

KML/SB/133

PLANNING COMMITTEE

(11th Meeting)

4th April 2019PART A (Non-Exempt)

All members were present, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman and Connétables P.B. Le Sueur of Trinity and K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman  
(not present for item No. A6)  
Deputy S.M. Wickenden of St. Helier  
Deputy J.M. Maçon of St Saviour  
Deputy R.E. Huelin of St. Peter  
Connétable D.W. Mezbourian of St. Lawrence  
(not present for item Nos. A6 and A7)  
Deputy K.F. Morel of St. Lawrence (as an observer only)

In attendance -

P. Le Gresley, Director, Development Control  
A. Townsend, Principal Planner  
C. Jones, Senior Planner  
G. Duffell, Senior Planner  
L. Davies, Planner  
R. Hampson, Planner  
A. Parsons, Planner  
T. Ingle, Principal Historic Environment Officer  
K.M. LARBALÉSTIER, Committee Clerk, States Greffe

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

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| Minutes.  | A1. The Minutes of the meeting held on 7th March 2019, having been previously circulated, were taken as read and were confirmed.   |
| Planning Officers Society - review.   | A2. The Committee noted that representatives of the Planning Officers Society were in attendance to observe proceedings as part of a best practice review.   |
| Planning and Building (Jersey) Law 2002 – Article 9A – report to States.<br>410/99(1) | A3. The Committee recalled that under Article 9A of the Planning and Building (Jersey) Law 2002, it was tasked with reporting to the States the Committee's assessment of planning policy and any recommendations it had for its revision. In this connexion the Committee noted that a report containing its recommendations to the Minister had been presented to the States. The Minister wished to give some consideration to the recommendations prior to presenting a formal response. |
| Nos. 26 and 27 Clairvale Road, St.  | A4. The Committee, with reference to its Minute No. A3 of 7th March 2019, considered a report in connexion with an application which sought permission for the demolition of Nos. 26 and 27 Clairvale Road, St. Helier and the construction of   |

Helier: proposed demolition and redevelopment. 477/5/1(649)  P/2018/1515	<p>a residential development comprising 6 new dwellings. The Committee had visited the application site on 5th February and again on 5th March 2019, when a number of neighbouring properties had been visited.</p> <p>The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented and the Committee confirmed its decision to refuse permission on the basis that the scheme was contrary to Policies GD1 and GD7 of the 2011 Island Plan.</p>
Chalet des Arbres, Le Mont Gras d'Eau, St. Brelade: proposed demolition and redevelopment. 477/5/3(1003)  P/2018/1638	<p>A5. The Committee, with reference to its Minute No. A6 of 7th March 2019, considered a report in connexion with an application which sought permission for the demolition of an existing dwelling and cottage at Chalet des Arbres, Le Mont Gras d'Eau, St. Brelade and the construction of 4 x 2 bedroom residential apartments with associated car parking and amenity space. The Committee had visited the application site on 5th March 2019.</p> <p>The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented and the Committee confirmed its decision to refuse permission on the basis that the scheme was contrary to Policies GD1, GD3 and GD7 of the 2011 Island Plan.</p>
Val de la Mare Reservoir, Le Mont Rossignol, St. Ouen: proposed construction of submerged pipeline/ associated works. 477/5/3(1056)  P/2017/0759	<p>A6. The Committee considered a report in connexion with an application which sought permission for the construction of a submerged pipeline and other associated works at Val de la Mare Reservoir, Le Mont Rossignol, St. Ouen. The Committee had visited the application site on 2nd April 2019.</p> <p>A site plan and drawings were displayed. The Committee noted that the application site was located within the Coastal National Park and that Policies GD1, NE2, NE3, NE4, NE7, NR1 and NR9, of the 2011 Island Plan were of particular relevance.</p> <p>The Committee was advised that the application responded to the operational need for Jersey Water to provide a safe public water supply for the Island, which at present could fall below acceptable standards. Currently, the quality of the water collected within Val de la Mare reservoir was compromised, with high levels of pollutants entering the water from the western catchment area. When pollutants reached peak level this led to the reservoir being taken out of service for public water supply. Consequently, this reduced the volume of water available to Jersey Water for treatment, particularly given that Val de la Mare provided 35 percent of the Island's water storage capacity. To address this, Jersey Water proposed to install a bypass system to capture the excessive level of pollutants; in particular nitrates and Oxadixyl which entered the reservoir via its western stream.</p> <p>The bypass broadly consisted of 4 key elements - a stream flow measurement facility, a pipe intake structure, a submerged polythene pipe running along the reservoir bed and pipework to connect the bypass to the existing outlet and downstream water courses. Whilst the application was accompanied by various supporting documents, including a planning statement, a pollution management options appraisal, an environmental impact assessment (EIA) and an outline construction environmental management plan (CEMP) it had been concluded that it failed to prove that the proposed solution would adequately address the acknowledged pollution issue without causing harmful effects to other areas, particularly St. Ouen's Pond. The Pond lay within the site of 'La Mare au Seigneur', which was an extensive wetland area dominated by wetland habitats, reed beds and wet meadow, which were uncommon in the Island. A rich flora and abundance of</p>

animal species also contributed to this important area, which was a designated ecological Site of Special Interest (SSI).

The Committee noted that 29 letters of objection had been received, including a strong objection from the National Trust. The Natural Environment Section of the Department (the relevant statutory consultee) was not convinced that the proposals robustly demonstrated that the impact on the fragile ecosystem of St Ouen's Pond (and other downstream users) was insignificant or that sufficient mitigation had been proposed. It was recognised that Jersey Water was proposing steps to safeguard the Island's drinking water supply and that this important factor had to be carefully considered. However, given the potentially harmful effects on St. Ouen's Pond and the surrounding area, the lack of any sufficient mitigation plan and the failure to properly consider less harmful environmental solutions, the application was recommended for refusal on the grounds that it was contrary to Policies SP4, NE1, NE2, NE3, NE4, NE6 and NR1 of the 2011 Island Plan.

The Committee heard from Mr. J. Parkes, Land Manager, National Trust for Jersey. Mr. Parkes reminded the Committee that St. Ouen's Pond was the largest body of fresh water in the Island, was species rich and provided a diverse wetland habitat. This was a designated ecological SSI and there appeared to be a lack of evidence in terms of the impact of the proposals. Whilst it was accepted that the applicant company was not responsible for the contaminants it was seeking to address, passing the problem on was not considered to be an appropriate solution. It was recognised that alternative proposals could prove more expensive, but it was felt that Islanders should not be asked to choose between clean drinking water and the potential adverse ecological impact on a designated SSI.

The Committee heard from another individual representing the National Trust for Jersey who pointed out that the Island was a co-signatory to certain environmental agreements relating to biological diversity. These agreements contained a precautionary principle regarding the care/stewardship of the natural environment in so far as it was not necessary to prove that a proposal would have a significant impact but that the likelihood was sufficient in the context of decision making. In addition, the duty of care was on those who proposed change rather than the protectors. It was noted that the applicant had drawn attention to the fact that no evidence had been submitted to confirm the scheme would cause harm to the biological diversity of St. Ouen's Pond. However, this statement shifted the onus of proof onto to the protectors rather than the applicant. In conclusion, the application did not address the environmental impact on the SSI and it was believed that the scheme conflicted with both local legislation and international agreements, to which the Island was a signatory.

The Committee heard from Mr. M. Stentiford, who highlighted the importance of protecting the Coastal National Park. Mr. Stentiford felt that it was incredibly unfair that so much time had been expended by both the applicant and objectors on an issue which was not of their joint making. He went on to discuss the ecological value of St. Ouen's Pond and its designated status as an SSI situated in the heart of the Coastal National Park. Turning to comments which had been made in the applicant company's submission to the effect that there was no evidence to confirm that the scheme would have an adverse effect on bio-diversity within the pond, Mr. Stentiford asked what evidence there was that it would not? He noted that the bypass was most likely to be used during the winter months and advised the Committee that the Pond was a refuge for vulnerable species between October and April. Mr. Stentiford summarised the history of the Pond, which had culminated in the National Trust acquiring it in 1975. He stated that it was essential that its history was respected and ongoing obligations of care were honoured to ensure that protection of this fragile environment remained paramount. Permitting any works which could

potentially lead to pollution would be totally irresponsible.

The Committee heard from Ms. N. Frost and Messrs. H. Smith and A. Farman, representing Jersey Water. Mr. Smith advised that the applicant company had a legal obligation to provide clean water and protect water resources. A holistic approach, which involved working with local farmers and government Departments was taken to achieve this. Whilst this collaborative approach had resulted in improvements, it did not address the need to protect water quality in the Island's second largest reservoir. Stringent regulations applied in terms of drinking water standards, to the extent that one part in a billion of pesticides in drinking water was unacceptable. At present there was a by-pass on the eastern stream, but high nitrate levels existed on the western stream so the water could not be used for treatment. In 2016, the reservoir had been out of service for 5 months for this reason. Consideration had been given to a range of options designed to address the issue and the proposed solution was considered to be the most pragmatic and cost effective. A commitment would be made to monitoring to protect the ecology of St. Ouen's Pond and evidence had been submitted which demonstrated that the scheme would not be harmful to the environment. Mr. Smith added that the proposal should not be viewed as 'kicking the can down the road'. Jersey Water was a responsible landowner and the presence of a by-pass would not have a negative effect.

Mr. Farman stated that whilst decisions had to be consistent with Island Plan Policies, where there was sufficient justification for doing so, exceptions to policy could be made. In this context, Mr. Farman argued that the strategic need for the provision of drinking water allowed the Committee to approve the application. The scheme was supported by Environmental Protection and the need to create a by-pass to avoid polluted water entering the reservoir was recognised. Furthermore, a by-pass already existed on the eastern stream. If, in time, farming practices altered the by-pass would become redundant. However, this was outside of the applicant company's control. There had been no evidence from objectors to support claims that the scheme would be harmful to the ecological importance of St. Ouen's Pond. Mr. Farman referred the Committee to Policies NE1 and NR1 and the tests set out therein. He stated that the submitted evidence showed that the scheme passed the relevant policy tests. If the Committee was minded to approve the application future monitoring could be conditioned and protocols put in place.

Ms. Frost addressed the Committee, advising that she was employed by an environmental consultancy based in Southampton which had been working with Jersey Water since 2017, to address drinking water quality. In terms of the potential effect of the scheme, whilst there would be a temporary increase in nitrate levels for a short period each time the by-pass was operational, oxadixyl levels would still be 200 times lower than the threshold. There would be a concentration of other fungicides and pesticides, none of which would breach safe environmental limits. Ms. Frost noted that St. Ouen's Pond was already impacted by nutrient loading. Work which had been carried out demonstrated that there would be no change to the ecology of the Pond and whilst some silt would reach the Pond this would not settle. In terms of the options which had been explored, and based upon water quality data, a judgement had to be made in terms of expenditure levels where risk was low. Well established processes existed for managing uncertainty in low risk situations and this involved using survey methods and management action to reduce nutrients. In conclusion, Ms. Frost stated that there would be no long term damage to St. Ouen's Pond and there would be no significant impact on the flora and fauna.

In response to questions from a member regarding the length of time the eastern by-pass had been operational, Mr. Smith advised that the applicant company had no data on this. He advised that the by-pass was used infrequently. The Department

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held no records in relation to approval of the eastern by-pass. Mr. Smith also confirmed that it was not possible to treat the water from the western stream before it entered the reservoir. In terms of redirecting water from the western stream out to sea, it was noted that this would involve obtaining a discharge permit and significant engineering works which would cost millions of pounds. Mr. Smith explained that the idea was to fill the reservoir at Val de la Mare for the potato growing season and then turn on the proposed western by-pass. Ms. Frost added that studies had shown that pesticide, herbicide and fungicide concentration were significantly below safe levels. In terms of nitrate levels, the Committee noted the different levels which were permissible from a health based and regulatory perspective. Regulations permitted 150 milligrams per litre of water, whereas rules governing health and safety permitted 100 milligrams per litre. The Committee was also reminded that nitrates came from a variety of sources, such as the nearby golf course and other streams.

Having considered the scheme, the Committee unanimously endorsed the officer recommendation to refuse permission on the grounds detailed above.

Windmills  
Hotel, Le Mont  
Gras d'Eau, St.  
Brelade:  
proposed  
demolition and  
redevelopment.  
477/5/3(1057)  
  
P/2018/1441

A7. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of the premises known as Windmills Hotel, Le Mont Gras d'Eau, St. Brelade to provide 5 x 2 bedroom and 6 x 3 bedroom residential units with associated parking and landscaping.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and that Policies SP1 – SP7, GD1, GD4, GD5, GD7, GD8, BE3, H4, H6, NE2, NR7, TT4, TT8, LWM2, LWM3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site was located in a sustainable location within walking and cycling distance of local amenities. It was also in close proximity to bus routes to and from St Helier. The development made best use of previously developed land, producing a contemporary scheme which related well to the existing site context and with a substantial landscaping scheme which would reinforce the site's Green Backdrop Zone location. The scheme achieved the minimum housing standards required, as well as providing car parking and sustainable transport initiatives, such as bicycle parking and electric car charging points. Policy GD1 of the Island Plan set a test of unreasonable harm to neighbouring uses from a proposed development. Taking the context of the area into account and the scale and siting of the proposed development relative to existing buildings, it was not believed that there would be unreasonable harm to neighbouring uses.

Since the submission of the original application the scheme had been amended as follows –

the whole building had been lowered into the ground by 0.555 metres;  
all internal floor to ceiling heights had been reduced from 2.8 metres to 2.6 metres;  
the depth of the roof parapet was reduced from 1.1metres to 0.675 metres, so that the overall height of the roof parapet was reduced by 1.98 metres and was now 1.34 metres lower than the tallest gullwing roof of Clos St Brelade, adjoining to the west;  
the first floor level had been lowered by 955 millimetres, which had resulted in the need to introduce a stepped access from the vehicle drop-off in conjunction with alternative level accesses through the formal gardens, and;  
new structural planting had been introduced at the top of the cotil.

It was recommended that the Committee approve the application, subject to (within 3 months of the date of approval) the applicant entering into a suitable Planning Obligation Agreement (POA) pursuant to Article 25 of the Planning and Building

(Jersey) Law 2002 (as amended) to secure the following –

a contribution of £56,410.31 for the specific junction improvement of La Route des Genets at the top of Mont Gras D'Eau, to include a signalised pedestrian crossing, a bus shelter, kerb realignment and highway resurfacing.

If the Planning Obligation Agreement was not completed within 3 months then the application would be returned for further consideration.

The Committee noted that the application had generated 14 letters of objection from local residents (to include the St. Brelade's Bay Association (SBBA)).

The Committee heard from Messrs. J. Worthington and R. Morton, representing the applicant. Mr. Worthington advised that the scheme had been considered by the Jersey Architecture Commission and that the applicant company had arranged a series of public consultation meetings. Following this the scheme had been revised as detailed above. It was noted that occupation levels would reduce by 59 percent when compared with the existing hotel use. The building would be constructed in tiers to minimise the impact on neighbours. A total of 16 cross sections had been taken and a full right of light and use study compiled. It could be demonstrated that none of the neighbours would be affected. Landscaping would be enhanced and a proper roof top planting scheme was proposed. This, together with the use of natural materials, would help the building blend into its surroundings. A detailed construction method study which incorporated a passing bay had also been prepared. If permission was granted the contractor would have regular meetings with residents and would keep them informed during each stage of the works. The road would be surveyed and repaired at the end of the project. Mr. Worthington informed the Committee that it was understood that 2 medical professionals lived in the vicinity of the application site and an undertaking had been given to maintain unimpeded access 24 hours a day.

Mr. Morton advised that the scheme proposed 11 large luxury apartments, for which there was significant demand.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier and Connétable D.W. Mezbourian of St. Lawrence, both of whom were concerned about the impact on the development on the Green Backdrop Zone, decided to grant permission, subject to the imposition of the conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above.

Field No. 14,  
Willow Farm,  
Le Hucquet,  
St. Lawrence:  
proposed  
agricultural  
staff  
accommodat-  
ion.  
1070/2/1/3  
(156)

A8. The Committee, with reference to its Minute No. A3 of 23rd August 2018, considered a report in connexion with an application which proposed the construction of 8 x 2 bedroom and 2 x 3 bedroom agricultural staff accommodation units to the north of Field No. 14, Willow Farm, Le Hucquet, St. Lawrence. The Committee had visited the application site on 21st August 2018 and, more recently, on 2nd April 2018.

Deputy R. Labey of St. Helier, Chairman and Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application. Deputy J.M. Maçon of St. Saviour chaired the meeting for the duration of this item.

P/2016/1773

Before withdrawing the Chairman advised that it had not been possible procedurally to accede to the applicant's request to defer consideration of the application (on the basis that Mr. J. Vautier, Business Adviser, Rural Economy was unable to attend (but had submitted a written representation).

A site plan was displayed. The Committee noted that the application site was located within the Green Zone and that Policies NE7, SP1, 2 and 3, H9 and GD1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that it had refused a previous application which was almost identical to that which was proposed, save for a few changes which were intended to address the reasons for refusal. These included reducing the number of vehicle parking spaces from 30 to 24 and the submission of landscaping and travel plans. The previous application had been refused on 4 grounds. In the view of the Department the re-submitted application continued to fail to satisfy Policies H9 and NE7. The application sought to construct 10 houses on a site (Willow Farm) which was divorced (both physically and in terms of ownership) from the actual farm (Woodside) where staff would predominantly work. The business relationship between Willow and Woodside Farm was described as symbiotic and the applicant had expressed a willingness to enter into a Planning Obligation Agreement to secure the proposed housing for Woodside Farm only. However, this did not overcome the substantial policy hurdles presented by Policies H9 and NE7.4.

Within the submitted Planning Statement the applicant had set out a number of justifications for approving the application, as follows –

- food security for the Island;
- the provision of good quality staff accommodation to offset the inability to pay above the minimum wage;
- compliance with the States of Jersey Common Strategic Policy 2018 – 22 in terms of priority being given to the 10 families currently occupying one bed units at Woodside Farm;
- reduced staff travel;
- the formulation of a Travel Plan which would introduce a minibus to transport children to and from school and take staff/families into St. Helier at weekends; and
- the acute shortage of staff accommodation arising from the redevelopment of existing staff accommodation sites in the Built-Up Area (Beach Hotel).

The Committee recalled that Willow Farm was owned by Hi-Ho Growers, which company had previously enjoyed a trading relationship with Amal Grow Limited; the latter having ceased trading in 2015. Following the closure of Amal Grow, Woodside Farm Limited had stepped in to provide food security for the Island and to safeguard against job losses. Woodside and Willow Farms were described as having ‘a symbiotic relationship’, with Woodside Farm being responsible for the operational side of the business and Willow Farm providing accommodation for staff employed at Woodside Farm and other staff (currently or formerly) in the agricultural industry. It was unclear as to how the existing staff accommodation at Willow Farm was divided between the respective occupants. The application under consideration sought consent for 3 blocks of staff accommodation as follows –

Block 3: 2 x 3 bed units with gardens and 8 car parking spaces (attached)

Block 4: 4 x 2 bed units with gardens and 6 car parking spaces (detached)

Block 5: 4 x 2 bed units with gardens and 10 car parking spaces (detached)

The proposed development would provide accommodation for staff employed by Woodside Farm. The applicants argued that there were both social and moral grounds for approving the application, as both companies were major contributors to Jersey’s food security and employees should be provided with appropriate accommodation.

The Committee noted that as a result of the expansion of operations at Woodside Farm, the company had an existing total staff requirement of 180 - 200 at peak times, as confirmed by the Land Controls and Agricultural Development Section. Approximately 40 of these staff were managers (it was unclear as to why all managers/senior staff required staff worker accommodation). In the event that these 40 managers were accommodated privately, there would be a need to provide accommodation for 140 - 160 staff. It was acknowledged that some existing staff worker accommodation had been lost due to the redevelopment of other sites and it was also noted that staff accommodation previously utilised by Amal Grow had not been made available to Woodside Farm. However, the Committee was informed that a previous application for staff accommodation for 140 staff at Woodside Farm, which had been supported by the Land Controls and Agricultural Development Section, had ultimately been withdrawn as the applicant had been unable to resolve certain highways issues. In the schedule of existing staff accommodation submitted with the application, facilities at the property known as Cheraleen, St. Mary were described as substandard. However, planning consent for the replacement of this substandard accommodation had been granted under application reference P/2012/1123 to provide staff accommodation for 20 workers in 10 units. Willow Farm already benefitted from the provision of 16 units of staff accommodation (4 x 3 bed, 2 x 2 bed and 10 x 1 bed). Accordingly, the staff accommodation requirements were considered to be met and there was insufficient justification for the additional accommodation at Willow Farm.

The Committee's attention was drawn to Policy H9 which directed development to the Built-Up Area and set a high bar for the creation of staff worker accommodation in the Green Zone by requiring the satisfaction of a number of criteria, which the Department believed the application failed to satisfy. Policy NE7 also set a strong presumption against development. Staff worker accommodation was only permitted where (1) it accorded with Policy H9 and (2) it did not cause serious landscape harm. By virtue of the size, design and associated amenity/parking space the proposal was considered to cause serious harm to the landscape character. In conclusion, the application failed to pass a number of key Island Plan policy tests, which sought to protect the countryside and direct development to the Built-Up Area. The application proposed a substantial amount of development in a rural part of the Island and approval would require exceptions to Policies H9 and NE7. The Department did not believe that sufficient justification existed for doing so. Therefore, the application was recommended for refusal.

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

The Committee heard from the applicant, Mr. C. Gallichan of Woodside Farm, his agents, Mrs. S. Steedman and Mr. C. Buesnel and Mr. C. Le Marquand of Willow Farm.

Mr. Le Marquand addressed the Committee, stating that he felt that the process had been plagued with misconceptions and that his role and integrity had been called into question. He emphasised that he was a farmer and not a commercial landlord. He worked jointly with Woodside Farm and provided accommodation at Willow Farm for agricultural workers. Mr. Le Marquand advised that he could legitimately leave the industry and lease the accommodation at Willow Farm on a commercial basis for a significant profit to persons last employed in the industry. He had absolutely no desire to do so as he believed this was immoral and he was passionate about the agriculture industry. Every single unit at Willow Farm was used for the intended purpose and Mr. Le Marquand was disturbed by allegations that this was not the case. Mr. Le Marquand informed the Committee that he currently had to rent a bedsit on another site for a member of staff at a cost of £800 per month. He charged



the employees who lived there a rental of £425 per month – he argued that this was not the actions of a commercial landlord. Individually the 2 staff members travelled 25 miles per day, 6 days a week.

Mr. Le Marquand reiterated that both he and Mr. Gallichan, the applicant were willing to enter into a POA to tie the accommodation to the agriculture industry to prevent any further loss of agricultural housing stock. He turned his attention to the welfare of the children and grandchildren of employees and the need to provide appropriate accommodation for the well-being of families. He advised that his own family had recently adopted a child and a positive assessment of the environment at Willow Farm had been received.

Mr. Gallichan addressed the Committee, advising that Woodside farm had been operational for over 130 years. At present a wide range of products were grown for the local, UK and European markets. 70 – 80 percent of Jersey's vegetables were grown by the applicant company and although processes were heavily mechanised and the labour profile was changing, the company still required significant labour. Staff shortages were having an adverse impact on the business and conflicting government policies were causing particular difficulties. Mr. Gallichan advised that Woodside Farm was the applicant company's operational hub and Willow Farm was used primarily for storage. Traditionally farming was a low paid industry and staff could not afford to rent properties on the open market. It was noted that Mr. Gallichan currently had staff lodging with him and in another family property due to a lack of accommodation. Refusal of the application would affect food security, exports and the viability of the farms.

The Committee heard from Mrs. Steedman, who stressed that the application sought permission for the provision of staff accommodation to support the agriculture industry. It was not financially viable or appropriate to use lodging house accommodation for staff. Willow Farm was considered a suitable site for the proposed development as it already benefitted from the provision of staff accommodation and had a business relationship with the applicant company. A condition which had been attached to the permit in respect of the existing staff accommodation at Willow Farm restricted occupancy to staff employed or recently employed within agriculture and all units were occupied in accordance with the conditions set out in the permit. The proposed development would be designed in such a way that the accommodation could be used flexibly to respond to changes in the make-up of households. The provision of staff accommodation at Woodside Farm would entail the use of a green field site. The applicant was merely responding to the existing shortage of agricultural staff accommodation, some of which had been lost as a result of redevelopment. Mrs. Steedman stated there were inaccuracies in the Department's report and she referred the Committee to a letter dated 26th March 2019, from the Rural Economy Section of Economy and Partnerships, Growth, Housing and Environment which confirmed that Woodside Farm was strategically important to the rural economy; that the need for additional staff accommodation had been demonstrated; that there was a legitimate and ongoing commercial arrangement between the applicant and the proprietor of Willow Farm; that the businesses worked on an integrated operational basis; and, that the scheme would not result in the loss of agricultural land. With reference to comments received from the Children's Commissioner for Jersey, Mrs. Steedman suspected these were generic rather than site specific as she was not aware that the Commissioner had visited the site to fully appreciate how the applicant's aspirations to provide suitable family accommodation would be realised. Mrs. Steedman warned that if the Committee refused the application, families would continue to live in one-bedroom accommodation and she reminded members of the aims of the Common Strategic Policy in respect of children. Mrs. Steedman noted that whilst comments had been received from the Department's Highways Section in relation to the current

application, this had not been the case in respect of the previously refused scheme. No comments had been received from the highway authorities of St. John or St. Lawrence. It was noted that there was a bus stop only 400 metres away from the site so children could access the school bus service. Woodside Farm was a responsible business and it was intended to operate a travel plan, which included the provision of a mini bus service and car sharing between staff. Mrs. Steedman reminded the Committee that permission had previously been granted for staff accommodation at Peacock Farm, another business operating in the countryside. Whilst it was accepted that the preference was for development to be directed towards the Built-Up Area, this did not make sense in this particular case due to the Green Zone location of the business and the fact that it would result in increased trip generation. Moreover, the provision of accommodation in the Built-Up Area was cost prohibitive. The scheme sought to provide staff accommodation to support a very successful agricultural business which operated almost entirely in the Green Zone. The strategic policies of the Island Plan set out the framework for decision making and encouraged the use of brown field land for development. Policies SP1, SP4 and SP5 were relevant. The Island Plan recognised that housing staff was important to agriculture and tourism and exceptions could be made on the basis of proven economic need. It was considered that the scheme met the tests set out in Policies NE7 and H9 and the Committee should, therefore, in Mrs. Steedman's opinion, grant permission in accordance with Article 19(1) of the Planning and Building (Jersey) Law 2002. In concluding, Mrs. Steedman stated that there was no moratorium on development in the Green Zone but there was a need to provide for the reasonable expectations of business. Policy NE7 allowed for exceptions, with part 4 being particularly relevant.

The Director, Development Control advised that, contrary to Mrs. Steedman's suggestion, the application site was not a brown field site as the land had not previously been developed.

The Committee heard from Mr. C. Buesnel who explained that, from an architectural perspective, the design followed existing building patterns on the site. He went on to outline the minor changes which had been made to the scheme to address the concerns previously expressed. The site was self-contained and a full landscaping scheme had been submitted which would provide additional screening.

The Director responded to a question from members regarding compliance with the Island Plan, and explained that whilst the Department had assessed the application as being contrary to the relevant Policies Mrs. Steedman had offered a different view on behalf of the applicant. It was also noted that the applicant had expressed a willingness to enter into a POA to confine the occupation of the new units to agricultural staff employed by Woodside Farm. Mr. Gallichan also responded to questions regarding the changing staff profile and the relationship between the 2 businesses. With regard to the latter, it was noted that in the last 5 years the businesses had worked closely on the production of the Jersey Royal potato crop, with Mr. Le Marquand being part of the management team at Woodside Farm. The businesses also shared labour and land.

The Committee heard from the Children's Commissioner for Jersey, Ms. D. McMillan. Ms. McMillan had been asked to advise on children's rights and housing where it related to tied accommodation. In this connexion the Committee noted the contents of a letter dated 21st March 2019, from Ms. McMillan. She explained that the contents of letter were generic and not specifically related to the proposed development. Ms. McMillan had not visited the application site. The application had to be considered in the fullness of all of the Articles of the United Nations Convention on the Rights of the Child.

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The Committee discussed the application and whilst Deputy Maçon felt unable to support the scheme on pure policy grounds, Deputies S.M. Wickenden of St. Helier and R. Huelin of St. Peter were convinced by the arguments made regarding the symbiotic relationship of the businesses and also recognised the role of Woodside Farm as a major contributor to Jersey's food security. Consequently, the application was approved, contrary to the officer recommendation, and on the basis of the formulation of conditions and the entering into of a POA to secure the proposed housing for Woodside Farm. The application would be re-presented at a future meeting for decision confirmation, approval of conditions and to review the heads of terms of the POA.

Langley  
House,  
Rectory Lane,  
St. Saviour:  
proposed new  
dwelling.  
477/5/2 (790)

A9. The Committee considered a report in connexion with an application which proposed the construction of a 5-bedroom dwelling with integral one bed staff unit in a walled garden to the east of Langley House, Rectory Lane, St. Saviour. The Committee had visited the application site on 2nd April 2018.

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

P/2018/1796

A site plan was displayed. The Committee noted that the application site was located within the Built-Up Area and that Langley House was a Grade 3 Listed Building. Policies SP1, SP7, GD1, GD3, GD7, NE2, HE1 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site comprised the old walled garden of Langley House, the adjacent Grade 3 Listed Building. This was a substantial undeveloped site within the Built-Up Area which was outside of the extent of the Listing. The site was bordered by Rectory Lane to the south, a private lane to the east and neighbouring properties (Nos. 1 - 3 Rectory Mews) to the immediate north. It did not have its own independent vehicle access. A further neighbouring property (Aldford) was on the opposite side of the private lane.

The application proposed the development of a large detached 5 bedroom dwelling, with an integral staff flat. This would be a 2½ storey dwelling of traditional design. Owing to the topography of the area, the application site was set at a higher level than Langley House (there was a 3 metre difference) and the new dwelling would be prominent in the context and setting of Langley House. However, there was no objection from the Historic Environment Section and the Department was required to seek the optimum use of land within the Built-Up Area. On balance, therefore, the application was supported.

The application included the formation of a new vehicle entrance through the eastern boundary wall, and onto the private lane. This would then exit onto Rectory Lane. The Parish, in its capacity as highway authority, had been consulted and had no objection to the application. A number of objections had been received from nearby neighbours. In the Department's view the proposal would not be overbearing, nor would it unreasonably affect the privacy of immediate neighbours. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Department had received letters of representation from 4 immediate neighbours, as well as the National Trust (6 letters in total).

The Committee heard from Mr. C. Palmer of No. 3 Rectory Mews, who also represented the residents of Nos. 1 and 2 Rectory Mews and the property known as Aldford. Mr. Palmer described Langley House as a very pleasant historic property with a walled garden which was part of its charm and character. He was disappointed

with the decision to construct a dwelling in the walled garden and stated that the proposed dwelling would be very large and prominent, drawing the eye away from Langley House. Mr. Palmer was concerned about the scale of the development and informed the Committee that the owner of the property known as Aldford was concerned about loss of privacy. Mr. Palmer believed that his property would suffer a loss of light which currently flooded 2 windows in the south façade of his property on the upstairs landing. With regard to the access lane, which was owned by Mr. Palmer, he was not convinced that the proposals accorded with the strict terms of the legal deeds. He was opposed to the proposal to use the lane as visibility was poor, turning difficult and the proposed development could give rise to pedestrian safety issues. Mr. Palmer was also worried about the prospect of construction traffic using the lane. He pointed out that a bin store which served Rectory Mews had been in existence for some 14 years since the construction of Rectory Mews. In conclusion, Mr. Palmer stated that the proposed development would have an unreasonable impact on the area and adjoining properties.

The Committee heard from Mr. J. Naish, representing the applicant. Mr. Naish advised that discussions with the Department had resulted in several amendments to the scheme. Whilst he did not believe that overlooking to the garden of the property known as Aldford would be an issue, partial obscure glazing could be use if the Committee was concerned. Similarly, it was not considered that the proposed development would result in a significant loss of light or sunlight to No. 3 Rectory Mews given the distance between the sites. In terms of the proposed access arrangements, the applicant was satisfied that this was legally permissible, based on professional advice received. There was, however, a slight issue with regard to access on to Rectory Lane due to the construction of some bin stores associated with Rectory Mews, which created a pinch-point and were not permissible under the terms of the legal deeds. It was hoped that this could be resolved amicably. In terms of construction traffic, Mr. Naish stated that it might be possible to bring materials through the Langley House site, but advice would have to be sought from the Historic Environment Team.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer who discussed the Grade 3 Listed Building known as Langley House, which was a good example of an early 18th century house with earlier origins, retaining historic character and features with a distinct Georgian style frontage. It was noted that the Listing did not encompass the walled garden, but it was considered to form part of the setting. However, the application site was situated within the Built-Up Area and whilst it was accepted that the proposed new dwelling would be prominent, careful use of materials and detailing would assist in assimilating the proposed development. The amendments to the scheme were welcomed and the Historic Environment Section had not objected to the application.

Having considered the scheme, the Committee endorsed the officer recommendation and unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report.

Cyprus  
Cottage, La  
Grande Route  
des Sablons,  
Grouville:  
proposed  
extension.  
477/5/2(792)

A10. The Committee considered a report in connexion with an application which proposed the construction of a 2 storey extension and double garage at Cyprus Cottage, La Grande Route des Sablons, Grouville. The Committee had visited the application site on 2nd April 2018.

A site plan was displayed. The Committee noted that the application site was located within the Built-Up Area and the Green Zone and was also on the Eastern Cycle Route Corridor. Cyprus House was also a Grade 4 Listed Building. Policies NE7, GD1, GD7, NE1 and NE4, SP4, HE1, HE2, HE5 and BE6 of the 2011 Island Plan

were of particular relevance.

The Committee noted that the application sought consent for the erection of a single storey garage to the south-west of the application site and a two storey extension to the existing property. It was also proposed to reinstate the western boundary hedge to separate the application site from field No. G571A. The proposed development had been designed carefully in line with advice from the Department and would have no unreasonable impact upon the host dwelling, a Grade 4 Listed Building. In addition to this, it was considered that the proposal would not result in any unreasonable impact upon the residential amenity of neighbouring properties by way of overlooking, overbearing impact or through loss of light. Furthermore, being located within an established residential area and set back from the roadside, it was considered that the proposed development would have no significant impact upon the character of the area. It was acknowledged that the application site was served by a substandard vehicular access, but the potential for increased trip generation was low due to the modest nature of the extension. Consequently, it was not considered that the proposal would lead to highway safety problems. The proposed development would satisfy the requirements of the relevant Island Plan Policies and the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee noted that 7 representations from 4 different parties had been received in connexion with the application.

The Committee recalled that during the site visit, members had requested an assessment of the impact of the development on neighbouring properties. It was noted that the case officer had used UK BRE guidelines, as a scientific tool for measuring the impact (as a comparative and in the absence of any adopted standards in Jersey). This test established the effect a proposed building would have on existing properties with regards to obstructing daylight to existing windows/rooms. A reference line was taken at 2 metres on the existing building and a 25 degree line was drawn towards the proposed building. If the whole proposed development fell underneath the line drawn at 25 degrees, there was unlikely to be a detrimental effect to daylight on the existing property. However, if the proposed building fell above the 25 degree line in any way, it was likely that further tests would be required to establish the exact impact the proposed development would have on daylight to an existing property. The Committee noted that in the case of both the proposed extension and the garage the proposed development fell below the 25 degree line.

The Committee heard from Mr. C Floyd, who also represented R. Dingle. Mr. Floyd noted that the applicant's agent had not responded to any comments made by those objecting to the application and this had left those with concerns about the scheme feeling uninformed and at a disadvantage. This was compounded by the fact that anyone speaking against the application at the public meeting would have no right of reply to comments made by the applicant as the process required objectors to address the Committee before the applicant. Turning his attention to the scheme, Mr. Floyd stated that there appeared to be an encroachment into the Green Zone and he referred the Committee to a written representation from Mr. S. Young in which he had asked for the boundaries on the current application to be checked as these did not appear to accord with those shown on a previously approved application (reference P/2004/1262). Mr. Floyd was also concerned about highway safety and the poor nearside visibility onto La Grande Route des Sablons, particularly given the number of existing exits on to the road and the intensification of use. He believed that this posed a particular risk to cyclists and he asked the Committee to take into account the advice received from the Highway authority to the effect that some degree of visibility improvement would be required in order to support the intensification of the access. Mr. Floyd also expressed the view that the

Department's recommendation for approval without these improvements was inconsistent with its assessment of other applications for development on this section of road where a 'tougher' stance appeared to have been taken. Finally, Mr. Floyd stated that he believed that loss of light was an issue and although the BRE test referred to above was a good guide, it was very much dependent on a number of factors. Without a property shadow analysis it was impossible to make a proper judgement.

The Committee heard from the applicant Mr. O. Heart and his agent, Mr. J. Livingston. Mr. Livingston advised that the scheme had been amended in consultation with the Department to reduce the impact. The proposed garage would be constructed on land previously approved under application reference P/2004/1262 and Mr. Livingston held documentary evidence to support this. In terms of the access, it was noted that there was a mirror on the opposite side of the road and it was intended to retain this. Permission had previously been granted for the creation of 3 additional car parking spaces and the proposed extension would result in the addition of only one bedroom. In addition, Mr. Livingston felt that it was unlikely that there would be any overshadowing given the position of the proposed structures relative to neighbouring properties. He pointed out that a lower pitched roof had originally been proposed on the new garage, but a more traditional pitched had been suggested by the Department. The applicant was willing to revert to the original proposal if this was considered appropriate. Finally, Mr. Livingston confirmed that there would be no encroachment into a neighbouring field area.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, who expressed concerns regarding highway safety and the impact on neighbouring properties, decided to endorse the officer recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report.

La Lisiere, La  
Rue de la  
Pigeonnerie,  
St. Brelade:  
proposed  
demolition and  
redevelopment  
(RFR).

477/5/3(1058)

P/2018/0609

A11. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers, which sought permission for the demolition and redevelopment of the property known as La Lisiere, La Rue de la Pigeonnerie, St. Brelade to provide 4 x 4 bed dwellings with associated parking and landscaping. It was also proposed to create a new vehicular access onto La Rue de la Pigeonnerie. The Committee had visited the application site on 2nd April 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and the Green Zone and Policies GD1, GD7, HE1, H6, WM1, NE1, SP6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Note No. 6 – 'A Minimum Specification for New Housing Developments' - February 1994 and Planning Policy Note No. 3 – 'Parking Guidelines - September 1988.

The Committee was advised that the site currently housed a single dwelling and was located in the Built-Up Area, on the fringe of the Green Zone. To the north-west lay a Grade 3 Listed Building known as Le Pigeonnerie. The current application followed two rounds of pre-application advice. The applicant had originally sought consent for 5 units, which the Department had not supported on the basis that there was one too many dwellings, resulting in a cramped scheme. Thereafter, the applicant had proposed a new scheme for 4 houses and whilst the principle of 4 units was considered acceptable there were concerns regarding the size and scale of the units and their impact on neighbouring residents and the setting of the Listed Building.

During the life of the current application there had been a series of meetings and discussions with the intention of moving the scheme to a supportable position. The advice given had been heeded in the rather unorthodox approach of submitting 2 amended versions of the scheme for comment (registered as PA/2018/1628 and PA/2019/0087) whilst also requesting that the current scheme be determined. The most recent changes and latest versions of the scheme were welcomed. However, the applicants had requested that the live application be determined to allow them to exercise the right of appeal.

With regard to the application under consideration, the replacement of a single dwelling with 4 dwellings was considered to make efficient use of land. The scheme also satisfied housing standards in terms of room sizes, car parking and the size of amenity space. However, the proposal sought to create 4 large detached dwellings with garages, parking spaces and a turning head. The size, scale, design and quantum of development proposed would result in a scheme which tested the relationship with the adjoining neighbours and the Listed Building, La Pigeonnerie. This was reflected in the scheme attracting 9 letters of objection from neighbouring residents (and a 10th since its refusal). The Historic Environment Section had also objected. The application had been refused for the following reasons –

- the scheme would create a cramped and unsatisfactory overdevelopment by virtue of scale, mass, design and site coverage of the houses, parking spaces and hardstanding, contrary to Policies GD1, GD7 and SP7;
- it would cause unreasonable harm to the amenities of neighbouring residents, contrary to Policy GD1;
- it would neither preserve nor enhance the setting of the Listed Building, contrary to Policy HE1;
- the standard of design was poor and would have an adverse impact on the living conditions and outlook of future occupiers, contrary to Policy GD7; and,
- the proposed gardens were undersize (some were shallow and north facing and others were neither private nor secure), contrary to Policy H6 .

The recommendation was to maintain refusal, particularly in light of the Department having reviewed and commented on schemes which were considered to be substantially improved.

The Committee heard from Mrs. And Mrs. C. Stevenson and Ms. C. Le Bas-Mitchell. Mr. Stevenson advised that his concerns related to the scale of the proposed development and the impact it would have on his garden. Unit No. 4 was considered to be particularly overbearing. Mr. Stevenson also felt that the proposed design of the units was out of character with existing development. He was also concerned about access to the properties at the rear and no allowance appeared to have been made for refuse collection.

Ms. Le Bas-Mitchell advised concurred with Mr. Stevenson and added that emergency access to the properties would also be difficult. The proposed development would also have a detrimental effect on Ms. Le Bas-Mitchell's property and she was concerned that a strip of land between the application site and her own property would be used for parking as she did not believe that the scheme offered sufficient on site car parking.

Ms. T. Ingle, Principal Historic Environment Officer, addressed the Committee. It was recalled that Ms. Ingle had visited the application site with the Committee and had pointed out the extent of the Listing, which encompassed the garden but did not extend north or to the former orchard. The Listed Building sat at a lower level with mature landscaping to the west. It had been concluded that the proposed

development would have a detrimental impact on the setting of the Listed Building, with proposed Unit Nos. 1 and 2 being significantly larger than the Listed Building. The flat roofed garages would also have an impact and it was felt that it would be difficult to establish the proposed landscaping. Consequently, the Historic Environment Section objected to the application on the grounds of the impact of the scheme on the setting of the Listed Building. In response to a question from the Director of Planning in connexion with the difference between the current application and an application at Langley House (Minute No. A9 refers), Ms. Ingle advised that each application had to be assessed on its own merits and, in this case, a different set of criteria applied.

The Committee heard from Mr. R. Godel, representing the applicant. Mr. Godel believed the design approach to be appropriate and in accordance with Departmental design requirements. He highlighted the fact that existing development from the 1970's wrapped around the Listed Building at present. The gardens associated with the dwellings were generally larger than required by the standards. Mr. Godel stated that a balance had to be struck between scale, privacy and aesthetics. He did not agree with the case officer's assessment that the buildings were large or tall and offered to provide the Committee with an analysis of the grain of development in the surrounding area. As this document did not form part of the submission, the Committee declined to accept it during the course of the public meeting.

Mr. Godel went on to state that the density of the proposed development was 23.2 habitable rooms per hectare compared with development levels on a site opposite which was 26.7 habitable rooms per hectare and, on a site to the east, where density levels sat at 37.5 habitable rooms per hectare. He reminded the Committee that the application site was in the Built-Up-Area, where there was a presumption in favour of development. Mr. Godel did not agree that the Listed Building would be impacted by the proposed development and he believed that there were similarities between the proposed development and the approved scheme at the Langley House in the context of the relationship with the historic building. Refuse would be stored in the proposed garages and the emergency services were content with the access arrangements. The level of car parking exceeded the minimum standards.

Having considered the application, the Committee endorsed the officer recommendation to refuse the application for the reasons set out above. In doing so the Chairman added that whilst Mr. Godel was a very fine architect, it appeared that the brief for the site was the issue.

L'Ecluse (land to the south west of), La Rue de Maupertuis, St. Mary:  
proposed new dwelling (RFR).  
477/5/3(1059)

A12. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers, which sought permission for the construction of a new 4 bedroom dwelling on an area of land to the south west of the property known as L'Ecluse, La Rue de Maupertuis, St. Mary. The Committee had visited the application site on 2nd April 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and the Coastal National Park. Policies SP 1, 2, 3 and 6, NE6, NE 7, GD1, GD7, ERE 1, NE 1, NE2, NE3 and NE4 of the 2011 Island Plan were of particular relevance.

P/2018/0813

The Committee was advised that that the application related to the construction of a dwelling on land within Field No. 189, to the west of the property known as L'Ecluse, which was within the same ownership as the proposed development site. The majority of the new dwelling would be located on land in the Green Zone with part of the dwelling and the associated parking being within the Coastal National Park. The Policies which governed both of these Zones (NE6 and NE7) contained



the strongest presumption against the development of new dwellings.

The Committee was apprised of the extensive planning history of the site, which spanned a period of over 10 years and included Departmental advice, planning applications, requests for reconsideration and Royal Court Appeals. Throughout this time the Department had maintained a clear position that the site could not support a new dwelling in this location. Most recently, the Department had refused to grant permission retrospectively for application reference P/2017/1774, which sought to dispose of spoil on the site and level it. The spoil had since been removed and the land restored.

11 letters of representation had been received in connexion with the application – 7 objections, 3 supporting the scheme and one neutral.

The Committee was advised that there continued to be no exceptional circumstances to warrant a departure from Policy and, as such, it was recommended that the Committee maintain refusal on the grounds that the application was contrary to Policies NE6, NE7, SP1, 2, 3 and 6, ERE1, NE1, NW2, NE3 and NE4.

The Committee heard from the applicant, Mrs. S. Coxshall and her agent, Mr. M. Dennis of Origin Architecture Studio. Mrs. Coxshall advised that 15 years ago her father had asked her if she would like to construct a dwelling on the application site. There followed a period of consultation with the then Minister for Planning and Environment, former Deputy R.C. Duhamel and thereafter several unsuccessful attempts to secure planning permission.

Mrs. Coxshall explained that, as well as being a teacher, she ran her own business and relied upon her parents to provide child care. If the family could build a dwelling next to Mrs. Coxshall's parents' property this would reduce the amount of time spent travelling and would also mean that they could provide support for Mrs. Coxshall's parents in the future if required. Mrs. Coxshall advised the Committee that the family simply could not afford to buy a property in her home parish of St. Mary so building on the application site was their only option. It would also free up the family's current home. The scheme itself proposed a modest timber framed dwelling on what Mrs. Coxshall described as a former rubbish site. She asked the Committee to look beyond the Island Plan Policies and consider the human aspect. The application site was a piece of redundant land, which was remote from neighbours.

Mr. Dennis addressed the Committee, stating that the application site had been used by farmers in the past as a 'dump'. The scheme would not result in the loss of agricultural land and Mr. Dennis understood that the site was entirely within the Green Zone, and not within the Coastal National Park, as stated in the officer report. Mr. Dennis added that, in the applicant's view, permission was merely being sought for a replacement structure (the ruined remains of a property existed – albeit not on the application site). He informed the Committee that former Deputy Duhamel had positively encouraged a 'grand design' scheme and this advice had led to unsuccessful attempts to gain permission. The current scheme was much more understated and, if approved, would reduce dependence on the car and result in fewer vehicles movements. The scheme would give rise to significant environmental improvements and would conserve and enhance the natural environment on what was a largely redundant site. The proposed new dwelling would be integrated into the landscape causing no harm to the character of the area. The need for new homes was well known and appropriate sites had to be identified. Mr. Dennis asked the Committee to look beyond the policy criteria in order to permit the family to achieve a modest home in close proximity to Mrs. Coxshall's parents.

The case officer advised that whilst three quarters of the site was in the Green Zone,

the remainder was in the Coastal National Park. Furthermore, the Director, Development Control stated that the ruined remains were in an entirely different location in an area which fell within the Coastal National Park. It was believed that the Royal Court had ruled that the property was ruined and abandoned and so the replacement dwelling argument held no weight and could not be viewed as a material planning consideration.

The Committee heard from Mrs. Coxhall's father, Mr. R. Maletroit, who provided a potted history of the site containing the ruined remains, which had previously been owned by Jersey Water and the application site, which had been owned by the Crown.

The Committee discussed the application and the Chairman expressed considerable dismay at the fact that the applicants appeared to have been led down the garden path in terms of the advice they had received previously from a former Minister. He stated that gaining permission for a new dwelling in this location when such a proposal could never meet the stringent Green Zone policy tests was a ludicrous proposition. The Chairman also expressed the view that the existence of the ruins was a complete red herring and could not be used as a hook upon which to hang an argument in favour of development. He concluded by stating that the construction of a dwelling in this location was nothing more than a pipe dream and a line had to be drawn to avoid further disappointment and unnecessary expenditure on the applicants' part. The Committee, whilst sympathising with the applicants' predicament, supported this view and the application was unanimously refused for the reasons set out in the officer report.

Banksia, La  
Chasse Brunet,  
St. Saviour:  
proposed  
removal of  
roadside  
wall/creation  
of car parking  
area.  
477/5/2(793)

A13. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers, which sought permission for the removal of a roadside wall/creation of car parking area at the property known as Banksia, La Chasse Brunet, St. Saviour. The Committee had visited the application site on 2nd April 2019.

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

P/2018/0037

The Committee was advised that the proposal would involve the removal of the front boundary wall and garden and the creation of a ramped parking area enclosed by rendered walls. This would significantly and detrimentally alter the visual appearance of the street and the character of the area. In addition the parking spaces proposed fell short of the length normally required, with the result that parked vehicles were likely to project into the road, which would be detrimental to the character of the area and road safety. It had, therefore, been concluded that the proposal failed to satisfy the requirements of policies GD1, GD7 and BE8 of the Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicants, Mr. and Mrs. I. Vernon and their agent, Mr. S. Osmand. Mr. Vernon explained that in 2017, an approach had been made to the Parish in an attempt to address traffic congestion issues on the road. In response, yellow lines had been introduced and on-street car parking reduced so that vehicles could pass. Consequently, on-street car parking was now at a premium and it was not always possible for residents to secure a parking space. Therefore, the applicants wished to create on site car parking. It was noted that whilst the proposed car parking spaces were 0.3 metres short of the normal 4.8 metre requirement, the proposal would remove vehicles from the road and was supported by the Parish of

St. Saviour. To make the spaces deeper would require underpinning the property. Mr. Vernon added that the properties had been constructed at a time when on site car parking was not a requirement and he felt that the Island Plan failed to take account of the challenge this now presented. Mrs. Vernon stated that the applicants had lived at their property for 15 years and would struggle financially to move. The lack of car parking meant that it was difficult for friends and family to visit.

Mr. Osmand stated that the proposed scheme would not be detrimental visually and he felt that the benefits should be weighed against policy considerations. In terms of the size of the proposed spaces, research appeared to suggest that the average family car measured under 4.5 metres long. The application was supported by the Parish, the relevant highway authority and also by residents. The introduction of parking restrictions on the road meant that traffic volumes had decreased and vehicles travelled at slower speeds. Mr. Osmand questioned just how many people who lived outside of the town area did not own a vehicle and how realistic it was to preclude on-site parking where the opportunity existed to create some. When the applicants had purchased their property there was on street parking outside – this was no longer the case and there was a need to ‘future proof’ the property. The property benefitted from a large private rear garden so the roadside garden was essentially redundant.

The Committee considered the application and whilst members were most sympathetic, the majority concluded that the application could not be supported for the reasons set out above. Consequently, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, endorsed the officer recommendation to maintain refusal. In doing so it was suggested that an approach might be made to the Parish of St. Saviour with a view to establishing a residents’ parking scheme.

Blue Fountain,  
La Route de la  
Pulente, St.  
Brelade:  
proposed  
demolition and  
redevelopment  
(RFR).  
477/5/3(907)

PP/2018/0876

A14. The Committee, with reference to its Minute No. A14 of 23rd March 2017, 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 had sought permission for the demolition of the existing 2 storey restaurant known as Blue Fountain, La Route de la Pulente, St. Brelade and its replacement with one x 2 bedroom and one x 3 bedroom residential units with basement car parking and landscaping. The Committee, as previously constituted, had visited the site on 24th January and 21st March 2017, in connexion with an earlier refused scheme and, more recently, on 4th April 2019, in connexion with the current application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Coastal National Park and included a Grade 2 Listed Abreuvoir (one of a collection of Island-wide historic roadside structures designed for the provision of public water), which had been erected in 1871. Policies SP1, SP2, SP4, SP6, SP7, GD1, GD4, GD5, GD7, HE1, HE5, NE6, LWM2, LWM3, TT2, TT13 and WM1 of the 2011 Island Plan were relevant.

The Committee recalled that it had refused a previous application for development on this site within the Coastal National Park (CNP). There was a strong presumption against all forms of development within the CNP with limited exceptions and new residential development was generally resisted. In addition, the creation of new households within the CNP ran counter to the strategic aims of the Island Plan in relation to sustainable patterns of development, reducing the need to travel and reducing dependence on the private car. It was on this basis that the Committee had refused the previous application.

The current scheme had again been refused by the Department on the basis that no exceptional circumstances had been demonstrated to justify a relaxation of policy. The Committee noted 9 separate reasons for refusal, as set out in the officer report.

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

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the Grade 2 Listed Abreuvoir was a simple structure with flank granite walls situated within an unprepossessing setting. Any scheme which proposed development on the site had to take setting into account. Whilst works to improve the immediate setting with landscaping, the removal of later inappropriate materials and the renovation of the structure were welcomed, the additional mass and scale of the upper floor of the proposed development, adjacent to the Abreuvoir, could not be supported. There was also a concern that if a basement was dug out archaeological deposits could be lost through this intervention.

The Committee received the applicant's agent, Mr. P. Harding of BDK Architects who provided a most comprehensive summary of the progression of the scheme and the detailed consultation which had taken place with the Department during the pre-application stage. Mr. Harding stated that the submitted scheme followed the advice which had been received. In terms of floor space, this would be no greater than that which existed and it had been confirmed by the Director, Development Control that it was not necessary to include below ground development in the calculations. The proposed development would be lower than that which currently existed and would have a lesser visual impact. An objection from the Natural Environment Section had been overcome and there was no issue with access arrangements – the Committee had recently granted permission for development on a neighbouring site where site lines were not as good. Mr. Harding stated that archaeological remains were known to exist on the western side of La Pulente and he pointed out that foundations would have to be dug on a neighbouring site with no requirement for an archaeological survey. Similarly, there had been no requirement for an environmental impact assessment on the neighbouring site. Mr. Harding outlined the improvements which would arise in terms of landscaping and repair works. Finally, he asked the Committee for equality of treatment between the application site and the neighbouring site, where an increase in height and visual mass had been permitted. He advised that he had prepared some suggested conditions which could be attached to the permit, should the Committee decide to grant permission.

The Committee discussed the differences between the application site and the neighbouring site and noted that the Abreuvoir sat directly in front of the proposed development. The submitted scheme also proposed significant excavation works. Development on the neighbouring site - La Fontaine - broadly replaced existing buildings on the same footprint with no excavation for a basement level. The Director, Development Control added that it was much easier to deliver landscape improvements on the neighbouring site but, with a different design approach, it was achievable on the application site. Mr. Harding responded by outlining the environmental improvements which would arise as result of the implementation of the scheme and which were detailed in the submitted documentation.

Having considered the scheme the Committee unanimously refused permission, in accordance with the officer recommendation and for the reasons set out in the officer report (with the exception of reason for refusal No. 8, as this had now been overcome).

Planning and  
Building  
(Jersey) Law  
2002:  
recommendat-  
ions in

A15. The Committee decided to make the following recommendations to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

11th Meeting  
04.04.2019

accordance  
with Article  
9A.  
410/99(1)

that the Minister give further consideration to the standard conditions attached in respect of the occupation of agricultural accommodation. It was recalled that, at present, persons last employed in agriculture were permitted to reside in such accommodation. The Committee was of the view that only persons currently employed in agriculture should be permitted to live in agricultural accommodation.