had acknowledged the traffic problems on Claremont Road, which Mr. Watts believed was dangerous along its entire length, with blind corners and exits. He provided the Committee with images to illustrate his point. He believed that the existing crossing point on the road was the safest. In terms of alternatives to that which was proposed, he was of the view that there were simpler and more elegant solutions. Whilst Mr. Watts was of the opinion that the proposed footbridge presented the school with a solution in terms of linking the 2 campuses, he stated that the road safety argument did not stack up – the potential existed for increased traffic speeds and the scheme would not benefit the wider community.

Mr. Watts stated that the cause of the problem had to be considered and he advised that he had shot 2 time lapsed videos at the same time during half term and term time. The results were very clear – traffic problems were caused by parents dropping off and picking up children, as opposed to using the school car park. During the same time period in half term, traffic was light with only 4 cars per hour using the road, in stark contrast to term time when there was a 'tsunami' of metal, with vehicles stopping on the most dangerous part of the road. Mr. Watts referred the Committee to images of Claremont Road on a school day, with vehicles parking illegally on the road, reducing it to a single lane and causing road safety issues. He described the proposed footbridge as a 'sticking plaster for a self-inflicted wound'. Visitors to the site with mobility problems would be unable to use the footbridge and it would not

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benefit those students who walked to and from school. He pointed out that pupils were required to exit via the east gate to access the sports field at the narrowest point. The footbridge would not prevent accidents and would not discourage parents from parking on the road. Mr. Watts agreed that steps had to be taken to improve safety, but the school was responsible for the cause of the problems and a 'less selfish solution' had to be found. He understood that the proposals were linked to an earlier scheme which had been withdrawn and described it as a 'scam'.

Mr. Watts referred the Committee to images of the pedestrian crossing point at Victoria College where a simple set of traffic lights allowed pupils to cross safely. Similar arrangements existed and worked well at other Island schools. Mr. Watts suggested that the proposals might have been submitted in tandem with a guarantee that parents would not be permitted to stop on the road. The school had stated that a footbridge presented the safest options for pupils and negated the need for traffic calming. The Parish Connétable had signed the application form, but had refused to meet residents, stating that this was a Planning matter. However, the Connétable of St. Helier had met residents and had pledged to introduce traffic calming measures and address illegal parking. Mr. Watts believed that if the Committee refused the application it would cause the school to re-think its needs and come up with a better solution which benefitted the majority. If the application was approved, all hope was lost. This bridge would increase the likelihood of accidents.

Most drivers experienced some level of external distraction which resulted in accidents and he noted that the proposed footbridge would be 50 feet from a blind corner on a rural road. He believed that this must constitute a distraction, particularly given the height and scale.

Mr. Watts urged the Committee to defer consideration of the application to allow for the proper exploration of alternative options to achieve the linking of the 2 campuses in way which also made the road safer for all. This would include meaningful consultation with all stake holders – Claremont Road was a community and everyone had a right to safe passage.

Mr. D. Andrews addressed the Committee, stating that he too objected to the application and supported the views expressed by Mr. Watts.

The Committee heard from Mr. R. Kinnaird of J.S. Livingston Architects, representing the applicant. Mr. Kinnaird advised that the proposed footbridge would link the 2 schools, giving rise to a whole range of educational benefits as well as improving road safety. A simple palette of materials which would complement existing buildings had been selected and detachable panels would be used for ease of maintenance. In response to a question from a Member regarding the stairs leading to the footbridge and the stance of the Parish of St. Saviour in relation to traffic calming measures, Mr. Kinnaird informed the Committee that a textured steel anti-slip surface would be used and that the Parish of St. Saviour did not believe that traffic calming measures would provide an appropriate solution. The height of the bridge had been determined in conjunction with the Parish of St. Saviour and the Department's Transport Section, with reference to the Highway Encroachments (Jersey) Regulations 1957. It was noted that suicide prevention had been taken into account when determining the height of the high level balustrading on the bridge. With reference to the Discrimination (Disability) (Jersey) Regulations 2018, Article 7(a), which aimed to ensure that disabled persons were not put at a substantial disadvantage in comparison with persons who were not disabled by reason of a physical feature of premises, Mr. Kinnaird stated that the school would put measures in place to ensure that staff and pupils unable to use the footbridge were not

prevented from moving between the 2 schools safely. Mr. Kinnaird concluded by stating that the principal function of the bridge was to take pupils off the road, thus removing safety concerns and giving rise to educational benefits.

The Committee received Mr. C. Howarth, Principal, Jersey College for Girls, who reminded the Committee that the application had previously been supported by 4 votes to one. He repeated that Jersey was a signatory to the United Nations Convention on the Rights of the Child and he referenced Articles 3, 12 and 19, asking the Committee to take these guiding principles into account when making its decision. Mr. Howarth also reminded the Committee that the Government Plan prioritised the protection of children and sought to improve opportunities and outcomes. This was the aim of the application under consideration. The application did not propose traffic calming measures as this was a matter for the Highway Authority. Any suggestion that removing children from the road would encourage increased driving speeds was startling as pupils were living, sentient beings and not traffic bollards.

Mr. Howarth explained that the campus was split down the middle by Claremont Road, which was a narrow 2 way road used as a 'rat run' by traffic. Children as young as 4 had to cross the road to access lessons, canteen facilities and after school activities. The provision of a bridge would eliminate the high risk associated with crossing the road and the scheme was supported by the Parish of St. Saviour. Mr. Howarth confirmed that the height of the bridge accorded with the requirements of the Highway Encroachments (Jersey) Regulations 1957 and he stated that the intention was not to slow traffic down, but to provide a safe passage for children. Whilst one semi-mature tree would be lost to facilitate the proposed development, Mr. Howarth asked the Committee to balance this against the benefit to the daily lives of 1,200 children. He also undertook to plant 3 new trees.

The Committee heard from Mr. R. Sugden, Principal, Jersey College for Girls Preparatory School. Mr. Sugden stressed the importance of safeguarding the welfare of students and stated that as a government employee he had pledged to put children first. He considered the proposals to align with this pledge and he noted Mr. Watts comments with regard to the dangerous nature of the road. In terms of the wider benefits, the 2 schools would share resources which would enhance opportunities for pupils at the Preparatory School and improve the educational offer. The students were the future leaders of society and to refuse the application would diminish advantages. He concluded by stating that the safety of students was a priority. In response to a question regarding the measures which had been taken to discourage parents from parking on the road, Mr. Sugden advised that the school was working with parents to explore ways of reducing the number of parents collecting and dropping off children. However, the schools were located in close proximity to other large schools which meant that traffic was heavy in the area and cycling was viewed as dangerous. Mr. Howarth added that Liberty Bus now permitted younger children to use the school bus service and the school had asked the Parish to provide a traffic warden to act as a deterrent against illegal parking – a similar arrangement had been most successful on Wellington Road. Parents were constantly reminded not to park on the road. However, Mr. Howarth stressed that the focus of the scheme was on the provision of safe passage between the 2 campuses.

With reference to comments regarding access by disabled persons, Mr. Howarth stated that these pupils would be supervised and guided. There simply was not enough space to provide ramp access to the footbridge.

The Committee heard from Miss P. Le Maistre, [REDACTED]
[REDACTED] Miss Le Maistre stated that connecting the 2 schools via the proposed footbridge would provide safe access to a wider range of facilities,

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to include the new music block and the science block. She concluded by stating that the Government of Jersey had pledged to put children first and the footbridge would give safe access to a range of learning opportunities.

The Committee heard from Miss L. Dobber, [REDACTED]. Miss Dobber advised that the provision of a footbridge linking the 2 schools would enlarge the campus and eradicate the need for any duplication of facilities. The scheme was only the first step of many in terms of future plans to strengthen links between the 2 schools. Miss Dobber went on to query the suggestion that students crossing the road acted as a traffic calming measure.

The Committee heard from Miss B. Christopher, [REDACTED]. Miss Christopher advised the Committee that she frequently crossed the road to access activities and the proposed footbridge would make this safer. Safe access to the wider campus would also help with learning and would provide an opportunity to get to know senior school students. Miss Christopher expressed a desire to see Jersey College for Girls Prefects more often. [REDACTED]

The Committee heard from Advocate P. Mourant, a resident [REDACTED]. Advocate Mourant began by stating how proud he had felt to hear 3 young people address the Committee in such an eloquent manner and he congratulated them. Advocate Mourant advised [REDACTED]. [REDACTED] he had objected to the introduction of 2 new schools into the area. Traffic had been a major issue then but confidence expressed by experts at that time to the effect that the addition of 2 new schools was acceptable had resulted in approval. This had proved not to be the case and traffic was a major issue. Whilst Advocate Mourant agreed with Mr. Watts in many respects, the application under consideration did not seek to address traffic issues, but to provide safe passage between the 2 campuses. The traffic problem had been created 20 years previously. Advocate Mourant expressed support for the proposed footbridge and he advised that he had suggested such a solution on a number of occasions and had made strong representations to the Parish of St. Saviour Roads' Committee and the Connétable in relation to this. Advocate Mourant confirmed that he was a Procurier du Bien Public for the Parish of St. Saviour.

Advocate Mourant pointed out that a tunnel had been constructed under Mont Millais to provide safe passage to the facilities at Langford and it was for the exact same reason that the proposed footbridge was required. He urged the Committee to support its previous decision to grant permission and thanked members for considering the comments previously made by the Children's Commissioner. Nothing had changed since the approval of the previous scheme and whilst an image supplied by Mr. Watts showed a large number of vehicles parked in between Claremont field and the east gate, this had occurred on a Saturday morning [REDACTED]

This was the only occasion Advocate Mourant had witnessed so many vehicles on the road. It was noted that the Parish of St. Helier had tasked 3 traffic control officers to police the St. Helier end of the road and this was working very well.

Advocate Mourant commended the school for putting children first and in response to criticisms regarding disabled access, he understood that it was possible to achieve access without using the steps. His personal view was that the scheme would benefit a large number of people. He concluded by stating that the rural nature of road had been lost when the Preparatory school had been built and he did not believe that the footbridge would be out of keeping. He urged the Committee to unanimously approve the application and consider the safety of children.

In response to a question from Deputy K.F. Morel of St. Lawrence regarding proposals to close a section of Claremont Road, Advocate Mourant confirmed that he was aware of discussions in this respect and was opposed to such a proposal as this would impact upon residents. Deputy Morel also questioned whether the Parish of St. Saviour was abrogating responsibility and passing the cost of addressing the problem on to the school when a simple crossing would suffice. Advocate Mourant advised that he was not a member of the Roads Committee, but he was aware of regular patrols at the St. Saviour end of the road as a result of representations. Cost was always a relevant factor, but the thrust of the argument was not about traffic but about finding a solution which was in the best interests of pupils.

The Committee heard from Mr. A. Dobber, a former parent Governor, who repeated that the aim of the proposal was to provide safe passage between the 2 campuses for pupils.

At this point, and to avoid any further repetition, the Chairman asked for representations which related to new information only.

The Committee received Mr. J. Overland, [REDACTED] [REDACTED] Mr. Overland stated that the principal aim of the footbridge was to protect children from the danger associated with crossing the road. The focus was on this rather than any benefit to other road users. The scheme did not set out to address unauthorised parking or speeding – these were not issues for the school. He did not understand how the proposals could be described as a ‘scam’. He was of the view that arguments against the application which were based on the fact that the footbridge would serve only those attending JCG and the Preparatory school were weak. He, too, was surprised at comments to the effect that removing children from the road would result in increased traffic speeds.

The Committee heard from Advocate J. Wilmott, a member of the Governing body, which supported the application. Advocate Wilmott advised that the scheme would be funded through donations from parents. Whilst the Chairman advised that this was not a material planning consideration, Advocate Wilmott stated that the question of funding appropriate solutions had been raised. It was clarified that this had been in the context of the Highway Authority funding traffic calming measures. Advocate Wilmott advised that the only reason the scheme was being reconsidered was because it had been claimed that the site notice had not been displayed for the requisite 21 days. He alleged that it had been removed. The Chairman interjected, again advising that this was not a material planning consideration. However, the Advocate believed that it was most pertinent as it had resulted in a decision to reconsider the whole application. He, too, was appalled at comments which suggested that removing children from the road would increase traffic speeds and the potential for accidents. He considered this to be morally repugnant. He also stated that how other schools chose to address safe access was irrelevant.

The Committee heard from Dr. R. Gregg, [REDACTED] [REDACTED] Dr. Gregg stated that the provision of a bridge like this represented the gold standard in pedestrian safety as it separated pedestrians and traffic. He referred to traffic calming measures in St. Helier and advised that his team had, unfortunately, treated individuals who had been injured by vehicles in those areas. In concluding, he stated that the roads around the school were extremely busy and he described the current situation as ‘an accident waiting to happen’.

Having considered the application, the Committee, with the exception of the Chairman and Deputy Morel, approved the application, contrary to the Department’s recommendation. The Committee was of the view that the benefits which would

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arise in terms of safety and educational outcomes outweighed the Department's concerns. However, the Chairman stated that the selective quoting of government slogans was problematic. He acknowledged that Jersey was a signatory to the United Nations Convention on the Rights of the Child and that the Government Plan prioritised the protection of children and sought to improve opportunities and outcomes. However, this referred to all children and the Chairman was opposed to the building of a structure which could only be used by able bodied children. He considered the approval of the application on safety grounds to be unsafe in the planning context and did not feel that there had been enough consultation with the Department on appropriate solutions. He went on to state that he believed that the footbridge could be more dangerous for road users and he lamented the piecemeal approach which had been taken in attempting to address the issues without any proper scientific analysis. The Parish of St. Saviour appeared to be 'washing its hands' of the traffic problems and the Chairman considered this to be reprehensible. Deputy Morel was also of the view that alternative solutions, such as the closure of a section of the road, should be explored and that a footbridge was not the best solution. He, too, was concerned about the exclusion of disabled children, as was Deputy S.M. Wickenden of St Helier, who ultimately decided to support the application on the grounds of safety and improved educational outcomes

The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Retreat Farm,
La Rue des
Varvots, St.
Lawrence:
proposed
installation of
boundary fence
and 2 gates.
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A6. The Committee, with reference to its Minute No. A3 of 19th September 2019, considered a report in connexion with an application which sought permission for the erection of a 2.4 metre high fence to the site boundary of Retreat Farm, La Rue des Varvots, St. Lawrence. It was also proposed to install 2 gates to the south west of the site. The Committee had visited the site on 17th December 2019.

Deputy K.F. Morel of St Lawrence 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 had an established tourism/agricultural use. Policies GD1, GD7 and NE7 of the 2011 Island Plan were relevant.

The Committee noted that the proposed fence had been identified as a requirement by the States of Jersey Police in consideration of the site being used for the growing of hemp crops. The application was before the Committee on the grounds of the number of objections received.

The existing agricultural glasshouse had been built in the 1960s and the use of the glass house to grow hemp was recognised by the Department as agricultural, which did not require a change of use application. The assessment did not, therefore, consider the principle of the use and focussed on the acceptability of the proposed fence in the Green Zone context and whether it would unreasonably harm the amenities of neighbouring uses.

The original scheme had been amended in response to representations to remove the barbed wire on top and to change the colour of the fence from dark green to silver grey.

Overall, the proposed works were viewed as incidental to the operation of the agricultural glasshouse and the scale, form, siting and design were considered acceptable within the Green Zone context and were not considered to cause serious harm to the landscape character. The proposed fence was also situated at a satisfactory distance away from the neighbouring property and was not considered to cause unreasonable harm to amenities. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

On a related matter, the Department had investigated concerns raised with regard to a timber fence erected on the eastern boundary of the site and had concluded that the works did not constitute minor repairs, permissible under the Planning and Building (General Development) (Jersey) Order 2011. This timber fence would require planning permission and the applicant had agreed to submit a planning application. However, this issue was not relevant in the context of the application under consideration and would be dealt with separately.

14 letters of representation had been received in connexion with the application and a late representation dated 17th December 2019, was tabled at the meeting. The Rural Economy Section supported the application.

The Committee heard from Mr. R. Nightingale, who advised that his objection was based on the potential for a cannabis farm on the site in the future, about which he had misgivings as he believed that such a venture would affect residents' life enjoyment of their properties. Breaches of planning conditions in the past and non-enforcement of the same by the Department also made him uneasy about the future use of the site. He wished to be assured that due process would be followed in respect of any proposals. Mr. Nightingale also noted that Warwick Farm, St. Helier had not been required to erect a fence and he asked what, if any, the perceived threat to security was.

The Director, Development Control advised that he was aware of concerns about the failings of the Department in taking enforcement action on the site in the past. The Department was in regular contact with the applicant to ensure there was an awareness of the need to make applications at the correct time. On 3 separate occasions the case officer had contacted the applicant to remind him of the statutory obligation to submit applications for various works. The Director assured Mr. Nightingale that the Department was desperately trying to avoid any disturbance/unauthorised works on the site. Mr. Nightingale advised that he was reassured by this. The Director added that whilst 4 representations resulted in an automatic referral to the Planning Committee, the Chairman also had the ability to 'call in' applications.

The Committee heard from Mrs. P. Bromley, who felt that the application for the fence was the 'thin end of the wedge'. In terms of the licencing process for the growing of cannabis, she stated that this appeared to be shrouded in mystery and she had been unable to obtain any information from Government Departments. (It was noted that Deputy Morel was the Chairman of the Economic Development Scrutiny Panel and it was hoped that he could assist with this). She was concerned that if proposals to produce a cannabis crop on the site were pursued this could have a negative, unpleasant, life destroying aspect to it. She acknowledged that this need not be the case if the applicant acted responsibly and dealt with odour, noise and light issues. However, past experience did not engender confidence and the applicant had advised Mrs. Bromley that he was considering purchasing another field in the immediate vicinity for the purpose of growing cannabis. Mrs. Bromley believed that the requirement for a fence suggested that this was a 'dangerous product' and she was concerned that her property would be surrounded with cannabis growing in

glasshouses and she advised the Committee that this would have a detrimental effect.

The Committee received Deputy Morel and Mrs. A. McGinley. Deputy Morel advised that he represented a number of residents. He summarised the planning history of the site and referred to a previous application for fencing, which had been refused on the basis that it was not in keeping with the rural character of the area. The Deputy asked how many other agricultural sites in the Island had security fencing.

Turning to the possible long term use of the site for growing pharmaceutical grade hemp (which did not form part of the current application), the Deputy added that residents did not consider the existing mature landscaping to provide sufficient screening and concerns existed regarding the provision of car parking and the use of Rue des Varvots, which was a narrow lane. It was understood that, ultimately, it was proposed to grow pharmaceutical hemp on the site – in the same manner as the 2 other cannabis farms in the Island and that there would be a staff member on site 24 hours a day. It was noted that it was proposed to locate staff accommodation further away from the application site than the residents of Retreat Farm. It was believed that hemp was grown outside at Warwick Farm with no security, no plant or machinery and not in close proximity to residential properties so the 2 sites could not be compared. The Deputy challenged the Department's statement that this was an agricultural site, stating that he believed the ultimate use would be industrial in nature. The Deputy believed that permission was required for the change of use of the Tamba Park building, which was less than 5 metres away from residential properties. It was noted that the use of an existing extractor fan had recently been considered to constitute a statutory nuisance so it was likely that any processing rooms or staff facilities close to residential development could cause problems. There had been no consultation with Environmental Health as the application under consideration only proposed a fence. Residents were concerned about personal safety arising from criminal activity associated with the long term use of the site. Noise and odour were also considered to be potential problems and it was noted that other jurisdictions had exclusion zones of some 300 metres. Some residents were 5 metres away from the application site. The Deputy asked how the future use of the site would comply with Policy GD1 and he reminded the Committee that the Department had failed to enforce conditions attached to the existing use of the site. In concluding the Deputy stated that a piecemeal approach was being taken to the development of the site and a more holistic plan was required.

The Committee heard from Mr. G. Le Sueur, representing Northern Leaf, the applicant company. Mr. Le Sueur confirmed that, on 7th October 2019, the applicant company had been granted a licence to grow industrial hemp. At present hemp was only grown outdoors in Jersey so the applicant company was considering the viability of using redundant glass on the applicant site to grow the crop, in line with the diversification of the rural economy. Mr. Le Sueur explained that it was intended to grow hemp to produce cannabidiol, but it was necessary to test the viability of the proposal prior to progressing. Capital had to be raised and consideration given to the potential for disease etcetera before progressing. Mr. Le Sueur advised that growing under glass resulted in a better quality product with the crop being grown in bays and watered by machine. The licence issued allowed for the cultivation of the flower and selling to places where it was legal to do so. It was planned to put in an extraction facility. In terms of the proposed fence, the impact would be minimal. As for the history of the site, Mr. Le Sueur advised that the site was now owned by Northern Leaf, with the previous owner being a minority shareholder and not a director. He hoped this would alleviate concerns regarding past conduct.

The Committee heard from Mr. S. Meadows, Assistant Director, Rural Economy and Head of Plant Health, who provided a comprehensive summary in respect of

licencing and the work which was being done in conjunction with the UK Home Office in respect of the development of a Memorandum of Understanding to facilitate THC production in the Island. The Rural Economy Strategy promoted diversification and a move away from reliance on imported labour and the application under consideration accorded with these aims. Mr. Meadows went on to discuss the different varieties of cannabis (60) which could be grown outside without the need for security. It was noted that, in this particular case, CBD cannabis was to be grown and a fence was required because this crop was not currently on the approved list of crops which could be grown without security measures. In response to a question from a Member regarding licence renewal and any impact arising from the proposals, Mr. Meadows confirmed that issues such as noise disturbance would not be controlled through the licencing process.

The Committee discussed the application and considered whether the removal of permitted development rights might be appropriate. Having received advice, it was concluded that there were no permitted development rights which the operation would benefit from and that attaching a condition to a permit which was not reasonably related to the permission was inappropriate. Consequently, the Committee approved the fence with the final colour to be agreed with the Department. In concluding, the Committee directed that any change of use application for the site should be determined by the Planning Committee and not dealt with under delegated powers. The applicant was also encouraged to continue to consult with residents on future proposals for the site.

Le Coin (land to the east of), Manor Park Road, St. Helier: proposed new dwelling.
477/5/1(653)
P/2018/0878

A7. The Committee, with reference to its Minute No. A9 of 11th July 2019, considered a report in connexion with an application which proposed the construction of a 2 bedroom dwelling in the garden to the east of the property known as Le Coin, Manor Park Road, St. Helier. The Committee had visited the application site on 17th December 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, 2 and 4, GD1 and 7, NE7, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance - Planning Policy Notes 6: A Minimum Specification for New Housing Developments January 2009, and 3 - 'Parking Guidelines - September 1988.

The Committee recalled that it had previously refused an application for a dwelling which had almost filled the entire site, resulting in a cramped form of development. In terms of the impact on neighbours, there had been inaccuracies in the labelling of elevation drawings and an absence of elevations or sections showing the most directly affected neighbouring property, Weelsi, and it had been considered that the application failed to demonstrate that the scheme would not result in unreasonable harm to the amenities of neighbouring properties. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and GD7 of the 2011 Island Plan.

The current scheme had been amended to respond to the reasons for refusal. The footprint of the dwelling had been reduced from 130 square metres to 96 square metres and a terrace/decked area omitted from the scheme. As a result, the proposed dwelling had been pulled away from the boundary with the neighbouring properties to the north west. Adjustments had been made to the first floor windows to address concerns regarding overlooking. Accordingly, the application was recommended for approval subject to the imposition of 9 conditions detailed within the officer report.

A total of 11 letters of representation from 10 parties had been received in connexion with the application.

The Committee sought clarification as to whether the impact of the development on land stability, which had previously been raised by those objecting to the application, was a planning matter. The Director, Development Control advised that, if permission was granted, this particular issue would be addressed during the Building Bye Laws process, which was not a public process, so it was understandable that neighbours would wish to raise the issue.

The Committee heard from Mrs. R. Higgins, [REDACTED] Mrs. Higgins expressed significant concern about the impact of the proposed development [REDACTED] in particular, the loss of privacy. She believed that the submitted drawings did not show an extension [REDACTED] which had been constructed in 1976. As a result she was concerned that the submitted plans did not properly illustrate the relationship between the 2 sites. She remained worried about the potential for land slippage during the construction of the proposed new dwelling and stated that this had not been addressed to her satisfaction. Mrs. Higgins advised that an independent assessment of an existing Jersey Oak on the application site had concluded that the tree would live for another 200 years so she did not understand the need for its removal. The impact of the development on wildlife and the National Trust land were also issues for Mrs. Higgins.

The Committee heard from Mrs. D. Hardiman, who objected to the application. Mrs. Hardiman began by reading from a representation from Mr. J. Measday, [REDACTED] who felt that the description of the proposed development as a 2 bedroom dwelling was misleading. Mr. Measday also questioned how the proposed access arrangements and provision of car parking would work if the properties were sold separately in the future.

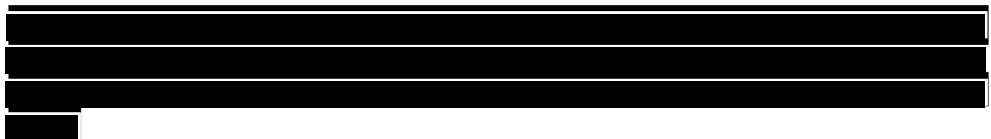
The case officer advised that the applicant had agreed to alter the description of the proposed development to one x 3 bedroom dwelling and a condition was proposed in respect of the car parking and access arrangements.

Turning to her own representations, Mrs. Hardiman advised that she did not believe that the revised application addressed previous concerns about the over development of this small site which bordered National Trust land in the Green Zone. She believed that the scheme would have a detrimental impact on the woodland and valley below. Mrs. Hardiman stated that the garden area was limited in size and the proposed development was likely to have a most detrimental effect on the privacy of the property known as Weelsi. Mrs. Hardiman considered the proposed design to be out of context for the area. She concluded by stating that the proposed development would be obtrusive and would compromise this green and unspoilt land.

The Committee received Mrs. S. Steedman and Mr. N. Socrates, the applicant's agents. Mrs. Steedman advised that the revised scheme sought to address the reasons for the previously refused scheme. The principle of development on the application site was in accordance with the spatial strategy and there was no presumption against the construction of a new dwelling in this location. There had been no objection to the design approach in the previously refused scheme and the proposed new dwelling would be 14 metres away from the boundary with Weelsi, which Mrs. Steedman believed to be generous in the Built-Up Area context. She also noted that Weelsi was situated at a lower level than the application site and that the 2 windows which would face that property served bathrooms so would be obscure glazed and would have restricted opening. Mrs. Steedman did not believe that there would be any overlooking from the proposed new dwelling and to illustrate this she pointed out the difference in height between the principal dwelling, Le Coin and the proposed new dwelling. An existing hedge, which would be retained, and planting would be supplemented to increase the stability of the existing bank. With regard to

the Jersey Oak, to which Mrs. Higgins had referred to, it was noted that the applicant had arranged for the tree to be inspected and it had been found to have a large hole in the middle of the trunk so there were concerns about safety and stability. The applicant confirmed that she had received advice from her insurers that if the tree was deemed unsafe this would negate any insurance policy. The tree would be removed in accordance with an ecological assessment and appropriate measures would be taken with regard to protected species. The Director, Development Control noted that whilst the ecological assessment included provision for a replacement tree, there were no details with regard to size. In concluding, Mrs. Steedman stated that the proposed new dwelling had been pulled back from the boundary and reduced in size. The scheme met all residential standards and was in accordance with Policies SP7, GD1, GD3 and GD7.

Mr. Socrates confirmed that the proposed dwelling would be situated 14.5 metres away from the boundary with Weelsi and that the site plan had been produced from the 2019 digital map. With regard to concerns about land slippage, Mr. Socrates advised that a structural engineer would be commissioned to provide professional advice in this connexion.



Having considered the application the Committee decided, on balance, to endorse the Department's recommendation to grant permission for the reasons set out above and subject to the implementation of certain conditions detailed within the officer report. In doing so, the Committee requested that the landscaping condition be adjusted so that the species and size of the replacement tree was to be agreed with the Department, based on professional advice. The Committee was concerned that an Oak tree might be too large. Bat mitigation measures should also be included within the condition and the Committee decided that permitted development rights should be removed – this would also cover any exterior lighting, to prevent light pollution into the valley.

Deputy K.F. Morel of St. Lawrence requested that his dissent be recorded on the basis that the application site bordered woodland and he was concerned about the environmental impact of the development. He also expressed the view that the scheme would result in a cramped development and the design of the proposed dwelling and a boundary wall was not appropriate in this setting.

Chestnut House, La Grande Route de St. Pierre, St. Peter: proposed demolition and redevelopment. P/2019/0674

A8. The Committee considered a report in connexion with an application which proposed the demolition of the dwelling known as Chestnut House, La Grande Route de St. Pierre, St. Peter and its replacement with 7 x 4 bedroom dwellings with associated car parking and landscaping. The Committee had visited the application site on 17th December 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies GD1, 3 and 7, H6, NE2, TT4 and WM1 of the 2011 Island Plan were of particular relevance.

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The Committee noted that the proposed units would be set out in an 'L' shape across the plot. 6 of the proposed dwellings were 2 storey, garage linked, semi-detached pitched roof houses with accommodation in the roof space. To the north-east there would be one detached hipped roof 2 storey dwelling. All of the houses would be constructed from rendered blockwork with grey horizontal boarding to the upper section, slate roofs and aluminium doors and windows. Gardens were located to the rear and parking to the front. The site benefitted from some existing natural screening to the boundaries which was beneficial, in particular to the neighbouring properties at La Grande Piece to the south-east.

The application site had St. Peter's Technical Park directly to the north-west and south-west, with La Grande Piece to the south-east and 2 neighbouring properties to the north-east. The main character of the area was residential with terraced or semi-detached house types. The proposed design was similar in form to neighbouring properties – 2 storey, semi-detached, with a pitched roof. Each dwelling comfortably met the minimum standards and the requirements for parking and drainage and would be constructed of good quality materials. The existing Technical Park access was within the same ownership and this would be used to serve the new development.

The siting of the dwellings was considered to be such that there would be little impact on neighbouring properties. A comprehensive landscaping plan would secure the planting of shrubs and trees. The proposed new dwellings were located in a sustainable area and would be a valuable addition to the housing stock.

The application was recommended for approval, subject to the imposition of 6 specific conditions detailed within the officer report.

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

The Committee heard from Mr. A. Parker, who was concerned to note that, despite a previous refusal, the number of dwellings proposed had not reduced.

The case officer advised that the layout of the scheme had changed and this was considered to represent an improvement over the previously refused scheme.

The Committee heard from the applicant's agent, Mr. J. Naish, who advised that, in response to concerns regarding increased traffic, this was a purely residential development and the owner of site was willing to erect signage and generally remind tenants of the Technical Park of the specific rules. It was not intended to remove any trees between the sites and additional landscaping was proposed.

Having considered the application the Committee unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report. The Committee requested that the landscaping condition be amended to include a requirement for wildlife enhancement measures.

Apartment No.
5, The Atrium,
Le Mont Gras
d'Eau, St.
Brelade:
proposed roof
top enclosure
to terrace.
(RFR).
1070/2/1/3(331

A9. The Committee, with reference to its Minute No. A11 of 13th June 2019, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the construction of a roof top enclosure to an existing roof terrace at Apartment No. 5, The Atrium, Le Mont Gras d'Eau, St. Brelade. The Committee had visited the application site on 17th December 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and that Policies GD1, GD7, H6, BE6 and BE3 of the 2011 Island Plan were of particular

) relevance.

P/2018/1772

The Committee recalled that it had maintained refusal of a previous application for an extension to the roof terrace on the grounds that, due to the elevated position, scale and projection forward of the proposed enclosure, it was considered to increase the apparent scale of the existing building and diminish views through to, and the landscape benefits of the green backdrop to the site, which formed an important part of the character of the Bay. Therefore, it had been concluded that the development would have an unacceptable impact upon the character of the area and that the scheme failed to satisfy the requirements of Island Plan Policies BE3, BE6, GD1 and GD7.

The Committee noted that a further application had been submitted following the refusal of the previous scheme. Whilst the proposed extension had been reduced in size, it was still considered to be unacceptable in the context of the increase in the apparent scale of the building and diminishing views through to the green backdrop, which formed an important part of the character of the bay. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7, BE6, H6, BE3 and TR2 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. M. Scott, representing the St. Brelade's Bay Association. Ms. Scott stated that the proposed development was a step too far and that many residents had been opposed to the existing development, which she believed made a mockery of the Green Backdrop Zone Policy. She added that not enough consideration was given to the impact of development on the Green Backdrop of the Bay generally and that much more resolve was needed in applying the relevant policy criteria. She was pleased to note that the Department was recommending that the Committee maintain refusal of the application and believed that this would go some way to addressing general levels of disappointment in the planning process.

The Committee heard from the applicant's agent, Messrs. R. Godel and T. Job. Mr. Godel understood that the Green Backdrop Zone policy had been designed to protect strategic views of the landscape - not to enhance it. He referred to a neighbouring site where permission had been granted for development and stated that this had a far greater impact on the Green Backdrop Zone than development on the application site. The Green Backdrop would remain the dominant feature with only a very minute amount of greenery being obscured. The revised scheme sought to reduce the impact of the proposal. Mr. Godel invited Mr. Job to make representations on behalf of the applicants, [REDACTED]. It was noted that they [REDACTED] had found the roof terrace and small kitchen area difficult to make use of as space was restricted and the terrace was very exposed with no shade or cover. The applicants [REDACTED] found the walk to the beach a bit of a 'trek' so this amenity space was important to them. They understood the previous reasons for refusal and had no desire to sacrifice the charm of this part of the Island. Consequently, the scheme had been amended to reduce the size of the rooftop enclosure whilst still increasing usability. They believed that this could be achieved with no effect on the wider environment.

Mr. Godel advised that the original scheme proposed a structure with an area of 57.4 square metres compared to the 26.7 square metres proposed in the current scheme (a 54.3 percent reduction). The proposed structure had also been moved back by 1.45 metres. References to a new floor were erroneous, with a 10 centimetre increase in height only. Mr. Godel believed that at ground level such a proposal would be allowed under Permitted Development rights. The visual impact would be very slight, as illustrated on the submitted images. Additional drawings had been

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submitted showing comparisons between what existed, the refused scheme and the proposed development. However, these had not been received in sufficient time to be displayed on the Department's website.

The Committee heard from the applicant's legal representative, Advocate D. Robinson, who referred the Committee to the wording of Policy BE3 and maintained that the application under consideration complied with that Policy. Existing trees and landscape features would be retained. Policy BE6 warned against designs which did not complement existing buildings – the proposal was consistent with the design of the existing building. However, the crux of the matter was the Green Backdrop Zone Policy and reference was made to the conclusion set out in the officer report to the effect that any change should not materially or harmfully diminish the Green Backdrop Zone. Any unreasonable or unacceptable impact on the character of area should be avoided. The Committee was also referred to Policies GD1 and GD7 and Mr. Robinson argued that the policy tests had been met. This small change would not have an unreasonable impact. Reference was also made to drawing No. 107 – a visual of the approved Wayside development - which also illustrated the previously refused application. The current application was much more limited and from the front of the site there would be no protrusion and the development would not cover the Green Backdrop Zone. Such a change would have a negligible impact. The Advocate concluded by stating that refusal of the revised application might be contrary to policy.

The Committee discussed the application and noted the view of Deputy K.F. Morel of St. Lawrence, who stated that many small incursions into the Green Backdrop Zone might have a cumulative effect. However, Mr. Godel pointed out that the trees in the Green Backdrop Zone would probably grow by an amount equivalent to the height of the proposed structure each year. In terms of views to the site, these were limited. In response to a question from Deputy Morel regarding how much weight the Committee should give to the refused scheme versus the revised reduced scheme, the Director Development Control stated that this should have very little bearing.

Having considered the application, the Committee, with the exception of the Chairman, Deputy R. Labey and Deputy Morel, endorsed the officer recommendation to refuse permission for the reasons set out above.

Le Chalet
Roux, La
Route de l'Isle,
St. Brelade:
proposed
conversion to
provide 5 bed
dwelling/
demolition and
redevelopment
of garage.
P/2019/0843

A10. 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 powers, and which sought approval for the conversion of 2 dwellings – one x 4 bedroom and one x 3 bedroom - to form a 5 bed dwelling. It was also proposed to demolish an existing garage and construct a 2 bed dwelling to the north of the site, with associated parking and landscaping. Various external alterations to include replacement cladding and the enlargement of 2 roof lights to the south elevation were also proposed. The Committee had visited the application site on 17th December 2019.

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

The Committee noted that Le Chalet Roux was a 2 storey detached property (comprising 2 units of accommodation), which formed part of a cluster of predominantly residential properties located on the north side of La Route de L'Isle. The property benefitted from large gardens to the south and west, as well as a hard surfaced driveway/parking area to the north, where a timber garage/store building was located. There was an agricultural field to the immediate north.

The Committee was advised that the property had originally been a single dwelling, but had been sub-divided – without consent – into 2 apartments (one per floor). This arrangement had been regularised, in 2003, with the approval of a retrospective application. The current proposal was to combine the 2 existing units to create a larger single dwelling – effectively re-establishing the original layout. A new dwelling was also proposed along the northern boundary of the site in place of the garage/store.

Whilst the applicant believed that the proposal would not lead to an increase in the overall number of residential units on the site – a crucial consideration, given the Green Zone location - the Department did not accept this. The Committee was reminded that the existing dwelling would remain and a new dwelling would be constructed in place of a smaller outbuilding on an otherwise undeveloped part of the site. This did not comply with the Green Zone policy requirements.

In addition to the policy issues, the design and siting of the new dwelling was considered to be problematic – specifically with regard to its impact on the residential amenity of the neighbouring property, Beau Vallon.

Accordingly, the application had been refused on the grounds that it was contrary to Policies SP1, GD1, GD7 and NE7. It was recommended that the Committee maintain refusal.

The Committee received the applicant's agents, Messrs. R. Godel and C. Wenham. Mr. Godel stated that the scheme did not propose a new dwelling in the Green Zone because there were already 2 dwellings on the site. The existing house had been divided into 2 units. He referred the Committee to paragraph 3 of the Green Zone Policy, which he considered to be of particular relevance and with which he believed the scheme accorded. There would be no increase in the number of bedrooms or any increase in occupancy. The application represented a sustainable approach to land use and multiple benefits would arise, such as the provision of quality private amenity space, improved sound and thermal insulation, environmental gains, habitat enhancement and landscaping. Whilst the site was situated in the Green Zone, it had the appearance of a suburban housing area and was perhaps not as sensitive as other Green Zone sites. Mr. Godel believed that the application site could comfortably accommodate the proposed development without any undue impact on the character of the area. He did not believe that there would be any impact on the neighbouring property, which actually overlooked the application site. A hedge would be planted to restore privacy and a double height wall on the western elevation was also proposed. The neighbouring property, Beau Vallon had been extended and Mr. Godel believed that an error in the planning process had meant that the applicants had not been made aware of the proposals, which included a large window in the east facing gable of Beau Vallon.

Having considered the application, the Committee endorsed the officer recommendation and unanimously refused the application for the reasons set out above.

Nos. 12 – 14
Poonah Road,
St. Helier:
proposed new
dwellings.

A11. The Committee, with reference to Minute No. A10 of 15th March 2018, of the Committee as previously constituted, 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 2 new dwellings on the site of Nos. 12 – 14 Poonah Road, St. Helier. The Committee had visited the site on 17th December 2019.

P/2019/0466

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, 2 and 7; GD1, 3 and 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.

The Committee recalled that the application followed on from 2 previous refusals for the construction of a 2 storey, 2 bedroom dwelling. It had been concluded that the design and layout of the previous proposals were out of character with, and detrimental to, the surrounding built context. The current application proposed a 2 storey building comprising 2 one bed flats.

It was acknowledged that the site was within the Built-Up Area of St Helier, where the presumption was in favour of higher density development. This presumption had to be balanced against the relationship of the development with the surrounding context, the impact on neighbouring properties and the adequacy of car parking provision. In this instance, the proposal was judged to have overcome the previous issues relating to the impact on neighbouring amenity. However, the scheme would result in the removal of an existing car parking area in St. Helier and no car parking was proposed for the units, further exacerbating parking problems in the area. The Parish of St. Helier had maintained its objection to the scheme, contending that there was scope to include parking through the scaling down of the development.

Furthermore, the proposed design – a combination of flat roof and mono-pitched roof, was not considered to be in-keeping with its immediate context, which comprised predominantly 2 storey terraced dwellings built in a traditional style. The proposed development would be out of character with the area, to a point which was harmful to its general visual amenity.

For these reasons, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mr. D. De Gruchy and his agent, Mr. J. Dyson. Mr. Dyson advised that the scheme had been revised in accordance with guidance received from the Department. The applicant wished to provide his children with homes and there would be sufficient space for motorbike/scooter parking on the site, which was located close to the town. Furthermore, with regard to the design approach, it was pointed out that a mix of designs existed and that there were several modern interpretations the area.

Mr. De Gruchy advised that the land was no longer used as a car parking area as access was difficult. It was often used indiscriminately for parking by visiting tradesmen or neighbours and it looked tired and unsightly. It was littered with animal faeces and general detritus associated with people gathering on the site to drink alcohol or take drugs. An elderly neighbour had been so worried about this anti-social behaviour that the applicant had gifted a portion of the land to her so that she could build a wall. Neighbours had not objected to the application and Mr. De Gruchy believed it would enhance the area whilst providing a *piéd-a-terre* [REDACTED] in an unattractive area of town. The site was within walking distance of the town centre so parking was not necessary. Many of the neighbouring properties did not have parking and a residents' parking scheme existed. Mr. De Gruchy urged the Committee to grant permission.

The Director, Development Control advised the Committee that the Department had been unable to support the scheme. When asked what could be supported on the site the Director was reluctant to be drawn on the matter as the application under

consideration had to be determined as submitted. However, when pressed, he went on to state that a single dwelling on the site would be viewed more positively.

Having considered the application the Committee, with the exception of Deputies L. B.E Ash of St. Clement and K.F. Morel of St. Lawrence, endorsed the officer recommendation to refuse permission for the reasons set out above.

Seymour Inn
public house,
La Rue du
Puits Mahaut,
Grouville:
siting of
container for
storage
(RETROSPEC
TIVE)/
proposed
cladding and
roofing of
store.
P/2019/1120

A12. 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 retrospectively for the siting of a container to the north of the Seymour Inn public house, La Rue du Puits Mahaut, Grouville. Permission was also being sought for cladding and roofing of the container. The Committee had visited the site on 17th December 2019.

A site plan and drawings were displayed. The Committee noted that the application site was situated in both the Built-Up Area and the Green Zone and was on the Eastern Cycle Route Corridor. The Seymour Inn, along with adjacent external areas to the west and south, were Grade 4 Listed. Policies SP1, 2 and 4; GD1 and 7 and HE1 of the 2011 Island Plan were of particular relevance.

The Committee noted that retrospective planning permission was sought for the installation of a shipping container to the north of the main building and west of a staff cottage and outbuilding. The container was a standard 20 foot intermodal container (6.05 metres long, 2.44 metres wide and 2.60 metres high) and had been installed in 2017/18 for the purpose of storing fresh food and drinks in connexion with the operation of the public house. The application also sought permission for the cladding of the sides of the shipping container in painted timber boarding and adding a pitched roof laid in slates. This would lead to a slight increase in the length and width of the structure and an increase in height to 3.65 metres.

The Committee was advised that the application had been refused on the grounds that retention of the shipping container would unreasonably impact on the setting of a Listed Building and would consequently fail to satisfy the requirements of Policies SP4, GD1 and HE1. In addition, the proposal to timber clad and add a pitched slate roof would, by reason of the dimensions, location and design, have an adverse impact on the amenities of nearby land uses and would unreasonably affect the character of the area, failing to satisfy the requirements of Policies GD1 and GD7. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who stated that this was a Grade 4 Listed 19th century rural house which had been converted to a public house. The preservation and enhancement of the setting were key and the container appeared to have been an ad-hoc, temporary solution which the applicant was now seeking to retain and clad to mitigate against the obvious impact. The appearance of the container was utilitarian and inappropriate and the proposal to clad and roof the structure exacerbated the issue rather than overcoming any impact. Ms. Ingle stated that the Historic Environment Section did not support the application and would prefer to see the container removed from the site. In response to a question from a member regarding the status of an existing store and cottage on the site, Ms. Ingle advised that she had not carried out any research on these structures.

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The Committee heard from Mr. D. Bryons, [REDACTED]. Mr. Bryons questioned the need for the container given the existence of a store/outhouse to the rear of the pub, which had been partially developed without planning permission and was now in a parlous state. He had been advised that enforcement action was to be taken, but this had not materialised. He believed this outhouse was perfectly serviceable and could be used for the intended purpose. [REDACTED]

The Committee heard from the applicant's agent, Mr. R. Le Sueur, who advised that the Environmental Health Department had not considered the condition of the outbuilding to be suitable for the intended purpose. To make it fit for purpose it would have to be re-built to modern standards and access to the cottage was via this building, which was not permissible. The outbuilding was used to provide additional accommodation for the tiny cottage. The container represented the best solution at present as it benefitted from wipeable internal finishes and was tall enough for air to circulate. In terms of the impact on the Listed Building, Mr. Le Sueur believed that the only impact would be on the flat roofed 20th century extension, which were immediately opposite the container. The structure would be clad to look like an outbuilding and the publican had gone to some considerable lengths to ensure that the operation of the business did not disturb neighbours. Measures would also be taken to ensure that noise from the doors of the container closing was not an issue by the removal of bolts. The applicant was keen to work with neighbours and the Department to arrive at a mutually acceptable solution. Mr. Le Sueur added that if the application was refused 4 members of staff would be made redundant as the retention of the container was essential to the running of the pub and restaurant. The applicant was prepared to accept a time limited permit.

In response to a request for advice regarding a temporary approval to allow the applicant a period in which to rectify matters, the Director, Development Control advised the Committee that if Members considered the application to be unacceptable in planning terms, then the application should be refused. The serving of an enforcement notice seeking the removal of the unauthorised structure was a matter for the Department. Several options existed and an enforcement notice with a lengthy period for compliance could be served to give the applicant the opportunity to bring forward long term proposals. However, the Committee should not approve something it considered to be unacceptable, even for a temporary period.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier endorsed the officer recommendation to refuse the application for the reasons set out above. The Committee also endorsed the Director's suggestion that an enforcement notice with a lengthy period for compliance be served to give the applicant the opportunity to bring forward long term proposals, together with shorter term measures to address some of the more immediate noise concerns of neighbours.

Rosedale
Farm, Le Mont
Cochon, St.
Helier:
proposed
demolition of
garages/store/
construction of
extensions.
RP/2019/1038

A13. 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 to revise the approved plans for Rosedale Farm, Le Mont Cochon, St. Helier. The Committee noted that consent was being sought for the further extension of the approved extensions to the south west and west elevations of the property. The Committee had visited the site on 17th December 2019.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Rosedale Farm was a Grade 3 Listed Building. Policies SP4, GD1 and 7, NE2, NE7 and HE1 of the 2011 Island Plan were

of particular relevance.

The Committee noted that Rosedale Farm was a detached property set in large grounds and comprised the original dwelling with additional wings to the north east and south west, the latter having been constructed at later dates, but included in the Listing. In August 2018, planning permission had been granted (application reference P/2017/1294) for the demolition of the existing south west wing and the south west façade of the original building, the extension of the south west gable end of the main building (by 1.7 metres), the reconstruction of the adjacent south west wing with a wider footprint at first floor level and with increased ridge height, and the demolition and rebuilding of the adjacent existing single storey garage block.

The Committee was advised that the above application had been refused on the grounds that the proposed extension would not be subservient to the main building in terms of its scale, design, dimensions and bulk, would not preserve the architectural and historic character and integrity of the main house and would result in the loss of buildings within the extent of Listing. The proposed development therefore failed to satisfy the requirements of Policies SP4, GD7 and HE1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

On a related matter, it was noted that the applicant had pointed out a discrepancy in the documents associated with the grade of the historic listing. The documentation referred to the building as Grade 3 Listed, but the Historic Environment Team (HET) consultation response document and the comments from the National Trust for Jersey referred to a Grade 4 Listing. The property was, in fact, Grade 3 Listed, as recorded on the official List of Sites of Special Interest that were of architectural, historical and/or archaeological interest. References to Grade 4 in the consultation response and the comments from the National Trust for Jersey had been made in error. (It was noted that the HET response to the original application in 2017 correctly referred to Rosedale Farm as Grade 3 Listed.) In any event, the Listing grade had been determined following an assessment and was not a matter which required agreement from the applicant or any professional advisers commissioned to act on his/her behalf.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who confirmed that the property was a Grade 3 Listed 17th century farmhouse, which had undergone significant changes inside and out. The proposal was to replace the southern wing, which was within the extent of the Listing, with a new wider structure. Whilst the north eastern elevation would remain unchanged, the north west facade would be replaced to form a larger wing and the north western gable would be repositioned to take up the increase in width. This would involve the loss of significant historic fabric, lengthen the principle range of buildings and demolish most of the southern wing. The increase in the width of the wing bore no proportion to the historic form of the buildings. As such the loss of historic fabric, the disproportionate new southern wing and the further extension of the western gable to the farmhouse meant that the Historic Environment Team could not support the application because of the impact on the character of the farm group and the loss of buildings within the extent of the Listing. The Department had worked with the applicant on the original scheme and this had included a careful review of the proportions and the impact on the Listed Building. It was considered that the revised proposals were a step too far and would have a detrimental effect on the character of the Listed building.

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The Committee received Mr. R. Pinel, representing the applicant. Mr. Pinel outlined the differences between the approved and revised schemes and discussed the materials which were to be used – there would be an increase in the use of granite. Sympathetic restoration works were proposed, to include the reinstatement of a granite arch and the revised proposals were not dissimilar to the approved scheme. Mr. Pinel advised that he had considerable experience in working on historic buildings and a heritage statement had been commissioned in advance of the proposed development of the site. This had been carried out in 2017 by Museum of London Archaeology.

The Committee heard from Mr. M. Strawbridge, Director, Landscape Collective Limited, who had co-authored the original heritage statement. Mr. Strawbridge outlined the history of Rosedale Farm, which had been purchased by the Walker family in 1974, when the property was in a parlous state with no roof. Following a comprehensive programme of restoration works the property had been Listed. Mr. Strawbridge had reviewed the revised proposals and considered the impact of the same. He had noted that the revised scheme comprised the same combination of elements with a slightly larger footprint and an increase in the use of granite in the finish of the elevations. Ridge heights and overall proportions remained similar. In conclusion, the revised scheme would have no more material impact on the character, appearance or significance of the historic asset than the 2017 manifestation.

The Committee heard from the applicant, Mr. R. Walker, [REDACTED]. He discussed the proposed development and his desire to achieve a high quality development which was sympathetic to the historic building. Mr. Walker advised the Committee that he had, in the past, built a property in the UK using reclaimed materials and he intended to re-instate the original front door at the property, expose granite and use original handmade bricks for internal features.

The Committee heard from Mr. R. Kinnaird, also representing the applicant, who outlined the differences between the approved and revised schemes. He, too, stated that the revised scheme comprised the same combination of elements with a slightly larger footprint.

Having considered the application, the Committee, with the exception of Deputies J.M. Maçon of St Saviour and L.B.E. Ash of St. Clement, endorsed the officer recommendation to refuse permission for the reasons set out above.

Broadlands
Farm House,
La Rue de
Mahaut, St.
Ouen:
proposed
demolition of
storage
building/
construction of
garage with
tourist
accommodat-
ion above/
conversion of
barn.

A14. The Committee considered a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the removal of a condition attached to the permit in respect of the demolition of a storage building at Broadlands Farm House, La Rue de Mahaut, St. Ouen and its replacement with a 5 bay garage with tourist accommodation above. The scheme also included the conversion of an existing barn to provide a 2 bedroom dwelling.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, GD1, NE2 and 7, BE6, TT5, E1 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee noted that Broadlands Farm comprised a farmhouse and various outbuildings which had been converted to residential accommodation. The site was situated in a rural location in St. Ouen, with a small number of residential dwellings to the north and west and agricultural fields to the east and south.

P/2018/1198

Permission had been granted in October 2019 for the demolition of an existing flat-roofed light storage building and its replacement with a building which would accommodate 5 single garages at ground floor level (which would serve existing residential units on the site) and a one-bedroom dwelling above, which was intended for use as tourist accommodation. In addition, the adjacent existing building to the west, which was also currently used for light storage purposes, would be converted to provide a 2 bedroom dwelling.

The Committee was advised that following the granting of permission new information about the drainage infrastructure and surface water drainage arrangements had come to light, causing the Drainage Section to amend its response to the proposal. At present run-off drained directly onto the road surface from roof pitches on the western boundary, to which there was no objection. Roofed and hard paved areas within the site were believed to drain to a soakaway. It had come to light that there was a buried pipe connecting directly to the road drainage system, of which there was no detail. As the road drainage system in Rue de Mahaut drained through a property to the west of that road any increase in flow to the detriment to that land owner could not be permitted so additional flow had to be contained within the site. Consequently, the consultation response had been amended to read that there was no objection to the current surface water drainage from the property to maintain the status-quo, but any perceived/potential increase in run-off to the public road drainage system had to be dealt with by an on-site to a soakaway. As a consequence of this, the applicant had requested that condition No. 1 on the permit be removed due to an inability to comply with the condition. This particular condition required all surface water run-off from the proposed development and other buildings on the site to be disposed of within the site to a soakaway. The Department was suggesting that the condition be amended rather than deleted to ensure control over any surface water drainage from the site. The revised condition would read –

All surface water run-off from the the proposed development shall be disposed of within the site to a soakaway.

The Committee noted that, due to an administrative oversight, the Department report had not been included within its agenda pack and it was agreed that it would be inappropriate to determine the application without all of the relevant information. Consequently, consideration of the application was deferred until the next scheduled meeting in 2020.

No. 2 Casa del Playa, La Route de la Haule, St. Lawrence: proposed new second floor. File

A15. The Committee considered a report which had been prepared by the Department 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 raising of the roof at No. 2 Casa del Playa, La Route de la Haule, St. Lawrence to create an additional floor and form a one bed self-catering tourist accommodation unit with a balcony to the south elevation. It was also proposed to construct a conservatory on a first floor balcony on the south elevation. The Committee had visited the site on 17th December 2019.

P/2019/0828

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Shoreline Zone and that Policies SP1, GD1, GD7, BE4, BE6, H6 and EVE1 of the 2011 Island Plan were of particular relevance.

The application had been refused on the grounds that –

the proposed development would not relate well to surrounding buildings in terms of its scale, design and building height, failing to satisfy the requirements of Policies GD1, GD 7 and EVE1 of the 2011 Island Plan, and;

the creation of an additional residential unit would lead to an intensification in the use of the existing access. The proposal would not provide a satisfactory means of access, manoeuvring space or adequate space for parking, failing to meet the requirements of Policy GD1(5) of the 2011 Island Plan.

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

The Committee received the applicant, Mr. M. Bowen and his agent, Mr. M. Collins. Mr. Collins outlined the planning history of the site, which included permission to increase the number of bedrooms from 2 to 4. This permission was live and could be implemented at any time. The scheme under consideration added only one additional bedroom and would result in an increase of 640 millimetres in the height of the structure. There would be no impact on the street scheme or on neighbouring amenities. The submitted plans had not shown the full extent of the parking area and it was possible for vehicles to turn on site. 2 car parking spaces for each of the self-catering units would be provided and this type of accommodation would generate less traffic movements than the 4 bed apartment which had previously been approved. Visit Jersey supported the application.

Mr. Bowen addressed the Committee, outlining the improvements he had made to the property since purchasing it. He too discussed the benefits of self-catering accommodation and the advantages over the approved scheme. The Committee was shown images of the approved scheme by Mr. Bowen in an attempt to illustrate that there would be very little difference in the appearance of the building with the revised scheme. He offered to re-submit the application with fuller details of the parking provision on site.

Having considered the application, the Committee, with the exception of Deputy L.B.E. Ash of St. Clement, endorsed the recommendation to refuse permission for the reasons set out above. In doing so the Committee concluded that it was not concerned about the parking issue and asked that this be struck out as a reason for refusal.