

KML

PLANNING COMMITTEE

(3rd Meeting)

(via video-link)31st March 2021**PART A (Non-Exempt)**

All members were present, with the exception of Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter, L.B.E. Ash of St. Clement and Connétable D.W. Mezbourian of St. Lawrence, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Deputy K.F. Morel of St. Lawrence
 Deputy S. G. Luce of St. Martin
 (not present for item No. A4, A5 and A6)
 Deputy M.R. Le Hegarat of St. Helier
 (not present for item No. A3)

In attendance -

G. Duffel, Principal Planner
 C. Jones, Senior Planner
 E. Stables, Senior Planner
 H. Osman, Planner
 T. Ingle, Principal Historic Environment Officer
 T. Stone, Research and Project Officer, States Greffe
 A. Travers, Research and Project Officer, States Greffe
 K.M. Larbalestier, Specialist Secretariat Officer, States Greffe

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

Dampierre, La
 Rue au Blancq,
 Grouville:
 proposed
 removal of
 condition of
 permit (RFR).

RC/2020/1107

A1. 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 proposed the removal of a condition attached to the permit issued in respect of the property known as Dampierre, La Rue au Blancq, Grouville. The Committee had visited the application site on 30th March 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, SP4, NE7, H9 and GD1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the above application proposed the removal of a specific and deliberate condition relating to the occupancy of a dwelling approved in 1993, under the 1987 Island Plan. Permission had been granted for the dwelling as a permissible exception within the Green Zone, with conditions restricting occupancy to a person solely or mainly employed in agriculture and on the basis that the dwelling was retained as part of Belles Fleurs Nursery. Policy H9 of the 2011 Island Plan stated that any permission granted on this basis would be conditioned to restrict its use and that as long as there was a need within the relevant industry, the Minister would not relinquish such occupancy conditions. No information had been provided regarding the marketing of the house and this was required to ascertain demand. The terms of the policy were not met and the application to remove the condition could not be supported. Furthermore, it was not supported by the Land Controls and Agricultural Development Section. The Committee's attention was drawn to the applicant's ownership of the remainder of the field to the east of the house. A parallel application relating to the construction of 2 houses on that site had recently been refused and was the subject of a separate request for reconsideration (Minute No. A2 refers).

The above application had been refused on the grounds that it was contrary to Policies SP1, SP4, GD1, NE7 and H9 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. ■ Curtis, who objected to the application. ■ explained ■ that there was a recognised challenge in terms of securing land in Jersey. Competing land uses ■ made it particularly difficult to secure land. The Island Plan Policies were designed to safeguard agricultural land and there was currently a great opportunity for a new wave of agriculture in the Island. Without agricultural land this would not materialise and the next generation of farms would not benefit from the same opportunities. Mr. Curtis pointed out that when permission had been granted for the construction of Dampierre as a permissible exception within the Green Zone, the applicant had been aware that this was conditional upon the occupancy of the dwelling being restricted to a person solely or mainly employed in agriculture. The dwelling formed part of the *corpus fundi* of Belles Fleurs Nurseries and whilst there may be a case for the removal of the condition, a proper marketing exercise had to be carried out in accordance with Policy H9. Mr. Curtis believed that demand existed for sites like this and he stated that the condition should only be removed in exceptional cases where there was a positive outcome, such as agriculturalist wishing to use the land, but not the dwelling. Removal of conditions like this would ultimately lead to the erosion of the countryside. Mr. Curtis concluded by stating that it was essential that the applicant proved that the dwelling was no longer viable for agricultural purposes to prevent the irreversible break-up of the site.

The Committee heard from the applicant, ■ and his agent, Mr. ■ Godel, who referred to Mr. Curtis' comments about the occupancy of Dampierre and the link with Belles Fleurs Nurseries. He advised that when Dampierre had been permitted its occupancy had been linked to the horticultural use at the nursery – this had never been an agricultural undertaking. Subsequent to the approval of Dampierre, permission had been granted for the change of use of the eastern half of the site to a commercial garden centre, which had resulted in at least half of the site being given over to the commercial garden centre use. Circumstances had changed and despite the fact that there remained a 'viable business of sorts', this no longer involved the growing of plants on the same scale and the nursery use had changed to such a degree that there was no need for the agricultural occupancy condition. Mr. Godel noted the view of the Department that the garden centre was not a commercial operation and he drew the Committee's attention to the wording of a 2009 planning

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permit for an office and manager's accommodation over the showroom. He believed that the sole aim of the condition relating to the occupancy of Dampierre had been to tie it to the Belles Fleurs nursery operation. It was not suitable in its current form for use as agricultural worker accommodation as it was a 4/5 bed house and the applicant wished to continue to live there and run the business in some form, but not on a fully horticultural basis. It was because the applicant wished to continue to reside in the property that there had been no marketing exercise.

Mr. Rebour explained that the property had been built in 1994 and the business model had evolved considerably in the intervening period. In 1994 the nursery had supplied a number of hotels in the Island with bedding plants, which had been grown in both summer and winter. Nowadays, with far fewer hotels, the business carried out consultancy work and plant supply did not involve growing due to the fact that many landscape architects required mature plants for new developments and these were imported. In summary, whilst the business had changed, (with particular regard to the nursery element) it remained viable.

The case officer clarified that the existing use of the site (to include the garden centre) was classed as agricultural in both planning and land controls terms. Mr. Godel refuted this statement, advising that he had met an officer of the Land Controls and Agricultural Development Section on site and had not been led to believe this was the case. However, the case officer confirmed that she, too, had spoken to the officer and he had confirmed that the existing use was classed as agricultural.

The Committee discussed the application and noted from Mr. Godel that although the applicant intended to continue to live in the property, and this was in accordance with the relevant policy framework, the Department had advised that an application should be made for the removal of the condition.

The Committee unanimously refused the decision for the reasons set out above.

Field No. 644,
(off Rue au
Blancq),
Grouville:
proposed
demolition of
polytunnels/
greenhouse/
commercial
shop with
residential unit
above and
sheds/
construction of
dwellings
(RFR).

A2. 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 proposed the demolition of some existing polytunnels, a greenhouse, a commercial shop with a residential unit above and sheds on Field No. 644, (off Rue au Blancq), Grouville and their replacement with 2 x 4 bedroom dwellings with landscaping and ecological enhancements. The Committee had visited the application site on 30th March 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was on the Eastern Cycle Route. Policies SP1, SP4, GD1, GD7, NE7, E1, ERE1, ERE7 and NE1 – NE4 of the 2011 Island Plan were of particular relevance.

P/2020/1152

The Committee was advised that the above application proposed the clearance of the horticultural structures on the site and the construction of 2 detached 4 bedroom houses. The site was located within the Green Zone on agricultural land and was an employment land site. The existing agricultural structures were required by condition to be removed if they fell into disuse or disrepair and the land restored to conventional agriculture (as set out in Policy ERE1). The agricultural restrictions pertaining to the land did not allow for the planting of trees as an acceptable use (as proposed within the application). Policy E1 required the protection of employment land and the proper marketing of the same for established or alternative uses. Neither the Department nor the Land Controls and Agricultural Development Section were satisfied that this requirement had been met. Notwithstanding the aforementioned, Policy NE7 sought to protect the Green Zone from development and maintain landscape character. The proposal was not considered to be a permissible exception (since redundancy from other employment uses and agriculture had not been proven) and it did not meet the strict policy tests. To illustrate this, it was noted that the proposed houses represented an increase in floor area of approximately 82 percent compared to the existing shop/flat and a considerable increase in mass, scale and volume, which would impact on landscape character. Occupancy would increase from one bedroom to 8 bedrooms. Consequently, there could be no environmental gains, as required by the policy. The Natural Environment Team did not support the proposal. For the purposes of clarity the Committee was advised that the use of land for horticulture, plant nurseries and garden centres were all classified as agricultural uses in planning terms. The Committee was also advised that the submitted location plan did not include the south-west corner of the field and this appeared to have been added to the garden of the property known as Dampierre. It was pointed out that any change of use of agricultural land to domestic curtilage required permission and was contrary to Policy NE7. The removal of an agricultural occupancy condition relating to Dampierre had been refused by the Committee (Minute No. A1 refers).

The above application had been refused on the grounds that it was contrary to Policies GD1, NE7, E1, ERE1, ERE7, NE1, NE2, NE3 and NE4 of the 2011 Island Plan and it was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr. ■. Curtis, who objected to the application. ■

■ Mr. Curtis was passionate about Jersey produce and was excited about the many diversification opportunities which existed. He had been looking for a site since starting his business and had struggled. He refuted the notion that many sites were no longer suitable for modern agriculture and he pointed to the many new businesses which were emerging and producing tea and salt on smaller sites. He believed that the application site was viable in this context and benefitted from glasshouses, polytunnels, a shed and retail shop, hardstanding for plants, staff accommodation, all utility services and no immediate neighbours. At the right price the site had so much to offer. Mr. Curtis argued that the application failed many of the relevant policy tests and sought to domesticate the entire site – he added that tree planting was not an agricultural use. He suggested that the site could be used as a hub for new agricultural businesses. The scheme would not result in environment gains and was contrary to Policy E1 test, which was most prescriptive in terms of the marketing requirements. Mr. Curtis believed that an annual rental ■ had been sought – this did not include the flat above the shop. The price being sought for the glasshouses was also considered to be very high and in excess of the rate recommended by the Jersey Farmers Union. Mr. Curtis was aware of interest in the site and he advised that he had contacted the agent who was responsible for the marketing and had been advised the site was no longer available. It was not believed to have been listed with the Land Controls and Agricultural Development Section as available for lease. Mr. Curtis felt sure that many individuals would like to use the

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site and restore the glass. In concluding he thanked the applicant for running his nursery business from the site and stated that he had visited [REDACTED] and the experience had contributed to his passion for growing.

The Committee heard from the applicant, [REDACTED] and his agent, Mr. [REDACTED]. Godel. Mr. Godel referenced the reasons for refusal and stated the site was not wholly agricultural or horticultural and half of the site was commercial. The Department's report clearly stated that the driveway to the house (Dampierre) was shared with a commercial concern. The land to the east of the nursery was used for the display of plants and was neither agricultural nor horticultural. Mr. Godel believed that the proposed development would reduce the visual impact and secure ecological and landscape improvements. There would be a reduction in vehicle trips to and from the site. It was believed that redundancy had been proven and Buckley and Company had responded robustly to suggestions that the marketing exercise had been flawed. Mr. Godel also noted that Buckley and Company had stated that the annual rental rate was considered appropriate for the site. A statement within the Department's report that the manager's accommodation above the shop was also subject to an agricultural occupancy condition was challenged. At least half of the site had been approved for use as a commercial garden centre in 2009. Mr. Godel stated that this site was not 'an oddity' in planning terms and he was aware that permission had been granted for development on similar sites on the basis that redundancy could be proved. He concluded by stating that this was a commercial site on which the existing and alternative employment uses were redundant. The proposed development could not be viewed as harmful and would result in a visual improvement.

Mr. Rebour advised that Mr. Curtis had never contacted him directly and he suggested that he may have contacted Buckley and Company late in the process. With regard to re-glazing the glasshouses, a risk assessment had been carried out to comply with health and safety requirements and the erection of a scaffold was required to carry out this work. The gutters on the polytunnels also required replacement and this work was also subject to specific health and safety requirements for working at height.

The Committee heard from Mr. [REDACTED] Wenham of Godel Architects who advised that the submitted statement from Nurture Ecology had been accepted by the Natural Environment Section, subject to further clarification. It was in the applicant's interest to keep the area as natural as possible and an orchard was proposed as a long term project which would secure ecological gains. The site would be re-landscaped and the proposed development would significantly improve the appearance and the ecology of the site. Mr. Wenham concluded that the environmental benefits which would arise outweighed retaining the site in its present state.

Mr. Rebour added that he did not believe the Land Controls and Environmental Development Section had fully considered the amount of land which would be cleared with the removal of the glass and the polytunnels. In response to a question from Deputy S.G. Luce of St. Martin regarding the inclusion of the Manager's flat in the advertisement, it was noted that it had been described as a horticultural unit and had been viewed by one individual. Deputy K.F. Morel of St. Lawrence asked why the applicant was seeking to replace the existing agricultural structures with residential development when they were required by condition to be removed if they fell into disuse or disrepair and the land restored to conventional agriculture (as set out in Policy ERE1). The applicant stated that the glasshouses and the polytunnels would be returned to cultivation as per the submitted plan. However, the Deputy noted that the proposed tree planting was not considered to represent an agricultural use. Mr. Godel argued against this, stating that the planting of an orchard was an agricultural use. He repeated comments made by Mr. Rebour regarding the cost of

maintaining the polytunnels and the glass and noted that this was, in some instances, not worth doing. He explained that the existing structures were used sporadically, but the glass was in a dangerous condition and this needed to be addressed. He was of the belief that the Department understood that the cost of returning glasshouse sites to agriculture was high and stated that he had been advised that compensatory development was permissible in certain situations.

The Committee unanimously refused the application. In doing so Deputy Luce stated that, in his former position as Minister for the Environment, he had always been concerned about the marketing of sites like this and had identified a need for a guide pricing structure. Deputy G.J. Truscott of St. Brelade suggested that the applicant might wish to consider entering into discussions with Mr. Curtis.

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

A3. The Committee, with reference to Minute No. A11 of 19th December 2019, 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 30th March 2021.

P/2019/0466

Deputy M.R. Le Hegarat of St. Helier 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 and that Policies GD1, 3 and 7, H6 and NE4 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 3 previous refusals. 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 bedroom dwelling and had been refused on the grounds that it would result in the overdevelopment of the site, presenting an inelegant and overly complicated design approach on this prominent corner plot, which was out of character with and detrimental to the area and unable to meet the required standard with regard to amenity space. The proposal was, therefore, contrary to policies GD1, GD3, GD7 and H6 of the 2011 Island Plan. The proposed development would likely lead to the loss of an adjacent tree (owned by the Parish of St. Helier), which offered valuable relief from the otherwise hard landscaping of the area, contrary to Policies GD1, GD7 and NE4. It was recommended that the Committee maintain refusal of the application.

The Committee noted that no persons had indicated a wish to speak for or against the application.

Having considered the application the Committee, with the exception of Deputy S.G. Luce of St. Martin, endorsed the officer recommendation to maintain refusal of the application.

Old School
House, La Rue
des Alleurs, St.
Martin,

A4. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a single storey extension to an existing studio to the west of the property known as Old School

<p>Meeting 31.03.21</p> <p>proposed single storey extension to studio (RFR).</p> <p>P/2020/1165</p>	<p>House, La Rue des Alleurs, St. Martin. The Committee had visited the site on 30th March 2021.</p> <p>Deputies S.G. Luce of St. Martin and K.F. Morel of St. Lawrence did not participate in the determination of this application.</p> <p>A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD7, NE7, HE1 of the 2011 Island Plan were of particular relevance.</p> <p>The Committee was advised that the application sought to extend an existing outbuilding in order to provide a gym and associated landscaping. The Department had refused permission on the grounds of the impact on the setting of a Listed structure to the south. The proposed development would introduce a third structure along the boundary wall with an existing studio and garage further to the north. Consequently, the application was considered contrary to Policy HE1 of the 2011 Island Plan.</p> <p>The Committee heard from Ms. ■ Ingle, Principal Historic Environment Officer, who advised that the listing encompassed a small store. The site comprised new buildings to the north and Listed buildings to the south. The proposal was not considered to be offensive in itself, but it encroached towards the store and this further movement southwards was viewed as a step too far. It was understood that the setting had changed significantly, but continuing to extend southwards was considered to be contrary to Policy HE1.</p> <p>The Committee heard from the applicant's agent, Mr. ■. Le Sueur. Mr. Le Sueur referred to the inconsistency of the decision making and he outlined the planning history of the site, including approval in 2001 for an extension to the east gable, which had not been considered harmful to the character or setting of the historic building. The applicant had also been permitted to build a granite boundary wall which enclosed the Listed Building. Mr. Le Sueur noted that the policy context had not materially altered since these permits had been issued and he argued that planning decisions should be evidence based. He stated that the application proposed a small extension which would not harm the setting and he was aware of similar developments for which permission had been granted. The case officer sought to challenge the allegations of inconsistency and the Chairman asked him to refrain from doing so whilst Mr. Le Sueur was addressing the Committee. Mr. Le Sueur concluded by stating that school buildings were not generally situated in isolation and were not standalone structures.</p> <p>Having considered the application, the Committee endorsed the officer recommendation to refuse permission for the reasons set out above.</p>
<p>La Rive Cottage, La Vallée de Rozel, St. Martin: proposed extension (RFR).</p> <p>P/2020/1435</p>	<p>A5. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a first floor extension to the north elevation of the property known as La Rive Cottage, La Vallée de Rozel, St. Martin. The Committee had visited the site on 30th March 2021.</p> <p>Deputy S.G. Luce of St. Martin did not participate in the determination of this application.</p> <p>A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies GD1, GD7, BE6 and NE6 of the 2011 Island Plan were of particular relevance.</p>

The Committee noted that the application and review followed on from the approval of a similar scheme in 2011, which had not been implemented (application reference P/2011/0442 refers). This permission had been granted by a previous Committee following a review. It was noted that this earlier permission had been considered in the context of the previous Island Plan. Some consideration had been given to the policies of the 2011 Island Plan as the review had been undertaken after the introduction of the 2011 Plan. The current application had been assessed against the 2011 Island Plan.

Since the 2011 permit had been issued, a car port had been approved and constructed under application reference P/2018/1834. The application site was located within the Coastal National Park, where development was strictly limited. Whilst certain forms of development could be accepted, the proposal did not fall within one of the limited categories of development which could be permitted. Additionally, the scale, design and massing of the proposed structure were viewed as an incongruous addition to the existing dwelling and failed design considerations. Consequently, the application was contrary to the provisions of GD1, GD7 and NE6 and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, [REDACTED] and her agent, Mr. [REDACTED]. Gibb. Mr. Gibb argued that the proposed extension would be subservient to the existing building in terms of design and scale and had been appropriately designed relative to the existing buildings and its context; the extension did not disproportionately increase the size of the dwelling in terms of its gross floorspace, building footprint or visual impact; and would not facilitate a significant increase in occupancy. He concluded that the extension complied with the Coastal National Park Policy. The figures used to demonstrate the increase in size ranged wildly and Mr. Gibb offered alternative statistics which showed a 44 percent increase in floor area and an increase from 10 to 14 percent in the footprint. In terms of occupancy, one additional double bedroom and study was proposed and he questioned the Department's claim that this would lead to a 100 percent increase in occupancy. With regard to car parking, it was generally accepted that the existing parking standards were outdated and draft Supplementary Planning Guidance (2017) was generally used. In this context the proposal was considered appropriate, especially when a more sustainable approach to transport had been adopted and a bus stop was located nearby. He added that neighbours had generously offered to assist when additional car parking was required. It was confirmed that no work to the rock face would be required.

The Committee heard from Ms. Bruce, [REDACTED]. She informed the Committee of the urgent need for a decent sized bedroom and study and explained that the present configuration meant that wardrobes had to be housed on the landing. The applicants [REDACTED] needed a better space in which to work. They had purchased the house with the view of creating a family home and had sympathetically restored the property. [REDACTED] The proposed extension would not be visible and support for the application and an offer of additional parking if needed had been received from a neighbour. Reference was also made to the previously approved scheme. The applicants owned one car and stated that they would park elsewhere during the construction period to allow contractors to park on site. They had no desire to cause any disruption to neighbours. An ecological assessment had been carried out and there were no protected species. Planting would be carried out and native species would be used. Ms. Bruce provided the Committee with the details of other developments approved in the area, many of which were visible from the road and neighbouring sites and were larger. [REDACTED]

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Having considered the application, the Committee was unable to reach a unanimous decision, with Connétable P.B. Le Sueur of Trinity, Chairman and Deputy G.J. Truscott of St. Brelade, Vice Chairman expressing support for the scheme and Deputies K.F. Morel of St. Lawrence and M.R. Le Hegarat of St. Helier endorsing the recommendation to maintain refusal. Consequently, in accordance with agreed procedures, the application was determined in the negative and permission was refused for the reasons set out above.

Field No.
519A, La Rue
de Basacre, St.
Martin:
proposed
installation of
solar panels
(RFR).

A6. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the installation of 60 solar panels to the north-eastern side of Field No. 519A, La Rue de Basacre, St. Martin. The Committee had visited the site on 30th March 2021.

Deputy S.G. Luce of St. Martin did not participate in the determination of this application.

P/2020/0329

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP2, GD1, NE7 and NR7 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought permission for the installation of an array of solar photovoltaic panels to serve the adjacent property known as Chateau des Rêves (and its ancillary accommodation). In general terms, the Island Plan supported the use of renewable energy and Policies SP2 and GD1 required new developments to make the most efficient and effective use of energy and to make good use of opportunities for decentralised renewable or low carbon energy. This included the use of solar photovoltaic panels. Policy NR7 also encouraged developments to incorporate on-site low carbon or renewable energy technologies (although the specific wording of this policy referred only to non-residential developments with a gross floorspace of 1,000 square metres or more and residential developments of 10 or more units). However, the main consideration in the determination of this particular proposal was the Green Zone location of the site. Policy NE7 set out a general presumption against all forms of development in the Green Zone. It allowed for a limited number of exceptions, such as small scale development which was incidental to the primary use of land and buildings, but only where it is well sited and designed, having regard to the relationship with existing buildings, landscape context, size, material, colour and form and where it did not cause serious harm to landscape character.

The Committee was advised that the proposed solar panels would not be visible from the public realm or from private properties so were not considered to cause serious harm to landscape character. However, they would supply electricity solely to the adjacent property and would not be located within the residential curtilage of that property so failed to meet the policy test of being incidental to the primary use of the land on which they were to be installed. Therefore, the application did not fall within any of the exceptions listed so failed to satisfy the requirements of Policy NE7. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant's agent, Mr. ■ Le Sueur, who stated that coverage from the panels was between 3 - 4 percent of the field (the Committee had viewed a 'mock-up' on site, which had been 50 per cent larger than the actual proposal, for which Mr. Le Sueur apologised). He added that the production of electricity should be regarded as a good use of agricultural land and that the energy produced would replace carbon generating sources, to include those required for the

maintenance of vines which produced crops for La Mare Vineyard. Additional tree planting had already been undertaken. It was noted that the application was supported by Senator L.J. Farnham, Minister for Economic Development, Tourism, Sport and Culture and the Chairman confirmed receipt of a letter from the Senator, the contents of which were read to members.

The Committee discussed the application and Deputy K.F. Morel of St. Lawrence asked how much of the energy produced would be used to power machinery associated with the maintenance of the vines and the residential property. Mr. Le Sueur stated that he anticipated that battery packs would be used to store electricity for use in both the house and the field. Deputy Morel did not feel that Mr. Le Sueur had answered his question and clarified that he was seeking to understand the environmental gains which would arise and wished to know how much of the electricity produced (in percentage terms) would be used to replace existing low carbon electricity. Mr. Le Sueur was unable to provide a percentage figure, but noted that, at present, there were 2 large oil fired boilers at the property and that previously diesel powered and petrol machinery had been used in field (the applicant had purchased electric battery powered machines and had designed a machine which sprayed the plants). The electricity produced would not replace low carbon electricity produced by the Jersey Electricity Company. The panels were demountable and could be dismantled at end of their life. Deputy Morel expressed the view that, in future, applications of this nature should quantify how the energy produced would be used and he stated that he would address this issue with the Department. In this case he accepted that the intention was to mainly use the electricity to replace hydrocarbons. His concern was that the use of solar power to replace the low carbon electricity produced by the Jersey Electricity Company would ultimately drive up the price of electricity and make it even more difficult for those on low incomes to pay electricity bills. If the application was approved, he suggested a condition requiring the removal of the panels if they were no longer in use.

The Committee, with the exception of Deputy G.J. Truscott of St. Brelade, decided to grant permission, contrary to the officer recommendation. The Committee was convinced by the arguments made and, in particular, noted that a proportion of the electricity generated would be used to power machinery associated with the vineyard. The Committee directed that a condition be attached to the permit requiring the removal of the panels if they were no longer in use.

No. 4 St.
Saviour's
Crescent, St.
Saviour:
proposed
replacement
extension and
balconies/
conversion of
residential
units (RFR).

P/2019/1677

A7. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of an existing extension and its replacement with a new 5 storey extension and balconies to the south-west elevation of No. 4 St. Saviour's Crescent, St. Saviour. It was also proposed to convert the existing 19 x one bedroom residential units to form 3 x one bedroom and 5 x 2 bedroom residential units. The Committee had visited the site on 30th March 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and St. Saviour's Crescent as a Listed Building. Policies SP1, 2, 3, 4, 6 and 7, GD1, GD7, HE1, BE6, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Notes No. 6 - Minimum Specification for New Housing Developments - February 1994 and No. 3 - Parking Guidelines - September 1988.

It was noted that a previous application for a similar proposal had been refused on the grounds that it was contrary to Policies GD1, SP7, GD7, HE1, SP4, SP6 and TT4 of the 2011 Island Plan.

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The application sought to extend a Grade 4 Listed Building at the rear across the full width and height of the building to facilitate the creation of 8 apartments. This was considered to be visually detrimental to the character and appearance of the Listed Building. Whilst the Department was sympathetic to the need to replace sub-standard units, this could not be at the expense of a Listed Building. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, SP7, GD7, HE1 and SP4 of the 2011 Island Plan.

The Committee heard from Ms. ■ Ingle, Principal Historic Environment Officer, who advised that the building had a wonderful frontage, the style of which was echoed in the nearby Waverley and Elysian Terraces. Pre-application advice had set out a strong objection to the loss of the exterior of the rear of the building and the impact the proposed extension would have on the setting of the remainder of the terrace. The intention to improve the quality of the accommodation was understood, but the proposed intervention would completely cover the rear of the building, resulting in the loss of much of the rear roof structure and most of the window and door openings. The scale of the development was considered harmful and detrimental to the setting of the remaining terrace. The large rear extension proposed would significantly and detrimentally change the character and significance of the Listed Building. The proposals replicated the approach taken at No. 5, which was not a Listed Building, owing to the damaging impact of a rear extension. Ms. Ingle added that she dealt with a large number of historic buildings which were in poor condition and always tried to find ways of improving them sensitively. The approach adopted would alter the historic character of the building and damage its integrity. This would set an undesirable precedent. Consequently, the application could not be supported.

The Committee heard from the applicant, ■■■■■ and his agents, Messrs. ■. Elliott and ■. Gibb. Mr. Elliott asked for an image to be displayed which he had sent to the Department on 30th March 2021. However, it was noted that, due to the late submission of the image, it had not been included in the slide presentation. Mr. Elliott advised that the property had been converted into a 19 bed lodging house. The application proposed 8 high quality units to replace the existing poor quality accommodation. The proposed rear extension would facilitate the creation of appropriately sized units and an elevator. 8 window openings (none of which were sash windows) would be covered. To mitigate the loss, the front façade would be refurbished. The applicant had worked to address neighbours' concerns and an objection had now been withdrawn. The scheme would enhance the building and the reduced number of units would result in a reduction in noise. There would be no loss of light to neighbouring properties as the extension would be brought further back. At present the rear of the property had been unsympathetically extended to provide bathroom facilities and the proposed extension would have the effect of reading Nos. 4 and 5 as a pair. Mr. Elliott considered the design, scale and mass appropriate and added that the development would provide rhythm and continuity. The majority of the rear of the building could only viewed from Le Coie car park and Springfield Stadium. Balconies would provide valuable amenity space and car and cycle parking and refuse storage would all be provided on site. The scheme met and, in some instances, exceeded requirements.

Mr. Gibb addressed the Committee, advising that he understood the objection outlined by Ms. Ingle on behalf of the Historic Environment Section. However, an alternative argument could be made on the basis of the Grade 4 designation, which protected the main façade; which was an integral part of the Crescent as a set piece. Inside, the building was devoid of historic architectural features. The historic characteristics of the rear elevation had been lost with the original joinery missing, the installation of a box dormer and the construction of a half rear extension and link block to the neighbouring property. These changes impacted upon the extent of the

group value. The size of the existing rear extension meant that it was difficult to read Nos. 4 and 5 as a pair and the rear elevation of No. 4 contributed little to the town scape. No 4 sat at the centre of the Crescent so the back could only be seen obliquely and only straight on from Le Coie car park. In design terms the very obvious answer was to make No. 4 appear like its neighbour. The scheme would enhance the front elevation and reinstate missing features. The proposed solution would not be suitable for other buildings in the Terrace so there was no potential for setting a precedent.

Mr. Matthews addressed the Committee, advising that the existing studio apartments provided poor quality accommodation and relied upon shared facilities. There were no lifts or disabled access and the building required major refurbishment. The rear elevation suffered from the worst defects and had been poorly constructed. The scheme proposed 8 quality residential units and included the refurbishment of the principal elevation at considerable cost. Neighbours' concerns had been addressed.

The Principal Historic Environment Officer stated that the simple choice was to remove the rear and match it to the unlisted neighbouring building or renovate what existed; the latter being her preferred approach. Some extension and reconfiguration to provide homes was possible.

Having considered the application, the Committee, with the exception of Deputies K.F. Morel of St. Lawrence and M.R. Le Hegarat of St. Helier, was persuaded by the arguments made and decided to grant permission, contrary to the officer recommendation. In doing so the Committee requested that written confirmation of the withdrawal of the objection from the neighbouring property be submitted. The case officer was directed to take the necessary action.