

Planning Committee

(16th Meeting)

7th September 2023Part A (Non-Exempt)

All members were present, with the exception of Connétable R. A. K. Honeycombe of St. Ouen, from whom apologies had been received.

Connétable P. B. Le Sueur of Trinity, Chair
 Deputy S.G. Luce of Grouville and St. Martin, Vice Chair
 Connétable K.C. Lewis of St. Saviour
 Connétable D.W. Mezbourian of St. Lawrence (not present for items No. A7-11)
 Connétable M. O'D. Troy of St. Clement
 Deputy T.A. Coles of St. Helier South
 Deputy A. F. Curtis of St. Clement
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy M. R. Le Hegarat of St. Helier North

In attendance -

C. Jones, Senior Planner
 R. Hampson, Senior Planner
 W. Johnston, Senior Planner
 L. Davies, Planner
 J. Durbin, Planner
 G. Vasselin, Planner
 A. Elliott, Trainee Planner
 K. Ambrasa, Trainee Planner
 L. Plumley, Secretariat Officer, Specialist Secretariat, States Greffe (items No. A1 – A4)
 H. Roche, Secretariat Officer, Specialist Secretariat, States Greffe (items No. A5 – A6)
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (items No. A7 – A11)

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

- Minutes. A1. The Minutes of the meetings held on 29th June and 13th July 2023, were taken as read and were confirmed.
- La Collette Reclamation Site 2, La Route de Veulle, St. Helier: construction of hazardous waste containment cells and A2. The Committee, with reference to its Minute No. A2 of 13th April 2023, received a report in connexion with an application which sought retrospective permission for the construction of hazardous waste containment cells and leachate management at the Eastern Headland of La Collette Reclamation Site 2, La Route de Veulle, St. Helier, and the proposed closure and aftercare of the Eastern Headland, including capping, restoration and landscaping. The Committee had visited the application site on 5th September 2023.
- Connétable K.C. Lewis of St. Saviour and Deputy T.A. Coles of St. Helier South did not participate in the determination of this item.

leachate
management at
the Eastern
Headland
(RETROSPEC
TIVE) and
proposed
closure and
aftercare of the
Eastern
Headland.
P/2023/0537

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area of the Shoreline and Regeneration Zones in St. Helier and was a designated Waste Management Site and Safety Zone Hazardous Install. The site was also in close proximity to a Marine Protection Zone and a Ramsar site. Policies SP1-4, PL5, GD1, 6, HE1, NE1-3, GD9, WER1, 2, MW2, 3, and TT2 of the 2022 Bridging Island Plan and the Minerals, Waste and Water Study (December 2020) were relevant to the application.

The Committee recalled the relevant planning history of the site and, in particular, that it had previously decided to defer formal confirmation of application reference P/2016/1647 for a period of 6 months and had requested that updated applications be submitted.

Subsequent to the aforementioned decision deferral, the States Assembly had adopted a report and proposition entitled 'La Collette Waste Management Site – Development Plan' (P.17/2023, as amended) ('the Plan'), which outlined a short to medium term strategy for the continuation of the management and storage of inert and hazardous waste at La Collette Waste Management Site ('WMS'). The Plan included the formation of the East Headland by deposition of hazardous waste in cells to a maximum height, including capping, restoration soils, and landscaping, of no more than 4.5 metres above the current maximum height of the same.

It was noted that a further application, which had yet to be determined, had recently been submitted and this set out the precise requirements for inert and contaminated waste at La Collette WMS, including such matters as the anticipated time scales of the life of the facility, finished levels/height, extent of operations, and final contouring and landscaping. This application had been accompanied by an Environmental Impact Assessment ('EIA') which detailed alternative methods of disposal and storage and an assessment of the potential to export material off-Island.

The Committee noted that the Eastern Headland had been formed by filling the surrounding areas around the coastal waters of La Collette with engineered waste cells in a series of layers containing residual inert construction and demolition waste, which was not suitable for recycled aggregate. The cells had been constructed progressively to meet the Island's need for a suitable facility to deposit hazardous waste within available annual budgets and they formed the building blocks of the Headland structure. Strict 'Construction Quality Assurance' controls had also been applied to meet the requirements for hazardous waste containment as set out in the European Landfill Directive (1999/31/EC). This ensured that the structural integrity and chemical stability of the cells would not be compromised during the lifetime of the cells and the Headland and prevented the release of hazardous waste into the environment.

It was confirmed that since the submission of P/2016/1647, a new hazardous waste cell (Cell 38) had been constructed and landfill engineering construction work had been undertaken. Cell 38 was required for large volumes of waste generated primarily by ongoing and completed developments at the St. Helier Waterfront (including the International Finance Centre Buildings 1 and 5 and the Horizon Development). Capping and restoration of the Eastern Headland to approximately 24 metres above admiralty datum ('AAD') had been undertaken to the north, east and western profiles in order to reduce leachate generation and environmental risk. The construction of the new cell and restoration had been carried out such that the shape, form and scale of the Eastern Headland, as shown on the submitted plans, could be achieved and the height of the Eastern Headland was based on safe and stable slope gradients for waste and restoration soils, with the intention of creating the appearance of a naturally formed headland.

A landscaping and restoration plan including details of management and maintenance had been submitted as part of the application and, if approved, work would be undertaken in 4 phases, with an expected completion date of March 2026.

The Committee was advised that La Collette had been the designated operational waste management facility for the Island for a number of years, and as such, the creation of the Eastern Headland over that time, its retention and subsequent restoration were considered acceptable in principle. Alternative solutions were currently being explored to receive the Island's inert waste due to finite resources at La Collette. Until other options became available, the Eastern Headland was required to remain an operational waste management facility until it was capped and restored and would need to continue receiving waste associated with development proposals in the Island. The existing cells could not be moved or reduced as their contents could not be disturbed. It was considered that there would not be any detrimental impact in terms of loss of privacy or amenity for local residents and that the proposed development would in fact improve the outlook, given the current appearance of the site. The Eastern Headland would enhance the character and appearance of the area by screening the industrial facility from the coastal side.

With regard to its height, it was noted that the breakwater, as constructed in the early 1990's, was 14 metres AAD and early permissions at that time had allowed for the depositing of material at La Collette up to 24 metres AAD, to include infilling of the land behind the breakwater. In adopting the 'La Collette Framework' in 2000, the States Assembly had established that the disposal of inert, non-combustible waste would continue 'for as long as possible into the future' through the creation of areas of 'super-fill'. The Framework had not specified any finished heights for the Headland and the Committee noted that the current highest level formed to date was just over 30 metres AAD; once capping, landscaping and restoration were undertaken, this would reach 31 metres AAD.

The proposals were considered acceptable in the context of the 2022 Bridging Island Plan and the application was recommended for approval, subject to certain conditions which were outlined in the Department report.

All representations received in connexion with the application had been included within the Committee's agenda packs.

With regard to potential conflicts of interest in relation to the determination of the application, Connétable P. B. Le Sueur of Trinity, Chair, reminded members that the matter had been the subject of a debate by the States Assembly. Members were required to determine the application in accordance with the policies of the Bridging Island Plan.

The Committee heard from [REDACTED] [REDACTED] advised that he had been unaware of the unauthorised activity that had been taking place at La Collette WMS. Although the application sought to regularise the position, it did not, in his view, achieve this. Reference was made to information presented in relation to contaminated and hazardous waste during the South West St. Helier Waterfront public inquiry and [REDACTED] was of the view that more needed to be done to manage and recycle Jersey's waste. Historic practices at La Collette WMS had resulted in a legacy situation that needed to be addressed and better use could be made of the site. [REDACTED] was pleased to note that a further application had been submitted in connexion with the site, which included an EIA, and he asked the Committee to defer its decision, in order for both applications to be considered at

the same time. This would enable a holistic view to be taken in relation to the current and future use of the site. ██████ noted that the Eastern Headland included a number of cells containing non-hazardous waste, which could be treated, at a cost. He suggested that a public inquiry was necessary as the intention had never been for the site to be a permanent industrial backyard for waste and reference was made to various potential alternative waste management options and sites. ██████ was not persuaded by the arguments that had previously been made in support of the application and the impact on the construction industry, should the application be refused. In concluding, he urged the Committee to defer its decision for the reasons outlined above.

█████████ briefly addressed the Committee in connexion with the potential to export Jersey's inert waste to France, where it could be used as infill. ██████ echoed ██████ call for the Committee to defer its decision whilst this option was explored.

█████████ addressed the Committee, noting that SOS Jersey had experienced frustrating delays in its attempts to obtain relevant information via Freedom of Information ('FoI') requests in April 2023, prior to the States Assembly debate on P.17/2023. He felt that members had been pressured into approving the Plan and had not been in possession of all relevant information. ██████ added his support to ██████ call for a deferral and suggested that a delay of 3 months would be appropriate, along with a judicial review into how the Eastern Headland had been built up and allowed to continue operating without planning permission. Having followed the development of the site for 26 years, ██████ had repeatedly questioned the unauthorised works, raising concerns about contamination, the storage of asbestos and the impact of leachate on the local marine environment. ██████ stated that the States Analyst had carried out water quality monitoring and analysis in the area but the Government of Jersey had refused to accept the results of the testing. He concluded by calling for the introduction of an independent environmental regulator in the Island.

Speaking in support of the application, ██████ and ██████, and ██████ Infrastructure, addressed the Committee. ██████ noted that the application sought to regularise the current position. La Collette WMS was the Island's designated waste management site and no other suitable sites had been identified in the 2022 Bridging Island Plan, leaving the Government 'between a rock and a hard place'. The Eastern Headland was required to store hazardous waste including incinerator bottom ash, which allowed the Island's chemical and clinical waste to be dealt with. It was recognised that whilst the waste management facility was inherently a 'difficult neighbour', it was a critical part of the Island's infrastructure. The visual and environmental impacts of the application had been carefully considered and best practice was now being followed, with certain materials (including asbestos) having been moved into properly engineered storage cells designed to meet international standards. ██████ advised that exporting hazardous waste (when the facility existed to deal with it locally) was incompatible with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Even if it were possible, the financial implications would be significant, given the volume of material within the cells, which stood at 400,000 tons. There was nowhere else in the Island which could accommodate the waste and moving it off-Island was not an option. It was incumbent upon the Government to adopt past practice and regularise the situation. ██████ advised that inert waste was now considered a valuable resource and the intention was to divert more of it for re-use locally in construction and maintenance work. In summarising, he noted that previous decisions by the States Assembly provided a policy context for the application and

there was no other viable WMS available at the present time.

██████████ expressed sympathy for the position of ██████████ and advised that he too had been concerned about the unauthorised works at La Collette and he wished to engage with ██████████ going forward. He was surprised that ██████████ had been unaware of the unauthorised nature of the works ██████████

██████████ Even if it was possible to export the waste, the cost of doing so would be prohibitive and the Government currently had many other priorities, including the construction of a new hospital. ██████████ questioned the value of delaying a decision or holding a public inquiry and concluded by urging the Committee to support the application.

In response to questions from the Committee, the following was confirmed –

- essential waste would continue to be added to the Eastern Headland, with existing waste being reprofiled, until such time as the maximum permitted height was reached, which it was anticipated would occur by the end of 2023;
- all hazardous waste within the Eastern Headland was contained within cells;
- the lifetime of the cells was indefinite; they were designed to be robust and chemically resistant. Monitoring and maintenance work was undertaken to ensure that they continued to operate effectively and maintain their integrity. In addition, the removal and treatment of rainfall water reduced contamination levels within the cells, thus potentially reducing the harmfulness of the contents over time;
- the site currently included both capped and uncapped waste cells, which would be capped, and the site restored as per the submitted landscaping and restoration plan;
- efforts were being made to encourage the separation of hazardous and inert waste on development sites and the re-use of inert waste in the Island; and,
- the 2022 Bridging Island Plan required the submission of a waste management plan for applications that were significant in size and a new solid waste strategy for the Island was being developed.

Members noted that the scrutiny of the original application by the Committee had proved instrumental in bringing the matter to public attention and in securing improvements to the proposals. Reference was made to the practical difficulties that would ensue if there were multiple WMS's in the Island and the ethics of exporting waste to other countries were also highlighted. It was acknowledged that the recently submitted, connected application in respect of the site would require careful scrutiny. Attention was drawn to the fact that significant quantities of hazardous waste would need to be moved, should the application be refused.

Having considered the matter at length, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence and Deputy A. Howell of St. John, St. Lawrence and Trinity, endorsed the recommendation to grant permission, subject to the imposition of certain conditions outlined in the Department report.

The Palms
Campsite, La
Route de
Vinchelz, St,
Ouen:
proposed
change of use
of staff

A3. The Committee received a report in connexion with an application which proposed the change of use to residential accommodation of a 2 bedroom staff accommodation unit at The Palms Campsite, La Route de Vinchelz, St. Ouen. The Committee had visited the application site on 5th September 2023.

Connétable D.W. Mezbourian of St. Lawrence and Deputy A. Howell of St. John, St. Lawrence and Trinity, did not participate in the determination of this item.

accommodation
to residential
use.

P/2023/0147

A site plan and drawings were displayed. The application site was situated in the Protected Coastal Area ('PCA') and a Water Pollution Safeguard Area, adjacent to the Coastal National Park. Policies SP1-4, GD1, NE1,3, H1, 9, TT1, 2, 4, and WER5-7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to Landscape and Seascape Character Guidance (July 2023) and current and draft Supplementary Planning Guidance Notes Nos. 3 and 6.

The Committee noted the relevant planning history of the site, including a previous, similar application (P/2022/1169 refers) which had been refused by the Department under delegated authority.

The Committee was advised that the location of the application site in the PCA was considered unsustainable for the creation of a new dwelling and that there was insufficient justification for the proposed change of use. The proposal would not have a significant impact on the delivery of housing across the Island and the redundancy of the existing use had not been adequately demonstrated. Consequently, the application was recommended for refusal on the basis that it was contrary to policies SP1-4, H9, and NE3 of the 2022 Bridging Island Plan and the objectives of the Landscape and Seascape Character Guidance.

All representations received in connexion with the application had been included within the Committee's agenda packs.

The Committee heard from the applicant, [REDACTED] of the Palms Campsite. She outlined the history of the site, noting that it had previously consisted of 60 family sized tents. Having bought the Palms Campsite 4 years previously, [REDACTED] created a family run business. The number of pitches had been reduced to 30 grassed areas, which were principally used by motorhomes and caravans, with campers being in the minority. As a result of the changes, staff and associated onsite staff accommodation were no longer required and the 2 bedroom unit was currently vacant. It was noted that a second staff accommodation unit with one bedroom, which had been included in the previous application (P/2022/1169 refers), would be retained but the business did not have a licence to employ seasonal staff so it was unlikely that this would be needed. The proposed change of use would release a much-needed unit of residential accommodation into the local market and provide additional income for onward investment into the business. In concluding, [REDACTED] urged the Committee to support the application.

In response to a question from the Committee, it was confirmed that the Department considered that the redundancy of the current employment use had not been adequately demonstrated and that the one bedroom staff accommodation unit was considered substandard, even for seasonal use.

Having considered the application, the Committee unanimously endorsed the recommendation to refuse permission for the reasons outlined in the Department report. In doing so, members noted potential alternative uses for the unit, such as tourism accommodation, which the applicant undertook to consider.

The Palms
Campsite, La
Route de
Vinchalez, St,
Ouen:
proposed
installation of
camping pods.

A4. The Committee, with reference to item No. A3 above, received a report in connexion with an application which proposed the installation of 5 x 2 person camping pods at The Palms Campsite, La Route de Vinchalez, St. Ouen. The Committee had visited the application site on 5th September 2023.

Connétable D.W. Mezbourian of St. Lawrence and Deputy A. Howell of St. John, St. Lawrence and Trinity, did not participate in the determination of this item.

P/2023/0148

A site plan and drawings were displayed. The application site was situated in the Protected Coastal Area ('PCA') and a Water Pollution Safeguard Area, adjacent to the Coastal National Park. Policies SP1-4, 6, GD1, NE1,3, EV1, TT1, 2, 4, and WER5-7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to Landscape and Seascape Character Guidance (July 2023).

The Committee noted the relevant planning history of the site, including a previous, identical application (P/2022/1170 refers), which had been refused by the Department under delegated powers.

Permission was sought for the installation of 5 mobile structures to be used as camping pods. 4 would be located on the southern boundary of the site, in close proximity to an existing range of buildings and the fifth would replace a dilapidated existing shed/chalet adjacent to a more substantial outbuilding, to the north of the main group of pods. Each pod would be 6 metres wide, 3 metres deep and 2.6 metres high, with a curved roof, an open plan living/sleeping area and a separate bathroom. It was noted that following a change in ownership of the site, the site had been remodelled and the number of pitches had been reduced.

The Committee was advised that the proposal would result in an intensification of use of the site, which was in an unsustainable location, making it largely reliant on private vehicles for transportation. The proposed camping pods would result in development that was visually intrusive and harmful to the character and appearance of the countryside in the PCA. Additionally, insufficient information had been provided to demonstrate that surface water and foul sewerage could be adequately disposed, resulting in potential harm to the environment in a Water Pollution Safeguard Area. The application was accordingly recommended for refusal on the basis that it was contrary to policies SP1-4, PL5, EV1, NE3, and WER5-7 of the 2022 Bridging Island Plan.

All representations received in connexion with the application had been included within the Committee's agenda packs.

The Committee heard from the applicant, [REDACTED] of the Palms Campsite. Following their acquisition of the business, [REDACTED] had invested substantially in improving the facilities, which included a café that was open to non-residents, a swimming pool, laundry room, toilets and showers (including disabled facilities) and a service area for motorhomes. The site had previously consisted of 60 family sized tents, which had been removed and the number of pitches had been reduced to improve the quality of the tourism offering. Whilst the site was licenced for 100 people (not including children under the age of 16) it usually catered for 60 to 80 patrons and [REDACTED] explained that the proposed pods would sleep 2 people and would be located on pitches that could currently accommodate up to 6 people. This would result in a reduction in occupancy levels, rather than an intensification of use of the site. Each pod would be equipped with a bathroom, thus reducing the use of the common facilities and decreasing noise and activity levels on the site. It was noted that the business operated on a seasonal basis from April to October each year and [REDACTED] confirmed that there was no intention of extending the season. A temporary bus stop had been installed at the entrance to the site and charging points for electric bicycles were available. The proposed camping pods would aesthetically enhance the site and eco-friendly materials would be used. [REDACTED] advised that further details in relation to the proposed drainage arrangements could be provided and she referenced various letters of support submitted in connexion with the application. In concluding, she asked the Committee to support the application, with conditions if necessary.

Having considered the application, members noted that drainage related issues could be overcome and that the proposed camping pods were not permanent in nature and would be beneficial to tourism in the Island. The Committee concluded that the proposed development would not cause harm to the character and appearance of the landscape or seascape in this instance. In addition, the proposal accorded with policies EV1, SP4 and 6 of the 2022 Bridging Island Plan. The Committee decided to grant permission on this basis, contrary to the Department recommendation. Members requested that specific conditions be imposed, in respect of drainage matters and to restrict the operating season for the camping pods to that of the campsite.

As the Committee's decision was contrary to the Department recommendation, it was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and approval of any conditions which were to be attached to the permit.

Jersey College
for Girls
Secondary
School, Le
Mont Millais,
St. Saviour.
Change of use
of part of fields
800 and 801.

A5. The Committee, with reference to its Minute No. A3 of 26th January 2023, received a report in connexion with an application for the change of use of Fields No. 800 and 801, St. Saviour, to facilitate their use as outdoor educational amenity space for Jersey College for Girls ('JCG'). The Committee had visited the site on 5th September 2023.

Connétable K.C. Lewis of St. Saviour did not participate in the determination of this application.

P/2023/0504

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was designated for school recreational purposes on the Eastern Cycle Route Corridor. Policies SP3, 4, GD1, 6, NE1, 3, HE1, 5 and TT1 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, which included planning application reference P/2022/1044. This application had been refused by the Committee on the basis that the proposal would have prevented the use of an access track by members of the public, including children attending other nearby schools, contrary to policies TT1 and 2 of the 2022 Bridging Island Plan.

The Committee recalled that the application site comprised a parcel of land which formed part of an agricultural field used for the growing of crops. It was located immediately adjacent to the defined settlement limits and the land sloped away in a south easterly direction, occupying a prominent hillside position with distant views. The application site was also situated within a wider area of land surrounding Les Varines, a Grade One Upper Palaeolithic site, which was of international significance.

The amended application sought permission for the change of use of the above land to outdoor educational amenity space and the scheme included a 2 metre high, green metal mesh fence. If permission was granted, informal access to a track along the northern boundary of the dwellings which faced onto New Zealand Avenue would no longer be available to the public for safeguarding reasons. However, a revised site layout which would enable access to land to the north west of the site, although as this land was not owned by the applicant, access could not be facilitated by them, nor guaranteed.

The application had been assessed against the relevant policy context and given the designation of the site for educational purposes, there was no objection to the principle of the change of use of the land. Consequently, the application was recommended for approval, subject to the imposition of the conditions detailed

within the Department report.

4 representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] who thanked the Parish of St. Saviour Roads Committee and the Connétable of St. Saviour for their support. [REDACTED] summarised the concerns of [REDACTED] with regard to safeguarding and noted the measures which would be taken to ensure the security of the campus. The access track and the route from Claremont Road would be made secure and would therefore not be available to the public. Following a question from the Committee, [REDACTED] confirmed that the public access route across the car park would be easily achievable and, in this connexion, the Chair noted that a letter of confirmation of the same from Jersey Property Holdings would have been beneficial.

Having considered the application, the Committee endorsed the recommendation to grant permission, subject to the conditions set out in the Departmental report.

Sur La Cote &
Ceol Na Mara,
La Greve
d'Azette, St
Clement:
Demolish
existing
structures and
construct one 4
bedroom and
one 5 bed
dwellings.
Create new
vehicular
access onto La
Greve
D'Azette.

P/2022/1465

A6. The Committee, with reference to its Minute No. A7 of 29th June 2023, received a report in connexion with an application which sought permission for the demolition of the existing structures known as Sur la Cote and Ceol Na Mara, La Greve d'Azette, St Clement, and the construction of one x 4 bedroom and one x 5 bedroom dwellings, with associated parking and landscaping. New vehicular access onto La Greve D'Azette was also proposed. The Committee had visited the site on 5th September 2023.

Connétable M. O'D. Troy of St. Clement and Deputy A. F. Curtis 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 situated in the Built-Up Area of the Shoreline Zone, a Coastal Flooding High Risk Area and was on the Eastern Cycle Route Network. Policies SP2, 3 and 4, PL1, GD1, 5, 6, NE1, H1, 2 and 4, ME1, TT1, 2 and 4, WER1, 2, 6 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, which included planning applications reference P/2018/0112 (permission lapsed in April 2021) and P/2021/1441 (permission refused). More recently, permission had been granted for the redevelopment of the neighbouring Coast Road Stores site only (P/2021/1703).

The Committee was advised that the application site comprised 2, one and a half storey cottages, Sur La Cote, which was split into 2 small one bedroom units, and Ceol Na Mara, a 2 bedroom unit. The 2 adjoining properties were located directly on the roadside, with large open gardens on the south-west side which had direct beach access. To the immediate south-east, the site bordered Prospect Place, a site containing 3 individual dwellings, whilst to the immediate north-west, the site bordered the mixed use site known as Coast Road Stores. To the north-east, on the opposite side of La Greve d'Azette, were the terraced properties of Coastlands Avenue, as well pairs of units making up Clos de Charriere.

The Department was of the view that the case for demolition had been made and a structural survey revealed a number of issues with the existing buildings, to the extent that refurbishment was not viable. The proposal was for the redevelopment of the site to provide a pair of generous semi-detached, 4 bedroom dwellings and the scale and design of the dwellings was considered acceptable. The applicant had agreed to cede land for the provision of a new, widened public footpath along the

roadside. The concerns of neighbouring residents had been considered in the context of the surrounding built context, site constraints and planning history of the site. The Department had concluded that the proposed development accorded with the relevant policies of the 2022 Bridging Island Plan and the application was recommended for approval.

The Committee heard from the applicants' agent, [REDACTED] who discussed the details of the proposal and advised that the scheme had been amended in accordance with Departmental advice. The height of both properties had been reduced by one storey and the buildings had also been moved back by 5 metres from the sea wall and from the pavement, land would be ceded to the public to facilitate the formation of a widened footpath, with parking designated in the basement, away from public view. A multigenerational development for 2 families was proposed so the completed properties would not be advertised on the open market. Deputy T.A. Coles of St. Helier South noted that one of the properties had in fact been advertised on the open market. [REDACTED] explained that this had been prompted by delays in obtaining planning consent and the expiry of lending agreements in October 2023.

[REDACTED] contested the retrospective application of Supplementary Planning Guidance 3 ('SPG3'), which had been adopted in July 2023, to assist with the interpretation and application of the Bridging Island Plan Policy relating to 'Housing outside the Built Up Area'. It was noted that SPG3 provided that developments outside of the Built-Up Area should not exceed 279 square metres. [REDACTED] advised that unit one measured 379 square metres and unit 2 was 359 square metres.

Having considered the application, the Committee, with the exception of Deputy M. R. Le Hegarat of St. Helier North and Connétable K.C. Lewis of St. Saviour, decided to refuse permission, contrary to the Department recommendation, on the basis of SPG3, placemaking and design, and policies SP3 and GD6 of the 2022 Bridging Island Plan.

The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and to set out the reasons for refusal.

Les Frontieres Farm, La Route du Francief, St. Brelade: proposed conversion of outbuilding to residential accommodation / demolition of glasshouse/ construction of equestrian store/bat house.

A7. 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 conversion of an existing ancillary building attached to the principal dwelling at Les Frontieres Farm, La Route du Francief, St. Brelade to provide a one bedroom residential unit. It was also proposed to demolish an existing glasshouse and replace it with an equestrian store and bat house. The Committee had visited the site on 5th September 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Les Frontieres Farm was a Grade 3 Listed Building. Policies SP1 – SP6, PL5, GD1, GD6, NE1 – NE3, HE1, HE2, ERE3, ERE7, H9, TT1, TT2, TT4, WER5, WER6 and WER7 of the 2022 Bridging Island Plan were relevant, together with the Integrated Landscape and Seascape Assessment, Supplementary Planning Guidance (SPG) 3 and 6 and draft SPGs on residential space standards and parking space standards.

The Committee noted that a previous application for the conversion of the aforementioned building had been refused in November 2022 on the grounds that it failed to provide adequate mitigation and compensation measures to avoid harm to identified protected species, contrary to Policies SP5 and NE1 of the 2022 Bridging Island Plan.

The Committee was advised that the current application had been refused on the

P/2023/0366

basis that the design, height and siting of the proposed equine store (which was understood to be required in connexion with a bona fide agricultural business) with first floor bat loft would be dominant and visually intrusive in the rural landscape, resulting in harm to the landscape character of the area, contrary to Policies SP3, SP5, PL5, GD6 and NE3 of the Bridging Island Plan 2022. Furthermore, insufficient information had been submitted to demonstrate that the permanent loss of commercial floor space within the existing barn/ancillary building would not have an adverse impact in the context of Policy SP6 of the Bridging Island Plan 2022. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, [REDACTED] and her agent, [REDACTED]. [REDACTED] outlined the extensive work which had been undertaken to sympathetically restore the property and advised the Committee of future proposals to create an equine therapy centre on the site (for which a licence had been granted). She emphasised her desire to maintain a clear separation between the family home and the business (which was not yet operational). Turning to the reasons for refusal, [REDACTED] stated that her neighbours had confirmed that the existing barn had never been used as a commercial space. With regard to the proposed equine store, [REDACTED] stated that this would be smaller than the existing glass house. [REDACTED] referenced the Department's suggestion that the equine store could be accommodated within the existing barn but advised that this was considered impractical for a number of reasons, to include, proximity to the family home, fire risk, dust from hay, proximity to the road, employee welfare (in the context of manual handling), the physical logistics of the building (particularly the width of the barn door) and the impact on neighbours. [REDACTED] stated that if permission was not granted for the proposed new store, the applicants would be forced to store hay and other items outside under tarpaulin, which would be unsightly. She concluded by stating that the proposed development would enhance the appearance of the area. In response to a question from a member who noted that a previous application had sought to restore the glasshouse, the applicant confirmed that this was not considered viable due to the condition of the glass. In response to a question from Deputy A. Curtis of St. Clement in relation to the approved use of the sheds in connexion with Les Frontieres Farm and also access to the stables, the applicant advised that she had received oral consent from a Government official for the current use of the buildings and confirmed that a separate application had been submitted for the creation of a new driveway through a field.

[REDACTED] stated that the application had been determined on the basis of erroneous information. He explained that Les Frontieres was not a working farm so the conversion of the barn would not result in the loss of an agricultural building. Even if the barn was considered to be agricultural (and [REDACTED] stated that it was not), the reason for refusal referred to the loss of commercial floor space. [REDACTED] was unaware of the policy context which supported this. He also noted that there had been no reference to this in the previously refused application. Furthermore, the Department report which had been prepared in respect of the 2022 application referenced the conversion of the barn in a positive light, stating that it would protect and enhance the Listed Building and add a valuable new residential unit. With regard to the proposed equine store, [REDACTED] stated that this would preserve employment opportunities on the site. He drew the Committee's attention to his written response dated 30th June 2023, which had been submitted in support of the request for reconsideration which included a visual representation of the proposed development. He argued that the proposed equine store and bat loft would enhance the landscape character and provide a habitat for protected species. The size of the bat loft was dictated by the requirements of the Natural Environment Team (NET) and there had been no objections from the Historic Environment Team in respect of the impact of the development. In response to questions from members, [REDACTED]

confirmed that it was not possible to create a reasonable residential unit within the barn without creating accommodation at first floor level. It was also confirmed that the existing access was shared with a neighbouring property. Some discussion ensued with regard to the amenity space for the proposed new unit of accommodation and the configuration of the dwelling and the potential for it to be used as a 2 bedroom dwelling. [REDACTED] confirmed that whilst the gross internal floor area was slightly below that required under the minimum standards, this had been discussed with the Department at the outset and deemed acceptable. In terms of the use of rooms once the dwelling had been completed, this would be dictated by the occupants, as was the case in any dwelling.

The case officer confirmed that the application under consideration did not seek to establish a commercial use for the existing stables. She also clarified that agriculture had always been deemed a commercial use and that negative pre-application advice had been given in relation to the bat house.

Having considered the application, the Committee, with the exception of Connétable M. O'D. Troy of St. Clement, endorsed the recommendation to refuse permission, with a number of members stating that they had no concerns regarding the proposed new unit of accommodation.

The Olde House, La Rue du Croquet, St. Brelade: proposed replacement extension.

A8. 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 an existing ground floor extension at the property known as The Olde House, La Rue du Croquet, St. Brelade and its replacement with a larger extension with a terrace above. The Committee had visited the site on 5th September 2023.

P/2022/1702

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that The Olde House was a Grade 4 Listed Building. Policies GD1, GD6, HE1 and SP4 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the proposed development was not considered to respond sympathetically to the Listed Building and was deemed excessive in scale and prejudicial to the privacy of neighbouring dwellings. Although the existing extension to the rear was modern and outside the extent of the Listing, the impact on the setting of the historic building and an adjacent Listed Building to the south - Burlington House – had been considered. The application had been refused on the grounds that it would be harmful to the character of the Listed Building, contrary to Policy HE1 and would unreasonably affect the level of privacy enjoyed by surrounding properties, contrary to Policy GD1. It was recommended that the Committee maintain refusal of the application.

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

The Committee heard from the applicant, [REDACTED] and his agent, [REDACTED] of MAC Architecture. [REDACTED] advised of ongoing issues with water ingress in the existing extension and the desire to create a safer amenity space for the family. He believed that the proposed development would improve the relationship with the neighbouring property and provide greater separation. The proposed new extension would be constructed at the same level as the existing kitchen extension and the granite walls around the rear yard would be retained. The extension would infill an area which already accommodated a building and the new terrace would replace an existing amenity area. There would be minimal loss of historic fabric and the proposed development would provide a more suitable family home. [REDACTED] noted that some trees on the neighbouring property had been removed in 2022 and he

believed that there had been some loss of privacy arising from the same. However, the proposed development included a fence to provide additional privacy.

Having considered the application, the Committee was persuaded that the proposed development would not have a detrimental impact on the Listed Building and would not be excessive in scale or prejudicial to the privacy of neighbouring dwellings. Consequently, permission was granted, contrary to the Department recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and approval of any conditions which were to be attached to the permit.

Le Coin, Le
Mont du Coin,
St. Brelade:
proposed new
garage.

RP/2023/0448

A9. 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 revisions to the approved scheme in respect of the demolition of an existing garage and its replacement with a new 4 car garage at the property known as Le Coin, Le Mont du Coin, St. Brelade. The Committee had visited the site on 5th September 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Le Coin was a Grade 3 Listed Building. Policies GD1, GD6, NE1, NE3 and HE1 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that whilst permission had previously been granted for the new garage under planning application reference P/2020/1808, the application under consideration proposed replacing the approved timber doors to the garage with aluminium doors and this had led to the application being refused on the grounds that it was contrary to Policies HE1 and NE3 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant's agent, [REDACTED] of MAC Architecture, who advised that the garage had been designed as part of a wider scheme, which included a number of contemporary glazed extensions with aluminium framed windows and doors, which contrasted with the approved traditional garage doors. Consequently, the applicant was seeking permission to replace the timber doors with aluminium doors which matched other new development on the site.

The Committee discussed the application and Deputies S.G. Luce of Grouville and St. Martin, A. Howell of St. John, St. Lawrence and Trinity and Connétable M. O'D. Troy of St. Clement expressed the view that it would be difficult to justify refusal based upon the nature of the development which had already been permitted on the site. All members of the Committee expressed considerable concern and disappointment at the development which had already been permitted given the Grade 3 Listing and the heritage value.

The application was refused for the reasons set out above.

No. 9 Havre
des Pas
Gardens, St.
Helier:
proposed
extension.

P/2023/0127

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the construction of a single storey extension at No. 9 Havre des Pas Gardens, St. Helier. The Committee had visited the site on 5th September 2023.

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, GD6 and WER2 were

relevant.

The Committee was advised that whilst the principle of an extension on the application site was considered acceptable, concerns existed with regard to the visual impact of the east elevation and the street view. Consequently, the application had been refused on the grounds that it was contrary to Policy GD6 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, [REDACTED] of Nova Consultancy, who advised that the extension had been carefully designed to meet the requirements of Policy GD1. There would be no impact on neighbouring properties and no changes were proposed in respect of access and car parking arrangements. The design of the extension was considered to be subservient to the host dwelling and in accordance with Policy GD6. There appeared to be an eclectic mix of architectural styles in the area and reference was made to extensions to neighbouring properties, some of which were considered to have a greater impact than that proposed on the application site. Attention was also drawn to an existing wall and the point was made that the visual mass of the proposed extension would have no greater impact than that of the wall. Any additional surface water from the proposed extension would be dispersed to the mains drains. In response to a question regarding the proposed materials, it was noted that plain cement render would be used.

The Committee concluded that the visual impact of the proposed extension was acceptable and decided to grant permission, contrary to the Department recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and approval of any conditions which were to be attached to the permit. The Committee requested that a specific condition be imposed which required the use of pebble dash on the extension to match the principal dwelling and a render band around the window on the extension.

Beau Pre, La
Rue Poitrons,
St. Martin:
proposed
swimming
pool/landscape
alterations.

A11. 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 construction of a swimming pool and various landscape alterations at the property known as Beau Pre, La Rue Poitrons, St. Martin. The Committee had visited the site on 5th September 2023.

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

P/2022/1434

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Beau Pre was a Grade 3 Listed Building. Policies GD1 and HE1 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application sought permission for the construction of various areas of hardstanding throughout the southern garden, which was in stark contrast to the open and minimalistic arrangement of the current garden, which contributed to the setting of the Listed Building. Permission was also sought for the construction of a pool to the west of the site and this would be set at a lower level than the surrounding garden. This was considered to further upset the existing linear and traditional layout of the garden and could not, therefore, be supported. Consequently, the application had been refused on the grounds that it was contrary to Policies HE1 and NE3 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant, [REDACTED] and her agent, [REDACTED]

██████ of Page Architects. ██████ discussed the details of the proposal, to include the planting scheme and referenced a submission from ██████ the landscape designer. It was noted that ██████ had won a gold medal at the Chelsea Flower Show and had designed the scheme to complement the setting of the property. The existing garden had little to commend it and included large, unprotected drops from the various levels of the middle section. No trees would be felled and new trees had been carefully selected by ██████ ██████ explained that the property had been sympathetically restored and the proposed works would further enhance the setting of the Listed Building.

██████ understood that the application had been determined without reference to a response to the comments of the Historic Environment Team. He too apprised the Committee of the specific details of the landscaping scheme and advised that the proposed new swimming pool would not be visible from the public realm and that black pool tiles would be used to give it a more pond like appearance.

Having considered the application, the Committee, with the exception of Connétables P.B. Le Sueur of Trinity and K.C. Lewis of St. Saviour, endorsed the recommendation to refuse permission for the reasons set out above. Whilst ██████ sought to obtain the individual views of members as to whether the swimming pool was the primary concern, only 2 members provided this feedback and concerns were expressed with regard to both the pool and the level of hard landscaping proposed.