

KML

PLANNING COMMITTEE

(6th Meeting)

27th May 2021PART A (Non-Exempt)

All members were present, with the exception of Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and K.F. Morel of St. Lawrence, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chair
 (not present for item Nos. A2, A8, A9 and A13)
 Connétable D.W. Mezbourian of St. Lawrence
 (not present for item Nos. A3, A8, A9, A10 and A11)
 Deputy L.B.E. Ash of St. Clement
 (not present for item No. A10, A11 and A13)
 Deputy S.G. Luce of St. Martin
 (not present for item Nos. A8 and A9)
 Deputy M.R. Le Hegarat of St. Helier

In attendance -

G. Duffell, Principal Planner
 (not present for item No. A16)
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 R. Hampson, Senior Planner
 K. Ambrasa, Planner
 G. Vasselin, Planner
 K.M. Larbalestier, Specialist Secretariat Officer, States Greffe

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

- Minutes. A1. The Minutes of the meetings held on 31st March, 1st April and 6th May 2021, having been previously circulated, were taken as read and were confirmed.
- Fair Acre, La Route Orange, St. Brelade: proposed demolition and redevelopment. A2. The Committee, with reference to its Minute No. A7 of 6th May 2021, considered a report in connexion with an application which sought approval for the demolition of the property known as Fair Acre, La Route Orange, St. Brelade and its replacement with an apartment building comprising 15 x 2 bedroom residential units with basement car parking and landscaping. The Committee had visited the application site on 4th May 2021.
- P/2020/1533 Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.
- The Committee recalled that it had been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to refuse permission for the reasons set out in the Department's report. In doing so, it noted that one of the reasons for refusal related to unacceptable traffic generation arising from the proposed development. This issue had been raised by only one member of the Committee - Connétable D.W. Mezbourian of St. Lawrence. The remaining members of the Committee confirmed support for the inclusion of this reason for refusal. In addition, Deputy S. G. Luce of St. Martin confirmed that his concerns regarding design related specifically to the roof design.

La Maison du Mont, La Rue de la Blanche Pierre, St. Lawrence:
proposed partial demolition and redevelopment.

A3. The Committee, with reference to its Minute No. A22 of 6th May 2021, 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 permission for the partial demolition, redevelopment and extension of the property known as La Maison du Mont, La Rue de la Blanche Pierre, St. Lawrence. The Committee had visited the application site on 5th May 2021.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.

P/2020/1673

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to grant permission for the reasons set out in the Department's report and on the basis of the imposition of one condition, which related to the submission and approval of an ecological assessment, prior to the commencement of development, as set out in the Department's report. It had been proposed to add a condition in connexion with drainage and a requirement to connect to a private drainage system. However, following discussions with the applicant, the case officer was recommending that this condition be struck out and the Committee endorsed this.

Former CICS warehouse site, Goose Green Marsh, St. Peter:
proposed change of use of retail unit.

A4. The Committee, with reference to its Minute No. A23 of 6th May 2021, 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 permission for a variation of a condition in respect of the change of use of an existing retail unit to part retail/part café on the ground floor of the approved residential development on the former CICS warehouse site, Goose Green Marsh, St. Peter. A golf performance centre was also to be created on the first floor of the development. The Committee had visited the application site on 5th May 2021.

RP/2020/1617

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to grant permission for the reasons set out in the Department's report and on the basis of the following revised condition –

The retail and café uses hereby approved at the ground floor shall not operate outside the hours of 7.30 am – 8 pm - Monday to Saturday and 8 am to 6 pm on Sundays and Public Holidays. The Golf Performance Centre use shall not operate outside the hours of 7.30 am – 9 pm Monday to Saturday and 8.00 am – 6 pm on Sundays and Public Holidays.

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Land to the east of Vue des Champs, Le Mont Gras d'Eau, St. Brelade: proposed change of use of land for temporary parking (RETROSPECTIVE).

A5. The Committee, with reference to its Minute No. A12 of 6th May 2021, considered a report in connexion with a retrospective application which sought approval for the change of use of agricultural land to the east of Vue des Champs, Le Mont Gras d'Eau, St. Brelade to create a temporary parking site with associated fencing in connexion with the redevelopment of the former Windmills Hotel site. The Committee had visited the application site on 4th May 2021.

The Committee recalled that it had been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to refuse permission for the reasons set out in the Department's report.

P/2020/1810

Field No. 881, La Rue des Fosses à Mortier, St. Brelade (agricultural shed): proposed variation of condition. (RFR).

A6. The Committee, with reference to its Minute No. A21 of 6th May 2021, 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 permission for the variation of a condition attached to the permit in respect of an agricultural shed on Field No. 881, La Rue des Fosses à Mortier, St. Brelade. The Committee had visited the application site on 5th May 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to grant permission for the reasons set out in the Department's report and on the basis of the imposition of the condition detailed within the Department's report.

P/2020/0454

Westpoint, La Route de la Villaise, St. Ouen: proposed vehicle store/garage/workshop/hardstanding/raised deck/altered access.

A7. The Committee, with reference to its Minute No. A20 of 6th May 2021, 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 permission for the construction of a basement vehicle store with garage and workshop above to the north elevation of the property known as Westpoint, La Route de la Villaise, St. Ouen. It was also proposed to create an area of hard standing to the south of site, demolish an existing deck and construct a raised deck with screen wall, bar/shower room to the south-east of the site and alter the vehicular access onto La Route de La Villaise. The Committee had visited the application site on 5th May 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented.

The Committee confirmed its decision to grant permission for the reasons set out in the Department's report and on the basis of the imposition of the conditions detailed within the Department's report.

RP/2020/0283

Tamba Park,
La Rue des
Varvots, St.
Lawrence:
change of use
of café and
shop/
replacement
pumps/
increase in size
of store
(RETRO-
SPECTIVE).
P/2020/0760

A8. The Committee, with reference to its Minute No. A10 of 6th May 2021, considered a report in connexion with a retrospective application which sought approval for the change of use of the former café and shop at Tamba Park, La Rue des Varvots, St. Lawrence to facilitate an agricultural use. The replacement of existing air source heat pumps and an air handling unit was also proposed, together with an increase in the size of an internal store. Members had visited the application site on 4th, 25th and 26th May 2021.

Deputies G.J. Truscott of St. Brelade, Vice Chairman and S.G. Luce of St. Martin and Connétable D.W. Mezbourian 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 Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the applicant company has secured a licence to cultivate pharmaceutical grade Hemp/CBD at Retreat Farm and had previously been granted permission for the erection of fencing and gates, in accordance with States of Jersey Police requirements for the site operation.

The Committee recalled that it had considered the above application at its meeting on 6th May 2021 and had heard from a number of objectors, one of whom (Mrs. J. Bromley) had requested that the Committee visit her property as part of its assessment of the application. Consequently, determination of the application had been deferred to allow for a site visit.

The Committee had previously been advised that there was an established tourism/agriculture use on the site and the application sought retrospective approval for the change of use of the former café and shop to facilitate an agricultural use, to include an increase in the floor area of an internal store. The replacement of existing air source heat pumps and an air handling unit in an open area immediately to the north of the former café and shop building was also proposed. The existing glasshouse use had long been established, having been constructed in the 1960s and the use of the glass house to grow hemp was recognised by the Department as an agricultural use, which did not require a change of use application. Therefore, the assessment did not consider the principle of the use and focussed on the acceptability of the proposed development in the Green Zone context and whether it would unreasonably harm the amenities of neighbouring uses and the character of the area. Overall, the proposed works were incidental to the operation of the glasshouse and the scale, form, siting and design were considered acceptable within the Green Zone context and would not cause serious harm to the landscape character. The works were situated at a satisfactory distance away from any neighbours and would not cause unreasonable harm to the amenities of the neighbouring properties. Consequently, approval was recommended, subject to the imposition of certain conditions detailed within the officer report.

On a related matter, works to the glasshouse internally, such as an office, meeting room, toilets *etcetera* had been assessed and had been defined as Permitted Development, not requiring planning permission. The case officer also clarified that the use was not considered to be light industrial (in the context of the use classes set out in the General Development Order) and this had been confirmed by the Environmental Health Department and verified by the Law Officers' Department. This did not, however, preclude the Department from investigating any matters raised by neighbours of the site. The use was considered low key and of a benign nature and would not result in harm to the amenities of neighbouring properties. It

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was possible that the applicant might submit an application in the future to facilitate a light industrial use, if it was decided to extract oil from plants or process them.

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

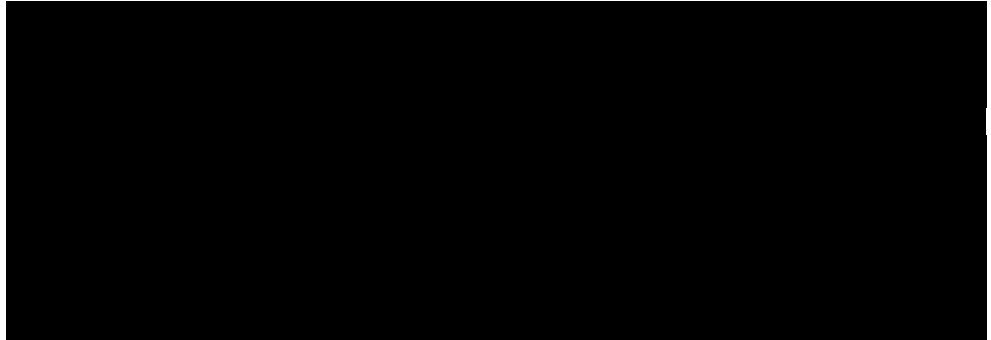
The Committee heard from Mrs. A. McGinley, [REDACTED]. Mrs. McGinley reminded members that a residential development had been constructed on the site of the former agricultural packing sheds, together with offices and staff accommodation – the point being that the dynamics of the site had changed. She also added that the existing former Tamba Park building had previously been used for tourism and not agriculture. With regard to the Planning and Building (General Development) Order 2011, this specifically defined industrial processes as any process that was necessary or incidental to make an article or part of an article or to alter, repair, ornament, finish, clean, wash, pack, can or to adapt for sale or to demolish an article. [REDACTED]

[REDACTED]. She went on to state that ‘there was nothing small scale’ about the proposal under consideration with a very large air handling unit proposed, together with approximately 11 large air source heat pumps, with no details of operational hours or a noise assessment having been included. Mrs. McGinley reminded members of noise issues which had previously arisen with an air conditioning unit on the site, which had originally been operational 24 hours a day, 7 days a week. Ultimately, a noise assessment and mitigation measures had been required in respect of this much smaller unit. No environmental or crime impact assessments had been submitted in respect of the current application. Mrs. McGinley noted that this was an industry which required security fencing and staff on site around the clock. She asked where the security assessment for residents was, based on the proximity to the application site. She believed the application was contrary to Policy GD1 of the 2011 Island Plan [REDACTED]. She also noted that 2 Scrutiny Panels were currently carrying out reviews into medicinal cannabis. Mrs. McGinley urged the Committee to refuse the application.

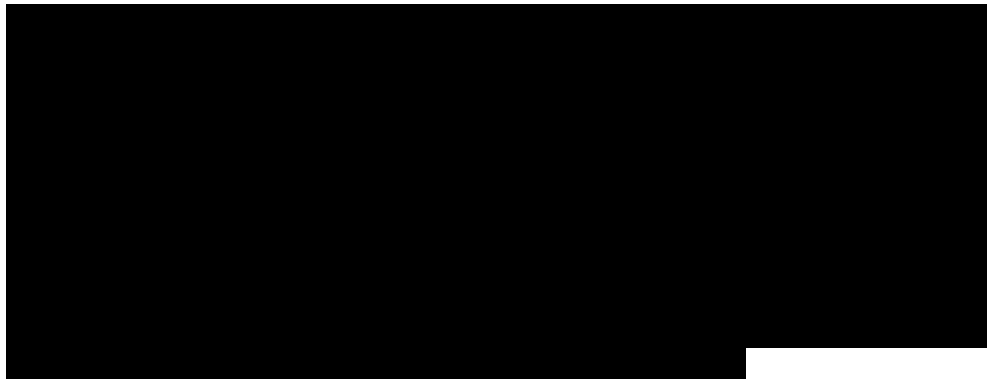
The Committee heard from Mr. P. Ashworth, [REDACTED]. His employer had recently received a communication from a Director of the applicant company, which Mr. Ashworth alleged contained false allegations and which required him to cease reporting matters relating to the application site to the Department. He moved on from this, stating that there were 2 key components to the application, one was explicit and the other implicit. A retrospective application had been submitted for the change of use of the former café and shop and it was proposed to install new equipment together with an increase in the size of an internal store, with no details submitted. The second aspect of the proposal had been classified by the Department as permitted development and Mr. Ashworth referred the Committee to the definition of such works, as set out in the General Development Order and argued that the works did not accord with the descriptions of repairs, maintenance or minor works. Whilst the General Development Order permitted replacement plant or machinery, this related to industrial uses. He understood that the Minister for the Environment had made it clear that the use was industrial and, following a visit to Warwick Farm, had not been supportive of a similar industrial process on that site. Mr. Ashworth referred to the piecemeal approach which was being taken to the development of the site and believed that further applications would be forthcoming. He argued that the Committee had insufficient information upon which to base its decision and he urged members to refuse the application and prevent a large industrial development in the countryside. In concluding, he too noted that 2

Scrutiny Panels were currently carrying out reviews into medicinal cannabis.

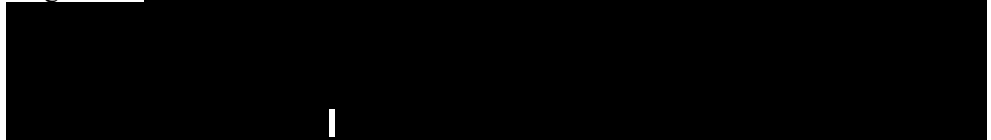
Mrs. J. Butlin, on behalf of Willin Limited, addressed the Committee. Mrs. Butlin



The current application did not include an environmental impact assessment and she too believed the use to be industrial. She questioned the need for a security fence when this had not been deemed necessary at the Jersey Hemp site. She was also concerned about the security threat to her own property and land arising from the development of the site and the prospect of 'rank smells'.



Mr. Le Sueur continued, stating that the Committee was aided and advised by planning professionals in its assessment of applications. Advice had also been sought from other Government Departments and the application was recommended for approval. Mr. Le Sueur did not believe that there would be any impact on neighbours



. Mr. Le Sueur concluded by stating that there would be no noise, visual impact or odour concerns arising from the development. Island Plan Policies allowed for industrial development in agricultural areas for agricultural businesses and the applicant company intended to submit a further application in the future for an industrial use.

Having considered the application, the Committee decided to grant permission, subject to the conditions detailed within the officer report. In doing so, the Chairman stated that he did not believe that there would be any additional harm arising from the proposed development and he supported the imposition of a condition restricting the hours of operation. In concluding, he cautioned against the piecemeal approach

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which had been taken thus far in respect of the development of the site and urged the applicant company to submit a holistic plan. The submission of retrospective applications had a considerable reputational impact. Other members urged the applicant company to build better relations with neighbours.

Mr. Ashworth sought clarification as to what exactly the Committee had approved. It was confirmed that the Committee was approving the application as presented. Mr. Ashworth expressed disappointment that neighbours would not be given the opportunity to comment on certain elements defined by the Department as Permitted Development.

Tamba
Park/Retreat
Farm (car
park), La Rue
des Varvots,
St. Lawrence:
change of use/
extension of
boundary
fence/installat-
ion of plant.

A9. The Committee, with reference to its Minute No. A11 of 6th May 2021, considered a report in connexion with a retrospective application which sought approval for the change of use of the former car park associated with Tamba Park at Retreat Farm, La Rue des Varvots, St. Lawrence for use as a car park in association with the agricultural use. It was also proposed to extend the existing timber fence to the eastern site boundary, install water and oil storage tanks and an air source heat pump with landscape screen bunding. The Committee had visited the application site on 4th May 2021.

P/2020/1098

Deputies G.J. Truscott of St. Brelade, Vice Chairman and S.G. Luce of St. Martin and Connétable D.W. Mezbourian 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 Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the applicant company has secured a licence to cultivate pharmaceutical grade Hemp/CBD at Retreat Farm and had previously been granted permission for the erection of fencing and gates, in accordance with States of Jersey Police requirements for the site operation.

The Committee recalled that it had considered the above application at its meeting on 6th May 2021 and had heard from a number of objectors, one of whom (Mrs. J. Bromley) had requested that the Committee visit her property as part of its assessment of the application. Consequently, determination of the application had been deferred to allow for a site visit.

The Committee was advised that there was an established tourism/agriculture use on the site and the application sought retrospective approval for the use of the car park in association with the agricultural use, together with the erection of a small scale water tank, oil tank heat pump and some close boarded fencing panels, all in connexion with the use of the site for hemp production. The existing glasshouse had long been established, having been built in the 1960s and the use of the glass house for growing hemp was recognised by the Department as an agricultural use, which did not require a change of use application. Therefore, the assessment did not consider the principle of the use and focussed on the acceptability of the proposed development in the Green Zone context and whether it would unreasonably harm the amenities of neighbouring uses and character of the area.

Overall, the proposed works were incidental to the operation of the glasshouse and were considered acceptable within the Green Zone context and not considered to cause serious harm to the landscape character. The proposed oil tank, water tank and heat pump were also situated at a satisfactory distance away from neighbours and would not result in unreasonable harm to the amenities of the neighbouring

properties. The existing car park had been in-situ for some considerable time and the application proposed its use for agricultural parking rather than tourism parking.

The application was recommended for approval, subject the imposition of certain conditions detailed with the officer report.

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

The Committee heard from Mrs. J. Butlin, representing Willin Limited. Mrs. Butlin wished to address the case officer and stated that she believed the car park had previously been used for overflow car parking for coaches and she understood that there was a 'covenant' which required that the land be returned to agriculture when the tourism use ceased. The case officer advised that he had viewed the earliest ariel photographs of the site and, with the exception of one year, it had been used for parking cars and not coaches. There was no 'covenant' requiring the land to revert to agriculture when the tourism use ceased. A disuse and disrepair condition had been attached to the permit in respect of the smaller of the glasshouses. The Chairman added that covenants were civil matters and that planning consent did override legal restrictions.

The Committee heard from Mrs. A. McGinley, who repeated points made in relation to the changing dynamic of the site with the introduction of residential accommodation (Minute No. A8 referred). She went on to state that, contrary to belief, previous plans for a tourism related use had not been opposed by residents. She described the car park as an 'agricultural field protected under Agricultural Land legislation', which had been used for overspill parking associated with the former tourism use. She too believed the land should be returned to agriculture. The proposed air source heat pump, water and oil tanks were associated with the use and activity within the glasshouse, for which planning consent had not been granted. Whilst the Department considered the works within the glasshouse to be covered by permitted development rights under the General Development (Jersey) Order 2011, Mrs. McGinley refuted this and referred the Committee to parts one and 2 of the Order, which related to agricultural land and which included land under glass. Part one defined agriculture as horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, the use of the land for grazing, market gardening and nursery ground. Part 2(1)(b) of the Agricultural Land (Jersey) Law 1964 stated that it was a criminal offence to do anything which had or was likely to have the effect of rendering the agricultural land unsuitable for agriculture and Mrs. McGinley believed that the works which had been undertaken did just that. She moved to part 3 of the Order – which related to repairs, maintenance and minor works to land and buildings - and argued that the work in the glasshouse did not fall into any of the aforementioned categories. Class E referred to the widening of accesses for agricultural purposes, Class G referred to the erection of a structure on agricultural land to shelter livestock and Class I the erection of a fence on agricultural land, providing the fence did not exceed 1.2 metres in height. Mrs. McGinley went on to read parts 5 (development for industrial purposes) and 6 (development by provider of public services), all with the aim of illustrating that the use was industrial and not agricultural. She also repeated the definition of industrial land uses – as set out in Minute No. A8 above - and concluded that the works within the greenhouse and the installation of new plant and machinery required planning permission and were not covered by permitted development rights. She referenced previous unauthorised activities at the former Tamba Park, for which permission had not been granted and she believed that the Department had failed residents. Mrs. McGinley stated that a number of questions had been posed in relation to the use and these remained unanswered. Approval of the application would set an undesirable precedent. She repeated views in relation to the provision of a security

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assessment for residents and the need for environmental, noise and odour assessments, particularly given the proximity of residential development to the application site. She believed the application was contrary to Policy GD1 of the 2011 Island Plan [REDACTED]. She also noted that 2 Scrutiny Panels were currently carrying out reviews into medicinal cannabis. Mrs. McGinley urged the Committee to refuse the application.

Mrs. Butlin addressed the Committee, re-stating that this was an agricultural field which had been used as a car park. The water table in the whole area was high and whilst an agricultural field would absorb water, a hard surface would increase water run-off to the pumping station, which was running at maximum capacity at present. Mrs. Butlin believed that the use on the site generated vast amounts of water and she asked where it would go. Residents had seen changes in boreholes and wells and raw sewage had been released into a stream due to infrastructure capacity issues and this had caused considerable harm. She believed the use of the site as a car park would exacerbate the problem and she also noted that similar businesses in other jurisdictions did not have car parks so close to the actual site. She questioned why it was necessary to destroy an agricultural field for car parking and suggested the applicant company use the existing car park accessed off La Rue de la Frontière, which had previously been used by Flying Brands and which provided better access arrangements for larger vehicles. La Rue des Varvots was a narrow and tranquil lane which led onto the green lane network. Mrs. Butlin noted that there had been an increase in traffic since the applicant company had moved to the site and she also claimed that 'rubbish deposits were horrendous'. She continued by stating that some of the business activity could have been carried out in the former packing sheds had a shareholder in the applicant company not chosen to develop this site to create a residential development [REDACTED]. She stated that this was not an agricultural project but an industrial use and she stated that large tankers would be required to visit the site to fill both the oil and water tanks. Finally, she stated that no environmental impact assessment had been submitted.

The Committee heard from Mr. G. Le Sueur, representing the applicant company, Northern Leaf Limited. Mr. Le Sueur advised that the former Island Development Committee had granted permission in 1992 for the formation of an overspill car park comprising 102 spaces on the application site. Therefore, the land had been used lawfully as a car park for over 30 years. [REDACTED] and there had been no objections from neighbours who overlooked the car park. Mr. Le Sueur took the opportunity to apologise for the piecemeal approach to developing the site and advised that holistic plans were being prepared. There was no precedent for this type of use in the Island and this was one reason for the approach and the retrospective nature of the application. Mr. Le Sueur reiterated apologies to both the Committee and residents and assured members and neighbours that a masterplan for the site was being produced and would be completed within 2 to 3 months. This would trigger an environmental impact assessment.

The Committee, with the exception of Deputy L.B.E. Ash of St. Clement, decided to grant permission, subject to the conditions detailed within the officer report. In doing so the Chairman expressed appreciation for Mr. Le Sueur's closing comments and looked forward to the submission of a masterplan for the site. The Committee emphasised that it would not wish to see any further retrospective applications.

Field No. 371 and Rue des Buttes, La Rue de la Mare Ballam, St. John: proposed change of use of agricultural land.

P/2019/0903

A10. The Committee, with reference to its Minute No. A10 of 6th May 2021, considered a report in connexion with an application which sought approval for the change of use of part of Field No. 371 and Rue des Buttes, La Rue de la Mare Ballam, St. John to form public gardens and a car park for the Parish of St. John. Various landscape alterations, to include the formation of a pétanque terrain, were proposed together with alterations to La Rue des Buttes to improve footpaths and relocate the Grade 2 Listed war memorial (the Cenotaph). The Committee had visited the application site on 26th May 2021.

Connétable D.W. Mezbourian of St. Lawrence and Deputy L.B.E. Ash of St. Clement did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was a Protected Open Space situated in the Built-Up Area. Policies SP1, SP3, GD1, GD7, SCO4, ERE 1, HE1, NE1, NE2, TT2, TT4 and TT5 of the 2011 Island Plan were of particular relevance.

The Committee noted that the scheme proposed the development of the eastern portion of the field to create a 57 space car park, which would be accessed via a new entrance from La Rue des Buttes. To the north, the war memorial would be relocated and a new civic garden created, which would incorporate the Cenotaph and a newly created pétanque terrain to the west. In addition, the layout of La Rue des Buttes would be revised at its northern end near the junction with La Route de St. Jean. New pedestrian accesses would be created from Field No. 371 to La Rue des Buttes and La Rue Gombrette. Existing boundaries would be reinforced with planting.

The Committee noted that the main issues were the loss of Protected Open Space and the impact on the Grade 1 Listed Parish Church and the Grade 2 Listed war memorial. This had to be balanced against improvements to road safety and the provision of additional car parking near the village centre. In this particular case, whilst the loss of the agricultural pasture land was regrettable, the proposed development would result in a community benefit by providing additional car parking for both the Primary School and the nearby village centre and its commercial and retail uses. Part of the area would provide a new pétanque terrain and a re-landscaped memorial garden. There would also be some impact on the setting of the aforementioned Listed structures and a robust landscaping scheme would be required to mitigate the impact of the proposed development.

On balance, and subject to the submission of a robust landscaping scheme, it was considered that the proposal was in accordance with the strategic aims of the Island Plan and its adverse impacts could be adequately mitigated. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed in the Department report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure funds for pedestrian crossing improvements on La Route de St. Jean. If a POA could not be completed within a specified time frame, the application would be re-presented to the Committee.

The Committee noted that there had been 8 letters of support for the application and 17 letters of objection.

On a related matter, it was noted that the highway authority had withdrawn its objection following a partial redesign of the scheme. In order to secure the required road safety improvements a Planning Obligation Agreement was being recommended.

The Committee heard from Mr. C. Malet de Carteret [REDACTED].

Mr. Malet de Carteret stated that it was clear from the Department's report that the parish was divided in terms of the proposal. With regard to Policy SCO4, he noted that large areas of the Built-Up Area of in St. John were encompassed by this designation and the public relied on this protection to safeguard the land for future, so it was unhelpful to develop this land. There was a requirement to demonstrate that the loss of the land would not harm the character and appearance of the area and the National Trust believed that the proposed development would do just that. Mr. Malet de Carteret noted that no reference had been made to Policy GD5 in the Department report. This particular policy related to skyline views and vistas and sought to protect or enhance the skyline, strategic views, important vistas and the setting of landmark and Listed Buildings and places. This was crucial in this particular context and the National Trust did not share the optimistic view that any adverse impact could be mitigated by a planting scheme. Moving on to Policy SP1, Mr. Malet de Carteret questioned whether the circumstances were exceptional enough to permit the loss of 'a formidably beautiful piece of real estate'. He believed that the draft Bridging Island Plan would afford even greater protection for sites like this. In terms of sustainability, as a guiding principle, development needed to meet today's needs without compromising future generations. Mr. Malet de Carteret was not convinced that building a car park fitted this criteria as the land would be lost forever and approval would set a poor precedent for the rest of the Protected Open Space in the parish.

The Committee heard from Mr. C. Schofield [REDACTED], which organisation was opposed to the application on 3 specific grounds – climate, transport and setting. With regard to climate, Mr. Schofield noted that the scheme had been in existence for some considerable time and since its evolution a climate emergency had been declared. He stated that a scheme which encouraged cars into the vicinity of a school was no longer appropriate or relevant. In Scotland's capital city, Edinburgh, streets had been closed to protect children from vehicle emissions. The approach which had been adopted here was 'old fashioned and not in line with modern thinking'. In terms of the withdrawal of the highway authority objection, Mr. Schofield asked the Committee to carefully consider the submitted documentation from the Senior Transport Planner and, in particular, his second report, which stated that the provision of a zebra crossing would not address highway safety concerns. Turning to the setting of the parish church, Mr. Schofield believed that this would be sacrificed if the scheme was approved and the church would be viewed across a sea of cars and vans. Policy GD5 sought to protect strategic views and the setting of landmark and Listed Buildings. The Committee was referred to the Integrated Landscape and Seascape Character Assessment, which had been commissioned as part of the evidence base for the new Island Plan to address the challenges the Island faced from the global forces of climate change, biodiversity loss and development pressure through the promotion of sustainable development. This document articulated the thinking behind Policy GD5. Mr. Schofield suggested that the Committee defer consideration of the application and invite the Senior Transport Planner to provide views for the avoidance of doubt and, if opposed, then the applicants should submit a fresh application which took account of contemporary thinking in this context and which included much more detail.

The Committee heard from the Reverend B. Sproats, [REDACTED], who described a thriving village with a lovely centre. However, parking was a problem and vehicles often parked all along the coast road to the north. For those people with mobility issues it was particularly difficult to access amenities and the provision of car parking would make the church more accessible. In terms of the impact on the setting of the church, the car park would be at lower level so views would be preserved and more people would enjoy the view from the proposed new gardens. Work was also in progress to open up views of the church from the west, which was

currently obscured by shrubs and the new landscaping would be viewed from the church. Reverend Sproats concluded by stating that the scheme would benefit the wider community.

The Committee heard from Mrs. T. de la Haye, [REDACTED]. Mrs. de la Haye spoke of the benefits which would arise in terms of safety and health and well-being. 200 pupils attended the school, with only 19 per cent being able to walk or cycle to school. The surrounding road network was busy and footpaths were narrow. 70 per cent of children were driven to and from school, and whilst a drop-off system was operated in the morning, when parents arrived to collect children in the afternoon this caused congestion, despite temporary parking being provided by local businesses. There was no dedicated car park for the school so staff vehicles were parked in the playground (only 5 of the 26 members of staff lived in the parish and only 2 were able to walk to school). The proposed development would increase safety around the school and would allow parents to park and access the school in the afternoon. It was also proposed to create a 'forest school' within the proposed development and this would have wide ranging benefits.

The Committee heard from Mr. A. Morris, [REDACTED]. Mr. Morris stated that there were 4 main objectives – to create a car park to maintain the vitality of the village; to support the school, parish church and local shops (it was noted that the car park in the village shopping centre was privately owned); to provide green open space for the parish and Island (including moving the Cenotaph and providing a sensory garden for the school (the latter did not form part of this application, and to provide safer drop off and pick up arrangements for the school. Mr. Morris advised that his own children had attended the school and he had seen various iterations of pick up and drop off arrangements and, despite best efforts, had always been concerned about the potential for an accident. Mr. Morris referred the Committee to the planning statement produced by KE Planning, which addressed how the scheme met the 4 tests set out in Policy SCO4. The proposed road improvements were supported by the highway authority and the scheme had been supported by 116 votes for and 3 against at a parish assembly. Finally, the heritage assessment had been supported by the Historic Environment Section.

The Committee heard from Connétable A. Jéhan of St. John, who advised that plans for the proposed development dated back 25 years, with the parish having purchased the land 10 years previously. The Connétable stated that initially he had reservations about the proposals but had come to recognise the desperate need for parking in the village. He explained his professional background and the manner in which he had assessed the proposals and he believed that road safety would be greatly improved. St. John's School was the only Island school where staff were required to park in the playground. He reminded the Committee of the parish's green credentials – it had been the first to introduce a recycling scheme. The proposed development would include electric and solar charging points and the creation of a 'forest school' and a community wood was also proposed. The parish wished to encourage walking and cycling and work was underway to create safer routes from Sion village. The Island Plan and the Bridging Island Plan supported the viability of local centres and the Connétable referred the Committee to page 38 of the Bridging Island Plan. He went on to state that the privately owned car parking in the village was often used by people who parked their vehicles in the car park and took the bus to St. Helier. This had an adverse impact on traders in the village and the Connétable referred to discussions he had had with business owners and the concerns they had expressed about the provision of parking. The Connétable referred to similar schemes in other parishes and just how successful these had proved. He urged the Committee to approve the application for the benefit of residents and noted that in the preceding 4

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weeks letters had been delivered to 90 per cent of homes in the parish and only one person had spoken against the scheme at a recent Island Plan road show.

Having considered the application, the Committee was unable to reach a majority decision with Connétable P.B. Le Sueur of Trinity, Chair and Deputy G.J. Truscott of St. Brelade, Vice Chair endorsing the Department's recommendation to grant permission and Deputies S.G. Luce of St. Martin and M.R. Le Hagarat of St. Helier not supporting the scheme on the grounds of the loss of the Protected Open Space and long views, the impact on the setting of the church, the unknown impact on air quality of car parking in such close proximity to the school and the move away from reducing dependence on private vehicles.

In accordance with agreed procedures where a vote was tied, the application was determined in the negative and was refused, contrary to the Department's recommendation. The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Ville au Veslet
Farm, Le Mont
Isaac, St.
Lawrence:
proposed
replacement
antenna.

A11. The Committee considered a report in connexion with an application which sought approval for the replacement of an existing antenna to provide improved 4G capabilities at Ville au Veslet Farm, Le Mont Isaac, St. Lawrence. The Committee had visited the application site on 26th May 2021.

Connétable D.W. Mezbourian of St. Lawrence and Deputy L.B.E. Ash of St. Clement did not participate in the determination of the application.

S/2020/1753

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies NE7, GD1, NR9 and NR10, of the 2011 Island Plan were of particular relevance.

The Committee noted that the primary consideration was the impact of the proposal upon the visual amenity of the area, with particular attention drawn to the landscape impact and potential impact on the setting of Listed Buildings. Furthermore, consideration had to be given to electromagnetic emissions and, in this respect, it was noted that the combined existing and proposed equipment was estimated to result in levels of up to 2 per cent of the recommended limit. As with all applications for telecommunications equipment, a post commissioning test would be required to confirm the exact electromagnetic levels. If the test indicated that the level was higher than those recommended by The International Commission on Non-Ionizing Radiation Protection (ICNIRP), then the permission would cease to be valid.

The proposed antenna was not viewed as having a particularly harmful impact on the character of the landscape and was an improvement over the previous submission, both in terms of design and impact on the landscape. The proposal was not considered to be visually intrusive, given the location of the mast and the orientation of nearby properties. With this in mind, the Department was recommending approval, subject to the imposition of the condition detailed in the Department report.

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

The Committee heard from Messrs. T. Knights, representing Jersey Telecom and B. Francisco, Waddington Architects. Mr. Francisco referred to the number of applications for new masts which had been approved (16) with no objections from Environmental Heath. With reference to the objections received, some were repetitious or serial objections to the principle of mobile masts. The proposed new mast would be the same height as the existing and a simple design approach had

been adopted.

Mr. Knights addressed the Committee, advising of the challenges associated with placing masts in rural areas. In the UK, lattice towers with multiple antenna were used but these were not considered suitable for Jersey. Over time, alternative solutions had been devised which did not compromise capabilities. Mr. Knights went on to describe the manner in which the mobile signal degraded rapidly after only a few metres.

Having considered the application, the Committee endorsed the officer recommendation and granted permission, subject to the imposition of the condition detailed within the officer report.

Silverdale,
Langley
Avenue, St.
Saviour:
proposed
extension/new
vehicular
access.

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the extension of the property known as Silverdale, Langley Avenue, St. Saviour. The Committee had visited the application site on 26th May 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policy GD1, GD7, BE8 and BE6 of the 2011 Island Plan were of particular relevance.

P/2020/1774

The Committee was advised that the application sought approval for the construction of a first floor extension to the north and west elevations of the above property, the installation of a window and rooflight to the south elevation and the widening of the vehicular access onto Langley Avenue. A mix of designs were proposed to create additional habitable space at first floor level. However, the approach adopted appeared to follow no particular design pattern and would result in a development which was unsympathetic to the form, scale, mass and proportions of the existing building. The combination of a first floor flat roof to the west elevation and a very shallow mono pitch roof to the north elevation (which breached the first floor building line) was considered a poor quality design, which did not respect or complement the existing building or adjoining buildings. This was exacerbated by the different proportions and shapes of the fenestration and the introduction of timber cladding. The proposal was also considered to cause unreasonable overbearing impact on neighbouring properties. Consequently, permission had been refused on the grounds that the application was contrary to Policies GD1 and GD7 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

It was noted that the Parish of St Saviour supported the widening of the vehicular access onto Langley Avenue.

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The Committee received the applicant, Mr. and Mrs. A. Esnouf and their agent. Mr. C. Riva. Mr. Riva advised that there was a notable precedent for 2 storey flat roofed extensions in the area. The proposed development had been designed to meet the needs of a growing family and to respect the character of the existing house and enhance the building. Mr. Riva noted that a more intense 2 storey flat roof extension had been approved in 1992. Island Plan policies sought to concentrate development in the Built-Up Area whilst also being respectful to neighbouring amenities and retaining the character of the area. The proposed development accorded with this ethos and proposed a simple flat roof extension with contrasting materials, which had been designed to create a family orientated living space. The property benefitted from a long deep garden and Mr. Riva drew attention to other properties in the vicinity which had flat roofed 2 storey extensions which extended past the perceived building line. Neighbours had supported the application and there would be no impact on neighbouring amenity space.

The Committee heard from Mrs. Esnouf, who advised of the need for additional space and the impractical layout of the existing dwelling. She too drew attention to similar development in the immediate vicinity.

Having considered the application, the Committee was persuaded by the arguments made and concluded that there would be no impact on neighbouring amenities. Consequently, permission was granted, contrary to the Department recommendation. The Committee directed that cladding samples be submitted for approval by the Department prior to the commencement of development.

It was noted that the application would be re-presented at the next scheduled meeting for formal approval.

No. 15 La
Place Bisson,
Le Clos
d'Avoine, St.
Brelade:
proposed
ground floor
extension.

A13. 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 permission for the demolition of an existing conservatory at No. 15 La Place Bisson, Le Clos d'Avoine, St. Brelade and its replacement with an extension. The Committee had visited the application site on 26th May 2021.

Deputies G.J. Truscott of St. Brelade, Vice Chair and L.B.E. Ash of St. Clement did not participate in the determination of this application.

P/2020/1445

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, GD7, SP1 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that a single storey extension was proposed and this was considered to be unduly large in proportion to the principal dwelling. Concern also existed with regard to unreasonable neighbouring impacts. The main issue was the impact of the extension on the adjoining neighbour to the north, by virtue of the siting, scale and proximity.

In conclusion, the proposed extension would have an overbearing impact and would likely lead to a loss of light to the neighbouring property. Therefore, the application had been refused and it was recommended that the Committee maintain refusal.

Objections had been received from 2 neighbouring properties.

The Committee heard from the applicant, Mr. J. Betts and his agent, Mr. R. Le Sueur. Mr. Betts stated that he wished to replace a poorly constructed conservatory and

reconfigure the internal space. He had consulted neighbours in relation to the proposed development and believed that feedback had been positive. However, there had been a subsequent objection to the application. Mr. Betts felt that the impact of the scheme had been overstated and he pointed out that many homes on the estate benefitted from similar extensions so the proposal was consistent with the adopted approach.

Mr. Le Sueur referred to an ariel photograph which had been 'marked up' for illustrative purposes and recalled that one of the issues which had been highlighted was the size of the proposed extension in relation to the existing house. He noted that the proposed extension would measure 20 square metres, which would result in a 16 per cent increase. A number of extensions had been built in the estate – 2 under the auspices of the current Island Plan – and Mr. Le Sueur highlighted the impact of these structures and the need for consistency of approach. He argued that the proposed ground floor extension would not have an overbearing impact or cause serious harm to neighbouring amenities.

Having considered the application, the Committee was unable to reach a unanimous decision with Connétables P.B. Le Sueur of Trinity, Chair and D.W. Mezbourian of St. Lawrence supporting the Department recommendation for refusal and Deputies S.G. Luce of St. Martin and M.R. Le Hegarat of St. Helier being minded to approve the application. Consequently, the application was refused, in accordance with normal procedures where a vote was tied.

Laubepine, La
Route de l'Isle,
St. Brelade:
proposed new
residential
units/access.

A14. 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 permission for the construction of one x 3 bedroom dwelling, a detached garage and one x one bedroom ancillary dwelling in the garden of the property known as Laubepine, La Route de l'Isle, St. Brelade. The Committee had visited the application site on 26th May 2021.

P/2019/1554

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, SP3, GD1, NE7, GD7, LWM2, NR1, NE1, NE2 of the 2011 Island Plan were of particular relevance. Attention was also drawn to Planning Policy Note Nos. 6 - Minimum Specification for New Housing Developments (PPN6) and 3 - Parking Guidelines (PPN3).

The Committee was advised that the application sought approval for the construction of one x 3 bedroom dwelling, a detached garage and a detached one bedroomed carer's unit, with associated amenity space, car parking and a separate vehicle access within the Green Zone. The creation of a separate household within the Green Zone could only be permitted where the following criteria could be satisfied -

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

The application related to detached dependant unit(s) and therefore failed to satisfy the starting criteria. The new units of accommodation would not be capable of re-integration into the principal dwelling. Furthermore, adequate visibility splays for the new vehicular access could not be achieved. As such, the proposed development did not satisfy the necessary criteria and the Department did not believe that there were any grounds for an exception to policy. Consequently, the application had been refused on the grounds that it was contrary to the requirements of Policies NE7, SP1 and SP3 and GD1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. B. Clarke and his agent, Mr. H. Collie of Barnes, Collie, Fisher Limited. Mr. Clarke hoped to offer a different perspective of the proposal. He recognised how the policy framework had evolved and recalled the term ‘pepper-potting’ having been used in the past by a former Departmental officer and the need to avoid this. Mr. Clarke also recounted some discussions he had had with the former Chief Officer of the Planning Department in relation to the formulation of the 1987 Island Plan and added that the last page of that Plan included an image of his children in the garden of his property with the caption ‘building for the future’. Mr. Clarke empathised with the Committee in terms of the decisions which had to be made and he was aware of just how much Jersey had changed [REDACTED]. He recalled the rural nature of the area and the level of development which had taken place since then. He advised that the Minister for the Environment, Deputy J.H. Young of St. Brelade, had visited the application site and he had discussed his plans with him. Mr. Clarke stated that the Minister believed that the site had been ‘misclassified’ and had advised him of the work being carried out in the context of the Bridging Island Plan. Mr. Clarke advised the Committee that he [REDACTED] wished to build a home [REDACTED]. The proposed development would sit ‘lightly on the land’ and would retain the character.

Mr. Collie addressed the Committee, making reference to the design statement submitted with the application. He outlined the applicant’s desire to integrate the proposed development into the garden. Consideration had been given to climate change challenges and this had been taken into account in terms of the sourcing and types of materials which would be used. These materials could be assembled and demounted easily by semi-skilled workers. The proposed development would be raised on stilts so that wildlife could access the area underneath and it was hoped to retain all mature trees. Household efficiencies would be re-examined to reduce the carbon footprint, to include high levels of locally sourced pre-cut insulation.

Whilst recognising the innovative design approach which had been adopted, the Committee concluded that it could not support the scheme and refused permission for the reasons set out above.

Glen Amoy,
Rue de
Maupertuis, St.
Clement:
proposed new
dwelling.

A15. 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 permission for the construction of a new dwelling to the rear of the property known as Glen Amoy, Rue de Maupertuis, St. Clement. The Committee had visited the application site on 26th May 2021.

P/2020/0745

Mrs. G. Duffell, Principal Planner, withdrew from the meeting for the duration of this item.

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. Policies GD1, GD3, GD7 and H6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application sought approval for a one bedroom contemporary style bungalow within the garden area of the above property. Although the proposed dwelling satisfied the parking, amenity space and accommodation standards, it was considered that approval of the scheme would result in a cramped development in an already densely populated area. The contemporary design approach would also be out of keeping with existing development and would be detrimental to the privacy of neighbouring properties. The proposal was also likely to exacerbate existing problems of vehicle access, given the substandard access road.

Whilst the Spatial Strategy directed new development to the Built-up Area, schemes had to be well designed with suitable drainage and must not have an adverse impact on the amenities of neighbouring properties or the character and appearance of the area. In this instance, the proposed development did not satisfy the necessary criteria and the Department did not believe that there were any grounds for making an exception to policy in this case. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7 and H6 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. M. Wilson, who advised that she represented a number of residents who were concerned about the potential for noise and disturbance arising from the proposed works. In particular, the installation of utility services under the existing access lane was a concern. Mrs. Wilson also highlighted pedestrian safety and visibility issues for vehicles. Another resident asked how emergency services would access the site during the construction phase.

It was clarified that a photograph of the access lane, which had been submitted by residents, was not representative of the number of vehicles normally parked in the lane but had been designed to illustrate the width of the lane.

The Committee heard from the applicant, Mr. I. Norris and his agent, Mr J. Dyson of Dyson and Buesnel Architects.

[REDACTED]. An energy efficient design approach had been adopted for the proposed dwelling, which would be located in a sustainable location. Mr. Norris informed the Committee that his property benefitted from a right of way through the property known as Rip Tide on to Rue de Maupertuis out onto the coast road. However, this right of way had been blocked off by a chicane and a barrier and Mr. Norris was seeking legal redress to rectify the matter. He also benefitted from a right of access to install services via the existing lane. Mr. Norris noted that the owner of the property known as Rip Tide had, in fact, proposed the resurfacing of the lane prior to the submission of the application under consideration, so concerns regarding the need for 24 hour access were confusing. In concluding, he stated that visibility for vehicles would not be worsened by the proposed development.

Mr. Dyson advised that this was a 152 square metre which was capable of accommodating the proposed development without resulting in the overdevelopment of the site. To the rear of the site, properties looked onto the road way and not an open space, as suggested in the Department's report. Adjacent properties utilised the rear yard for parking as opposed to a private amenity area.

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The application site benefitted from a right of way through the property known as Rip Tide onto Rue de Maupertuis out onto the coast road. The proposal would reduce vehicle movements. With regard to drainage, this was a matter of connecting to the existing foul sewer on the road and surface water would be dealt with on site via rain handler gutters and permeable paving. Turning to the contemporary design approach, this had been driven by the need to keep the proposed structure low and in line with existing garages to avoid overshadowing. In terms of bringing materials onto the site, a simple build was intended, with materials being brought to the site manually rather than by heavy machinery. In concluding Mr. Dyson stated that the area comprised a diverse mix of property styles.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, endorsed the officer recommendation to refuse permission for the reasons set out above.

Planning and
Building
(Jersey) Law
2002:
recommendat-
ions in
accordance
with Article
9A.

A16. The Committee noted the following actions which had been taken in connexion with its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

- a report was being prepared in relation to industry agreed rates for agricultural land and structures (Minute No. A1 of 31st March and 2021 referred); and,
- legislation which was being prepared to enhanced tree protection measures was scheduled for completion in the first quarter of 2022 (Minute No. A7 of 6th May 2021 referred).