

KML

PLANNING COMMITTEE

(4th Meeting)

(via video-link)1st April 2021**PART A (Non-Exempt)**

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

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 (not present for item No. A15)
 Connétable D.W. Mezbourian of St. Lawrence
 (not present for item Nos. A13, A16 and A17)
 Deputy K.F. Morel of St. Lawrence
 (not present for item Nos. A9 - A15)
 Deputy S.G. Luce of St. Martin
 (not present for item Nos. A10, A12 and A14)
 Deputy M.R. Le Hegarat of St. Helier
 (not present for item Nos. A2 – A10 and A12)

In attendance -

G. Duffell, Principal Planner
 (not present for item No. A7)
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 G. Vasselin, Planner
 T. Ingle, Principal Historic Environment Officer
 T. Stone, Research and Project Officer, States Greffe
 A. Travers, Research and Project Officer, States Greffe
 K.M. Larbalestier, Specialist Secretariat Officer, States Greffe

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

Minutes.

A1. The Minutes of the meetings held on 10th and 11th March 2021, having been previously circulated, were taken as read and were confirmed.

Mount Martin,
 Old St. John's
 Road, St.
 Helier:
 proposed
 refurbishment
 and extension.

A2. The Committee, with reference to Minute No. A12 of 10th March 2021, considered a report in connexion with an application which sought permission for the demolition of the property known as Mount Martin, Old St. John's Road, St Helier and its replacement with 2 x 3 bedroom dwellings with associated car parking and landscaping. The change of use of a section of Field No. 1550 was also proposed to facilitate the creation of a new access on to Westmount Road. The Committee had visited the site on 23rd February 2021.

P/2020/0611

Deputies R.E. Huelin of St. Peter and M.R. Le Hegarat of St. Helier did not participate in the determination of the application.

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

The Committee confirmed its decision to grant permission, subject to 4 conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure the ceding of land along the Old St. John's Road boundary of the site, to the Parish of St. Helier to facilitate the creation of a new public footpath, which would be carried out in accordance with a technical specification approved by the Parish and at the applicant's expense. In the event that a suitable POA was not agreed within 3 months, the application would be returned to the Committee.

Les Bouleries,
La Route de
St. Jean, St.
Mary:
proposed
demolition of
extensions/
construction of
new extension
(RFR).

A3. The Committee, with reference to its Minute No. A5 of 11th March 2021, considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the demolition of some existing single storey extensions and the construction of a new 2 storey extension to the east elevation of the property known as Les Bouleries, La Route de St. Jean, St. Mary. The Committee had visited the application site on 23rd February 2021.

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

P/2020/0493

The Committee confirmed its decision to grant permission, with no conditions attached.

St. Ebremond,
Palace Close,
St. Saviour:
proposed
demolition and
redevelopment
(RFR).

A4. The Committee, with reference to its Minute No. A8 of 11th March 2021, considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the demolition of the property known as St. Ebremond, Palace Close, St. Saviour and its replacement with one x 4 bedroom and 2 x 3 bedroom dwellings with associated car parking and landscaping. The Committee had visited the application site on 23rd February 2021.

P/2020/1185

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

The Committee confirmed its decision to grant permission with 2 conditions attached, as detailed within the officer report.

Cedar House,
La Rue du
Cerf, St. John:
proposed car
port with home
office above.

A5. The Committee, with reference to its Minute No. A4 of 11th March 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the construction of a car port, with home office above, to the west elevation of an existing garage at Cedar House, La Rue du Cerf, St. John. The Committee had visited the application site on 23rd February 2021.

P/2020/0905

(Meeting
01.04.21

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

The Committee confirmed its decision to grant permission, with no conditions attached. It was noted that the permit would contain an informative statement to the effect that the approved use was permitted for purposes ancillary to the principal dwelling and was not approved as a separate residential unit.

Les Ruches
Farm, La Rue
de la Ville au
Bas, St.
Lawrence:
proposed self-
catering unit
(RFR).

A6. The Committee, with reference to its Minute No. A9 of 11th March 2021, considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for creation of a one bedroom self-catering unit to the south-west of Les Ruches Farm, La Rue de la Ville au Bas, St. Lawrence. The Committee had visited the application site on 23rd February 2021.

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

P/2020/0382

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

The Committee confirmed its decision to grant permission, with no conditions attached.

Nos. 13 – 15
Charing Cross,
St. Helier:
proposed
signage (RFR).

A7. The Committee, with reference to its Minute No. A7 of 11th March 2021, considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought retrospective approval for the display of 2 non-illuminated fascia signs to the north-east and south-west elevations and one non-illuminated fascia sign to the south-east elevation of Nos. 13 – 15 Charing Cross, St. Helier. The Committee had visited the application site on 23rd February 2021.

Mrs. G. Duffell, Principal Planner, declared a conflict of interest and was not present for this item. The application was presented by Ms. G. Vasselin, Planner.

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

The Committee confirmed its decision to grant permission with no conditions attached, as detailed within the officer report.

Jersey Evening
Post site, La
Grande Route
de St. Martin,
St. Saviour:
proposed
demolition and
redevelopment.

A8. The Committee considered a report in connexion with an application which sought approval for the demolition of all existing buildings on the Jersey Evening Post site, La Grande Route de St. Martin, St. Saviour and their replacement with a retail unit, a self-storage unit and a light industrial building (comprising 4 individual units), with associated car parking and landscaping. The Committee had visited the application site on 30th March 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1 – SP7, GD1, GD3, GD4,

GD6, GD7, GD8, NE1, NE2, NE4, HE1, HE5, E1, EO3, ER2, ER3, EIW2, TT2, TT4, TT5, TT7, TT8, NR2, NR7, WM1, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application related to the former Jersey Evening Post site, which was now vacant. This was a substantial site which housed a large industrial structure containing the former print room, together with a 2 storey office component on the eastern side. A large surface car park occupied the front part of the site.

The site was surrounded by other industrial uses, to include the Jersey Telecom site to the south and the hospital stores and laundry to the west. There were no residential neighbours immediately bordering the site. The application proposed the comprehensive redevelopment of the site, to include the demolition of all existing buildings and their replacement with 3 individual and separate commercial entities; a food retail unit, a self-storage facility and a block of 4 light industrial units. The site was located within the Built-Up Area and the Department was satisfied that the application was in accordance with the relevant policies of the Island Plan. The proposed development was well designed and would make efficient and effective use of a substantial, vacant commercial/employment site. The proposed buildings would be modern and functional in appearance and external materials included 'burnt-timber cladding', light and dark-grey insulated profiled metal cladding panels and large glazed openings. A public art installation was also proposed. Existing landscaping would be retained and enhanced, particularly on the site perimeter.

The Transport Authority had been consulted and was content with the proposal from a visibility and general highway safety perspective. Adequate parking was to be provided within the site for all of the proposed uses, as well as good manoeuvring and access generally around the site. There were designated areas for deliveries and loading/unloading across the site and each of the commercial uses benefitted from dedicated and covered bicycle parking. The applicants had agreed to contribute towards a series of sustainable transport measures, to include the ceding of a 3 metre strip of land along the roadside frontage of the site (to facilitate future highway improvements), financial contributions towards: the provision of 2 bus shelters (north bound and south bound), the bus service and the formation of a new pedestrian crossing on the main road. These contributions would be delivered as part of a formal Planning Obligation Agreement (POA).

Objections to the application from 17 individuals had been received, together with an objection submitted by a planning agent on behalf of Sandpiper Limited. These had been carefully considered by the Department and it had been concluded that the proposed development was supported by the Island Plan Spatial Strategy and the Built-Up Area designation of the site. Consequently, it was recommended that the Committee grant permission, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA to secure the following –

a financial contribution [REDACTED] towards the provision of a south bound bus shelter to be located within the vicinity of the site on La Grande Route de St Martin;

a financial contribution [REDACTED] towards the provision of a north bound bus shelter to be located within the vicinity of the site on La Grande Route de St Martin;

a financial contribution [REDACTED] towards the provision of a bus service to serve the site;

(Meeting
01.04.21

the formation of a pedestrian crossing on La Grande Route de St Martin, including all associated infrastructure, as indicated within plan reference 3865 020 P5. All works were to be carried out in accordance with a technical specification agreed with the Department for Infrastructure, Housing and Environment Transport Section; and,

the ceding to the Public of the Island of a 3 metre wide strip of land forming part of the application site, extending along the entire roadside frontage, to facilitate future highway improvements.

In the event that a suitable POA was not agreed within 3 months, the application would be returned to the Committee for further consideration.

The Committee discussed the scheme with the case officer and noted the reservations of some members with regard to the proposed art installation. The case officer advised that the images were indicative and that further discussion around the design was still possible.

The Committee heard from Mr. ■■■ McCarthy, who described himself as a Jerseyman with considerable experience of sustainable developments and someone who supported members of the public in making representations. Mr. McCarthy was concerned that there did not appear to have been any 'screening' to establish whether an Environmental Impact Assessment (EIA) was necessary and that there had been no consultation with the Jersey Architecture Commission (JAC). Without an EIA the worst scenario should be assumed; that the proposed development would cause harm and would inhibit the development of the neighbouring site, which could be used for housing. He expressed the view that the application site would be better developed for the provision of affordable housing. Turning his attention to the visual impact of the development, Mr. McCarthy expressed concerns with regard to the height of the perimeter walls and suggested that the application conflicted with the Countryside Character Appraisal. He went on to describe the application site as a 'gateway site'. The retail impact assessment which had been submitted did not include Midland Stores or Morrison's store at Five Oaks. He urged the Committee to defer consideration of the application in order to determine whether an EIA was required, which he believed to be the case. He concluded by stating that the information submitted was misleading and that the Committee did not have sufficient information to determine the application.

In the absence of anyone else wishing to speak against the application, Mr. McCarthy stated that he believed that members of the public had understood that the application was due for consideration during the afternoon session of the meeting. However, the lead officer confirmed that the published agenda clearly showed that the application was scheduled for consideration during the morning session.

The Committee heard from Messrs. ■■■ Le Gallais and ■■■ Stein, representing the applicant company. Mr. Le Gallais advised that the applicant company was a family business which had been established in 1825 and which had a long history of developing property in both Jersey and the UK. He hoped that the investment principles in the application were evident and added that high quality design was of the utmost importance, particularly due to the prominent frontage of the proposed development.

Mr. Stein stated that the Department had reviewed the application against the Island Plan Policies and was satisfied that it was in accordance with the policy framework. The site was currently vacant and comprised poor quality buildings. The proposed development would enhance the site with a high quality design approach, landscaping and infrastructure. It was noted that when the site had been owned by

the JEP enquiries had been made about developing it for housing, but the advice received had indicated that this was an employment land site with surrounding industrial uses and that it could not be developed for residential purposes. If a residential development had been possible then the previous owners would have benefitted from a greater financial return. The Island Plan acknowledged the shortage of industrial land in Jersey and the need to make best use of such sites. The proposed development would not be prejudicial to local or town shops and the design would be enhanced to reduce private car parking. There would be no adverse impact on the natural or historic environment or neighbouring uses. A new pedestrian crossing was proposed and it had been confirmed that the highway network could accommodate traffic associated with the site. There would be an increase in meaningful renewable energy sources with photovoltaic modules on the roof which would result in a saving of 28.65 tonnes of carbon dioxide emissions. 10 mature trees would be retained and many new trees planted – the loss of trees at the entrance was regretted, but this was necessary to facilitate the new access arrangements. Mr. Stein stated that this was a positive intervention for the site and secured the employment land use. With reference to the objection from Sandpiper Limited, this was viewed as untenable and mainly driven by opposition to competition, which was not a material planning reason. He urged the Committee to grant permission and advised that the applicant's architect was present should the Committee wish to discuss the particular approach adopted. In response to Mr. McCarthy's comments regarding the requirement for an EIA and referral to the JAC, Mr. Stein advised that this was not necessary because of the size of building. He added that the Countryside Character Appraisal allowed for this type of development.

The case officer confirmed that while industrial estate development projects required an EIA if the area of development exceeded .5 hectares. In this case the entirety of site was .86 hectares but the industrial element of the proposal did not trigger the requirement for an EIA. The Department was satisfied that an EIA was not required and it was noted that self-storage was not classified as an industrial use. Mr. McCarthy, interjected disagreeing with the case officer's advice and stating that the site exceeded the requirement for an EIA. He repeated his plea for the Committee to defer consideration of the application and stated that he was not convinced that the Department was confident that an EIA was not required. The lead officer confirmed that the Department was confident that an EIA was not required. Mr. McCarthy stated that his intention was to protect the public from harm and he cautioned the Committee against approving the application on the basis that it would be a breach of the Human Right to health.

With reference to the retail impact assessment, it was noted that this was required when the retail element exceeded 500 square metres. In this case the proposed retail offering would be 495 square metres so there was no requirement for such an assessment. However, Mr. Stein informed the Committee that the applicant company had commissioned an assessment on the advice of the Department and no impact had been demonstrated. For the benefit of Deputy S.G. Luce of St. Martin it was confirmed that it was normal practice for the applicant to commission the assessment. Mr. McCarthy interjected repeating that the assessment had not included Midland Stores or the Morrisons' store and Mr. Stein responded by stating that there was no requirement to consider every store in the vicinity. The Chairman asked those participating in the virtual meeting to avoid a protracted debate as this made managing proceedings difficult.

The Chairman asked officers to contact Sandpiper Limited to ensure that the company did not wish to make oral representations. At this juncture, the Committee was joined by Mr. ■ Le Gallez, Strategic Planning and Property Limited, Guernsey, CI on behalf of Sandpiper Limited. Mr. Le Gallez thanked members for affording

(Meeting
01.04.21

him the opportunity of addressing the Committee. He confirmed that the nature of the representations had been detailed most comprehensively in a written submission and that the primary objections related to the potential overdevelopment of the site and the traffic impact.

Having considered the application, the Committee unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA, as set out above. In granting permission the Committee expressed some disappointment regarding the loss of 2 trees to facilitate the new access arrangements, but noted that additional tree planting would be carried out. Some members expressed reservations with regard to the proposed new access but noted that the Highway Authority was satisfied with the arrangements. In terms of the percent for art contribution, it was noted that the final design would be considered by a public art provider prior to final approval by the Department. The Committee agreed to discuss the wider issue of art installations outside of the meeting.

L'Etacq
Quarry/land to
the south of
field No. 990,
La Route des
Landes, St.
Ouen:
proposed
change of
use/extension
of building.

A9. The Committee considered a report in connexion with an application which sought approval for the change of use and extension of an existing quarry works building to facilitate a self-catering use at L'Etacq Quarry/land to the south of field No. 990, La Route des Landes, St. Ouen. The Committee had visited the application site on 30th March 2021.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, 5 and 6, GD1, GD7, NE1, NE2, NE7 and EVE1 of the 2011 Island Plan were of particular relevance.

P/2020/1437

The Committee was advised that the application related to a redundant quarry site in an elevated position on the edge of the escarpment overlooking St Ouen's Bay. There was a small (20 square metres), single-storey one room building set back within the site next to the old quarry face. The majority of the site in front was open and undeveloped. This was an environmentally sensitive site which formed part of the Green Zone and which was surrounded on 3 sides by land within the Coastal National Park.

The application proposed the conversion of the existing building to provide a one bedroom unit of tourism self-catering accommodation. This scheme proposed a 17 square metre extension on the northern side of the building – between the building and the rock face. The existing flat roof would be replaced by a shallow-pitched natural slate roof and the exterior of the building would be insulated and clad in stone. The new extension would be finished with vertical timber boarding with a green planted flat roof. The Department was satisfied with the architectural changes to the building as they would result in a visual improvements to an otherwise unremarkable structure. The overall landscape impact of the building would not be significantly different following the alterations.

It was noted that the Transport Authority had raised an initial objection to the application on the grounds of visibility but had since confirmed that it was content with the proposal.

With regard to the policy position, both the existing and proposed uses were considered to be commercial/employment uses under the provisions of the Island Plan. Within the Green Zone Policy there was provision for the change of use of

employment land and buildings to other/alternative employment uses, subject to proposals satisfying a series of policy tests. The Department considered that these tests had been satisfied and it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

25 letters of objection to the application had been received.

The Committee heard from Mr. ■ Renouf who objected to the application for 3 specific reasons – the status of the building; the sensitivity of the landscape and the proposed tourism use of the site. With regard to the status of the building, he noted that the main justification for the new use appeared to be based upon the conversion of ‘a former employment building’. Mr. Renouf advised that this building was a later addition and had been added after the quarry work had ceased and he had resources to prove this. He stated that the application was founded on a myth as it was not an employment building. On these grounds alone the application should be rejected, otherwise anyone could erect a shed and subsequently apply for a change of use to tourism accommodation. With regard to the proposed tourism use, Policy NE7.8(b) stated that a change of the employment use would only be permitted if there was sufficient justification for the proposed use in the coastal or countryside location. He stated that no supporting evidence had been provided to justify the proposed use in this location. Furthermore, other self-catering accommodation in the vicinity had failed and a change of use to residential accommodation had subsequently been permitted. Consequently, Mr. Renouf did not believe that a proper case had been made for the tourism use. Turning to the landscape sensitivity of the site, Mr. Renouf felt that this had been downplayed in the officer report and the question of whether this was an appropriate location for permanent human habitation had to be considered. This was an abandoned, uninhabited quarry site at the moment and the application proposed the transformation of the open landscape, which Mr. Renouf believed was contrary to the Island Plan Policies. The context of the site was wild and remote and Mr. Renouf reminded the Committee that the former Bal Tabarin site had been purchased by the States with the aim of reducing the human impact on the landscape. The application site was visible from the eastern boundary, as shown on the applicant’s design statement and it afforded expansive views. Mr. Renouf concluded by stating that approval of the application would result in a loss of the sense of wilderness.

The Committee heard from Mr. ■ Dennis of Origin Architecture Studio, who advised that the scheme proposed a continued employment use which would enhance the broad spectrum of ‘unusual stays’ in Jersey. The building would be re-purposed for tourism and the modest proposal with no landscape impact. The scheme accorded with the relevant Island Plan Policies and would enhance the landscape character.

The case officer advised that that Supplementary Guidance on employment land included storage buildings. He acknowledged that there was limited information on the historic use of the building so this could not be confirmed with absolute certainty.

Mr. Renouf repeated that evidence existed in the form of maps/airiel photos which suggested that the quarry was no longer operational after 1945 and that the building in question had had been constructed post 1974. He did not believe that it had been used for storage in association with the former quarry use. Mr. Dennis stated that it had been used for storage up until fairly recently.

Having considered the application, the Committee, with the exception of Deputy ■ Luce of St. Martin, concluded that it could not support the application on the basis that it would result in an intensification of use of a site in the Green Zone and

(Meeting
01.04.21

the link to a previous employment use appeared to be tenuous.

Field Nos. 486
and 487, La
Rue des
Fontaines, St.
Martin:
proposed
wormery/
livery
stables/dog
kennels.

A10. The Committee considered a report in connexion with an application which sought approval for the construction of a wormery in Field No. 486, La Rue des Fontaines, St. Martin. It was also proposed to construct livery stables and dog kennels in Field No. 487, La Rue des Fontaines, St. Martin, together with associated car parking. The Committee had visited the application site on 30th March 2021.

Deputies ■■■. Morel of St. Lawrence and ■■■. Luce of St. Martin did not participate in the determination of this application.

P/2020/1520

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was adjacent to a Grade 3 Listed farmstead. Policies SP1, SP4, GD1, GD7, NE1, HE1, NE7, ERE2 and ERE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application proposed new agricultural buildings in an existing agricultural field adjacent to a farmstead. The application involved an intensification of the existing agricultural use of the field, in accordance with Policy NE7. The Land Controls and Agricultural Development Section supported the application and the proposed stables and barn would assist the applicants in meeting smallholder targets. Therefore, it was considered to be essential to the farm holding and would contribute to the viability of the agricultural industry.

The proposed wormery would be constructed with a galvanised steel frame wrapped in polythene cladding to form 3 polytunnels. The livery stables would be timber framed with timber cladding and a felt roof. The stable building would comprise 6 loose boxes, 2 tack rooms and a store. The dog kennels would accommodate 10 dogs with indoor open runs and a play area and would be block built with timber cladding and a slate roof. The kennels would be noise insulated. The buildings would be well screened by existing and proposed landscaping and by existing buildings to the south and the lay of the land. It was considered the proposal would not cause serious harm to landscape character. The buildings would be located a suitable distance away from neighbouring properties so that there would be no unreasonable impact. It was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

6 letters of objection and 12 letters of support had been received in connexion with the application.

The Committee heard from Ms. ■■■ Ingle, Principal Historic Environment Officer, who advised that the farmhouse was a Listed Building and the scheme had been amended in line with advice to manage the impact on the setting. One outstanding matter would be addressed by a landscape condition and an unsubstantiated claim made by the historian, Ms. ■■■ Stevens, of a Megalithic garden could be addressed by means of an archaeological oversight condition.

The Committee heard from Mr. ■■■ Moon representing his son, Mr. ■■■ Moon, who had submitted a written representation. Whilst Messrs. ■■■ and ■■■ Moon supported the diversification of the rural economy, they were opposed to the proposals for the site. Mr. Moon stated that whilst having livery stables in the countryside might comply with Island Plan Policies, he did not believe that the proposed dog kennels and worming centre did and failed to understand how these activities could be viewed as an extension of the applicant's farming business. Mr. Moon also noted that the applicant already had a livery at his other farm. He believed that the proposed kennels would generate increased traffic and noise and he understood the worming

centre was to be used as a waste disposal composting site to generate high quality compost for the growing of medicinal cannabis. He understood that food and animal waste would be mixed and kept in the open air in piles and then fed to the worms to produce the compost. The smell and fluid from the compost was a concern. Mr. Moon did not think that any of the residents who had purchased houses on the applicant's land had anticipated a development of this nature on their doorstep. The surrounding road network was made up of narrow lanes and would be used by dog and horse owners with boxes and trailers and lorries taking the compost away. The application was not viewed by Mr. Moon as a continuation of farming, but a completely new large commercial enterprise which was did not constitute a diversification of agriculture. Mr. Moon suggested that traffic and Environmental Impact Assessments should be carried out.

The Committee heard from Mr. ■ Stein, who advised that farming in Jersey was facing a challenging future with the number of farmers declining and a dependency on potato and dairy farming increasing. There was an identified need to diversify, as detailed within the Rural Economy Strategy and the Island Plan. The applicants had considerable experience of farming and wished to diversify. The proposed development would not have a significant landscape impact and was supported by the Land Controls and Agricultural Development Section of the Economic Development Section and the proposed activities accorded with the Rural Economy Strategy. The wormery would produce organic nutrient rich compost for supply to garden centres. No food waste would be involved in the production of the compost. A total of 6 horses would use the livery and it would be operated by a stable manager. The proposed dog kennels would be 50 metres away from the nearest neighbour and would comprise 10 purposes built kennels which would be operated by the applicant, who also had experience in this field. The proposed new kennels would replace those lost at Pont Rose and the JSPCA. Apart from occasional dog walking, all activities would be undertaken inside and a pick up and drop off service would be provided. The kennel building had been reduced in height and the applicant had commissioned an expert to work with Environmental Health to address any noise issues. It had been confirmed that Environmental Health were content with the proposed sound mitigation measures and the applicant was willing to comply with a condition to assess noise levels after completion of the building. Mr. Stein suggested that Mr. Moon was overstating the proposal.

The case officer confirmed that the proposals were considered to represent a diversification and were supported by Island Plan Policies and the Rural Economy Strategy.

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

(Meeting
01.04.21

The Limes,
Green Street,
St. Helier:
proposed
demolition and
redevelopment.

PP/2020/1453

A11. The Committee considered a report in connexion with an outline application which sought approval for the demolition of The Limes, The Willows Day Care Centre and Nos. 13 – 28 Willow Court, Green Street, St. Helier and their replacement with 39 x one bedroom, 81 x 2 bedroom and 7 x 3 bedroom residential units with associated partial underground parking and landscaping. Alterations to the existing vehicular and pedestrian access onto Green Street were proposed together with the extinguishment of 2 other accesses on Green Street. This was an outline application with scale and mass, siting, means of access and landscape being fixed matters. Reserved matters included the external appearance of the proposed development and the materials. It was noted that the scheme had been amended to reduce the number of units by 3; thus removing the 6th floor. Revised floor plans, elevations and sections, together with an amended design statement, townscape study, heritage impact assessment and environmental impact statement had been received. The Committee had visited the application site on 30th March 2021.

Deputy [REDACTED]. Morel of St. Lawrence did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1 – SP7, GD1, GD3, GD4, GD5, GD6, GD7, GD8, NE2, NE4, HE1, HE6, BE5, H4, H6, TT3, TT4, TT8, TT9, NR7, LWM2, LWM3, WM1 and WM5 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site was located within the Built-up Area in a sustainable location, within walking and cycling distance of local amenities. The development made the best use of previously developed land, producing a contemporary scheme which related well to the existing site context. The scheme provided much needed affordable housing and demonstrated the minimum housing standards required, as well as car parking and sustainable transport initiatives, such as bicycle parking and electric car charging points.

The Committee noted that the scheme satisfied the policy test of unreasonable harm to neighbouring uses, as set out in Policy GD1 of the 2011 Island Plan. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure a contribution towards the provision of the Eastern Cycle Route in the sum of [REDACTED] and to ensure that the residential units delivered by the application as social housing, remained so in perpetuity. In the event that a suitable POA was not agreed within 6 months, the Committee was being asked to authorise its refusal under delegated powers.

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

The Committee heard from Ms. [REDACTED] Ingle, Principal Historic Environment Officer, who advised that the Historic Environment Section was aware of the need for affordable housing. She discussed development in the vicinity of the site, to include the State Street building and the new Police headquarters and stated that she believed the application site was capable of accommodating a larger building. However, further discussion was required with regard to the mass and scale of the development when viewed against the more domestic scale of buildings in the vicinity and against the Grade 1 Listed Fort Regent and Snowhill. Ms. Ingle confirmed that she had reviewed the revised drawings and plans and the townscape assessment, which concluded that the only impact would be on the property known as The Rest. However, she believed that the range of Listed Buildings to the south were within

the context and setting and the streetscape assessment illustrated a clear impact, albeit that a tree shown on the illustrations was in full leaf and this carefully obscured the proposed development. Ms. Ingle asked the Committee to consider whether the proposals preserved and enhanced the setting. She noted that the mass and scale of the development on Green Street would be significant and over assertive in terms of height and scale and would impact on the rear of the Greencroft development, the garden of which was included in the Listing schedule. In terms of the wider setting of the Snowhill railway bridge and Green Street cemetery, there would also be a detrimental impact. Consequently, the Historic Environment Section objected to the application. She urged the Committee to consider further amelioration in terms of the height of the proposed development to off-set the heritage objection. Ms. Ingle also suggested a post consent archaeological assessment condition.

The Committee heard from Mr. ■■■ McCarthy, who objected to the application. He advised that he ■■■ supported local people in making representations in this context. He stated that this was an application submitted by a Government body – Andium Homes – which had been assessed by a Government Department and he did not believe that best practice had been followed. The Environmental Impact Assessment (EIA) had been prepared by a Government body and assessed by a Government Department. He highlighted the right to human health and believed that if the application was approved the Government of the Island could be in breach of this right. He advised that it was common practice to carry out a health impact assessment in many jurisdictions ■■■

■■■ He asked why such an assessment had not been carried out in respect of the proposed development. ■■■

■■■ He believed that landowners had a responsibility to undertake a scoping exercise in association with EIAs and this involved public consultation. Mr. McCarthy stated that air pollution in the tunnel already exceeded World Health Organisation limits and supporting the application would increase those levels. Approval would enclose the roundabout at the tunnel and increase pollution and Mr. McCarthy stated that this had been shown on the air quality assessment, which concluded that pollution would increase along Snowhill. However, there was no mention at all of the Tunnel and the Government had a legal responsibility to improve air quality. Having reviewed the application, Mr. McCarthy noted that there had been no noise assessment and the proposed balconies would be open to a major roundabout. He suggested they would need to be closed off. ■■■

■■■ In his view the proposed development would not provide adequate day light and he noted that the Jersey Architecture Commission had highlighted a lack of ventilation. He described the development as a ‘Covid-19 gas chamber with no cross-ventilation and narrow corridors which made social distancing impossible’. He urged the Committee to refuse the application and asked for a review by the Environment Scrutiny Panel to ensure best practice was followed.

The Committee heard from Mr. ■■■ de Gouveia. ■■■ Mr. de Gouveia expressed concerns regarding the height of the proposed development and the impact on The Rest, which he did not feel had been properly considered. He stated that there would be a 4 storey building directly opposite the 2 and a half storey house and suggested that this should be reduced to 2 storeys. He referred the Committee to a suggested compromise ■■■ which had been submitted in writing, which would not involve a loss of units but would see some

(Meeting
01.04.21

units moved towards the roundabout. Other issues of concern were overlooking from the proposed development from balconies, loss of light, and access difficulties.

The Committee received a delegation representing the applicant company, which comprised Mrs. [REDACTED] Steedman of KE Planning, Messrs. [REDACTED]. Stein and [REDACTED] Farnham of MS Planning, [REDACTED] Waddington of Waddington Architects, [REDACTED] Matthews, Rok Construction and [REDACTED] Lilley, Andium Homes. Mr. Lilley addressed the Committee, setting out the background to the proposed development and the benefits which would arise. The site had been transferred to the applicant company in September 2017 and refurbished for use as accommodation for junior doctors, who had vacated the premises in November 2020 [REDACTED]. In a parallel development agreement with Andium Homes, 3 key requirements for the application site had been set out: to provide a mix of affordable housing (a minimum of 110 new homes), maximise available car parking space and incorporate a community facility if residual land value existed (none had existed). There had been extensive pre-application discussions and support from the Jersey Architecture Commission had been received. The top floor of the proposed development had been removed and the scheme proposed 127 units at a height comparable with the State Street building and Police Headquarters. This was a high quality scheme with a combination of semi-basement and surface level parking and amenity space. There was a separate application to refurbish Willow Court and Willow House to provide 17 additional apartments. The scheme presented an ideal opportunity to make best use of a town centre site and provide affordable homes.

The Committee heard from Mr. Matthews, who highlighted the benefits for the local economy and the modern methods of construction which would be used which would not only avoid heavy lifting, but would facilitate an accelerated build process which would reduce costs. Work could commence on site in December 2021, and the scheme would generate [REDACTED] for the local economy, providing employment for 150 people in the local workforce. Mr. Matthews added that 2020 had been a difficult year and the priority was to keep the economy moving and ensure that the workforce was gainfully employed. He made reference to the Economic Council's New Perspectives document and the recognition that Government had to be a true enabler. He concluded by stated that this project needed Government backing and that the torturous planning framework had to be reviewed.

The Committee heard from Mr. Farnham, who stated that there were no Listed Buildings on the site and that it had not been designated as an area of archaeological potential, so it was relatively unconstrained in heritage terms. The applicant was willing to accept a condition to record archaeological deposits. The heritage impact assessment concluded that there would be no detrimental impact on historic buildings and the existing building was smaller in scale than the historic 5 storey structure. The scheme took the Listed Building into account and the scale reduced as it went down into Green Street, which resulted in a respectful 2, 3, and 4 storey development set behind sympathetic boundary features which tied into Green Street. Green Street comprised 3 and 4 storey buildings, as well as La Collette and The Cedars high rise buildings. The scheme successfully mediated between the different surrounding developments and any tensions had been fully explored in the heritage impact assessment. The removal of the entire top story would alleviate tensions with Fort Regent. With regard to the property known as The Rest (opposite), the immediate setting was entirely modern so the site could accommodate change. The Jersey Architecture Commission considered the height acceptable.

The Committee heard from Mr. Waddington, who stated that both the Department and the Jersey Architecture Commission supported the application. The proposed development stepped down from the roundabout and a variety of materials, layers

and colours (based on the St. Helier design guide) were proposed together with innovative landscaping. The scheme included references to Jersey's lost eastern railway. The homes would exceed minimum standards and would include a wrap-around landscape garden. With regard to the height and massing, this was a gateway site which had once housed a 5 storey building. There would be a 6 storey element at the gateway which would drop down to match the State Street building and the development would comprise 2 storeys to the east and south to respect the smaller street scape. Mr. Waddington understood that the Jersey Architecture Commission had been happy to support a 7 storey scheme. The scheme included the refurbishment of Willow Court and House and the proposed development would be well insulated with rain water attenuation and photo voltaic panels. The application would provide much needed social housing, as well as fiscal stimulus. Mr. Waddington read some anonymous quotes from those eagerly awaiting accommodation to illustrate the difference this new development would make to their lives. He urged the Committee to approve the application.

The Committee received Mr. Stein, who stated that the scheme made very good use of a brown field site and was supported by the Island Plan Policies. This was the optimum location for new development and higher yields had to be achieved than in past. He advised that if land in St. Helier was not used for much needed housing, green fields would be lost to development and this particular scheme would equate to 6 - 8 acres of green fields. The application site was in a sustainable location close the town centre and many amenities, thus reducing vehicle trips. Mr. Stein informed the Committee that the Minister for the Environment had recently advised a Scrutiny Panel that the Department was slowly developing policy to allow for taller buildings. If 2 or 3 storey buildings continued to be constructed the entire Island would eventually be covered by development so there was a recognised need to build higher in town. The application site was surrounded by high rise development – The Cedars at 15 storeys and the State Street and Police Headquarters buildings. Mr. Stein repeated claims that the Jersey Architecture Commission had endorsed proposals for a taller building, but the Department had asked for the removal of a floor to address tensions with Fort Regent and other policy tensions. Mr. Stein urged the Committee to approve this development in a sustainable location with parking and private and communal amenity spaces. The proposed development would not have an unreasonable impact on neighbours and the Island Plan encouraged development in town to incorporate balconies in schemes. The development would also result in public realm improvements.

The Committee heard from Mrs. Steedman, who advised that she had prepared the EIA and was qualified to do so. [REDACTED]

[REDACTED] EIAs supported the design process and considered the potential for significant environmental impact. The trigger for the requirement of an EIA in the Jersey context was where a development was over 10,000 square metres. The document was prepared to assist decision makers and sought to identify any adverse effects and mitigation measures. Formal scoping was not a statutory requirement, but was good practice. However, the application had been put together during the period when the Government had issued the 'stay home' instruction. The provision of new dwellings in sustainable locations was supported and plans for the regeneration of Fort Regent for recreation and sport meant that the application site was a great location for new houses. Improved cycling routes would provide an alternative route to the existing roundabout. The scheme would provide spacious, energy efficient homes and there was no evidence of harm to health. It was difficult to avoid being near a road in St. Helier. Noise had not been raised by Environmental Health as an issue, but could be dealt with by the installation of good windows. Sea breezes were part of the climate of Jersey and the application site was close to the coast and the town centre making walking and cycling attractive. There

(Meeting
01.04.21

would be no need to go via the Tunnel. Any impact from demolition and construction works could be mitigated by a Construction Environmental Management Plan.

In response to questions from members regarding Mr. McCarthy's comments regarding corridor widths, Mr. Waddington confirmed that corridors would be wider than standard and units would receive natural daylight. Unit sizes exceeded the minimum and benefitted from plenty of storage.

The case officer confirmed that it was not possible to view the virtual 3 dimensional model in this forum as it was not compatible with the technology being used to host the virtual meeting. It was noted that some members had viewed the model independently.

In response to comments made regarding the Jersey Architecture Commission's view of the original 7 storey proposal, Ms. Ingle, in her capacity as Executive Officer to the Commission, referred the Committee to the written notes of a meeting of the Commission at which the scheme had been considered. She advised that it was not the role of the Commission to recommend particular schemes and stated that the Commission had noted that the application had already been submitted by the time it had been asked to review the scheme. Consequently, there had been limited opportunity for change, but views had been offered in relation to corridors and landscaping. From Ms. Ingle's reading of the notes of the meeting there had been no specific support for the 7 storey proposal.

Having considered the application, the Committee, with the exception of Deputy ■■■ Truscott of St. Brelade and Connétable ■■■. Mezbourian of St. Lawrence, who expressed concerns about the height and impact of the development, decided to grant permission, subject to the imposition of certain conditions detailed within the officer report. The Committee also endorsed the recommendation that the applicant enter into a Planning Obligation Agreement (POA) to secure a contribution towards the provision of the Eastern Cycle Route ■■■ and to ensure that the residential units delivered by the application as social housing, remained so in perpetuity. In the event that a suitable POA was not agreed within 6 months, the Committee would be asked to authorise its refusal under delegated powers.

Carob
Warehouses,
Bellozanne
Valley, St.
Helier:
proposed
vehicle access
platform/
increase size of
roller shutter
door.

A12. The Committee considered a report in connexion with an application which sought approval for the construction of a first floor raised vehicular access platform at Carob Warehouses, Bellozanne Valley, St. Helier. It was also proposed to increase the size of a previously approved roller shutter door. The Committee had visited the application site on 30th March 2021.

Deputies ■■■. Morel of St. Lawrence, M.R. Le Hegarat of St. Helier and ■■■. Luce of St. Martin did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD7, NE7 and EIW4 of the 2011 Island Plan were of particular relevance.

P/2020/1304

The Committee was advised that the above application fell to be considered under exception 5 of Policy NE7, which allowed for the extension/intensification of an employment use, subject to the satisfaction of certain criteria. In this instance, the proposed works would not result in undue noise or disturbance to neighbouring residential properties or generate a significant increase in travel and trip generation or cause serious harm to the landscape character. Therefore, the proposal was in accordance with policy and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. ■. Vibert, Chairman of the First Tower Community Association, who advised that the Association had also objected to a previous application. Whilst the proposed ramp was smaller than that shown in the previous scheme, the Association remained opposed. The Association supported initiatives to remove infrastructure from the Valley and restore it to its natural state. The ramp would enable the applicant company to sub-let part of the unit to another business and there were already 5 businesses operating from the site. Mr. Vibert did not believe that the building had been designed for the current purpose and recalled it being used as a coal store by Jersey Coal. It had subsequently been purchased by the Co-operative Society before being used by the applicant company. Mr. Vibert believed that the existing permit allowed for storage only. He noted that the applicant company had sub-let the premises and this had led to increased traffic in the area, which was detrimental to the Valley. Approval of the application would also have an impact on neighbouring residential development and Mr. Vibert understood that the original conditions which had been attached to the permit had been designed to reduce the impact on those dwellings. He asked the Committee to consider whether it would permit this type of development today and concluded that the days of the spoilation of the Valley were in the past. He added that the owner of The Haven had previously rented a small parcel of land from the Co-operative Society and had used it as a garden, but the applicant company had subsequently used this land as an unauthorised car park. Mr. Vibert encouraged the Committee to resist any further inappropriate development in the Valley.

The Committee heard from Deputy ■ Gardiner of St. Helier who asked members to consider the appearance of the area now used for car parking when compared with how it had previously appeared. Since the sub-letting of units, the Deputy had been provided with an activity log from residents and it was noted that noise on site commenced at 6 am and went on as late as 10.30 pm, which was detrimental to residents' enjoyment of their properties. Further sub-letting would exacerbate noise and traffic issues. She, too, asked the Committee to resist any further proposals which would lead to inappropriate uses in the Valley. Members confirmed that they had received the Deputy's letter of objection.

Several unsuccessful attempts were made by officers to contact the applicant's agent, Mr. ■ Smith of J. Design Limited. Consequently, no persons present spoke in favour of the application.

It was confirmed that the approved use of the site was for warehousing and distribution and the applicants were believed to be complying with the conditions of the permit. Reference had been in a written objection to a car repair workshop, but it was noted that this did not form part of the application site.

The Committee discussed the application and concluded that whilst the current use did not appear to be entirely compatible with the neighbouring residential development, it was unlikely that the proposal would result in further detriment. It was also noted that the installation of an acoustic fence was proposed and this would reduce noise impact. With the exception of Connétable ■. Mezbourian of St. Lawrence, the Committee expressed support for the application and decided to grant permission, subject to the conditions detailed within the officer report.

(Meeting
01.04.21
des Sablons,
Grouville:
proposed
conversion of
dwelling
(RFR).
P/2020/0644

bedroom dwelling to provide a one bedroom and a 4 bedroom dwelling. The Committee had visited the site on 30th March 2021.

Connétable [REDACTED]. Mezbourian and Deputy [REDACTED]. Morel of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route. Policies GD1, GD7 and BE6 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Notes No. 6 - Minimum Specification for New Housing Developments - February 1994 and No. 3 – Parking Guidelines - September 1988.

The application sought to convert part of the existing dwelling into a one bedroomed cottage. The living space was considered to be small and barely met the requirements for a one bedroom flat. Whilst the standards were silent in respect of one bedroom 2 storey houses, it was clear that houses should provide more space than flats. The existing car parking space was difficult to use and required much on-site manoeuvring as the turning space was not adequate. The visibility was also insufficient and no splays had been shown on the drawings. As the gable of the cottage abutted the road and the tall hedge to the south was in different ownership, it would be impossible to achieve a minimum of 43 metres visibility in both directions, as required by the Highway Authority. The Department accepted that this situation was existing and would not technically be made worse. However, introducing another unit exacerbated the issues and allowed for an intensification of use. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and H6 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, Mr. [REDACTED] Davey of J.S. Livingston Architectural Services. Mr. Davey stated that there would be no increase in habitable accommodation or parking spaces and the parking and vehicular access would remain the same. Therefore, the existing situation would not be made any worse. Furthermore, the proposed unit met the requirements for a one bedroom flat, so was, therefore, viable as habitable accommodation with a single bedroom.

Having considered the application, the Committee unanimously endorsed the officer recommendation to refuse permission for the reasons set out above.

La Hauteur, La
Rue Freule, St.
Ouen:
proposed
conversion of
swimming
pool and
garage to
residential
accommodat-
ion (RFR).
477/5/3(1068)
P/2018/1635

A14. The Committee, with reference to Minute No. A17 of 13th June 2019, of the Committee as previously constituted, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the conversion of an existing indoor swimming pool building at La Hauteur, La Rue Freule, St. Ouen to provide a 3 bedroom dwelling. The Committee had visited the application site on 30th March 2020.

Deputy [REDACTED]. Luce of St. Martin did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that La Hauteur was a Listed Building. Policies SP1, GD1, NE7, HE1 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Le Hauteur was a traditional farm group located in

rural St. Ouen, forming part of the Green Zone. The group had been sub-divided into a series of individual units. The application under consideration related to a modern extension (approximately 17 years old) to the south-west of the main house, bordering the neighbouring field to the south. The extension comprised a swimming pool, gymnasium and double garage at ground floor with a playroom above. The application proposed the conversion of the modern extension to provide a 3 bedroom dwelling.

It was noted that 2 previous applications for the conversion of the building to provide residential accommodation had been refused on the basis that the application site was situated in the Green Zone and the schemes proposed new residential accommodation, which was contrary to Policy NE7. The issue had not been one of design or landscape impact, but rather the creation of new individual units of accommodation in the Green Zone. The application under consideration had also been refused on this basis and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, [REDACTED] and his agents, Mrs. [REDACTED] Steedman of KE Planning and Mr. [REDACTED] Collins of MAC Architectural Services. [REDACTED]

[REDACTED] The pool room had been created in an existing agricultural building and the pool had come to the end of its life, having not been used for many years. The intention was to create a residential unit [REDACTED]

[REDACTED] The building already benefitted from a kitchen and a bathroom so minimal change was required internally and there would be little change to the façade. Parking and amenity space were available on site and the application site was close to a bus stop and would provide a much needed unit of accommodation.

Mrs. Steedman addressed the Committee, advising that she believed permission could be granted with no impact on the surrounding area. On site car parking and amenity space already existed, as did a kitchen and bathroom within the building. The 2011 Island Plan was coming to the end of its life and Mrs. Steedman suggested that emerging policy might support development of this nature. Policy SP2 encouraged best use of built resources and approval of the application would not result in the loss of a green field or the need for a new build. The application site was within walking distance of the local primary school and a bus stop. Mrs. Steedman concluded by advising the Committee that Article 19 (3) of the Planning and Building (Jersey) Law 2002, allowed the Committee to grant permission if sufficient justification existed and she believed this to be the case. No extension to the building or new infrastructure would be required.

On a related matter, the Committee noted that whilst formal planning permission for a unit of accommodation in the roof space might not have been obtained, the unit had been there for decades.

The Committee discussed the application and, in particular the provision of dedicated car parking and amenity space for the proposed residential unit. Mrs. Steedman assured members that there was ample space within the residential curtilage of the property for this and that the applicant was willing to accept a condition which tied the amenity/parking space to the proposed unit. Mrs. Steedman offered that, in her professional opinion, the Committee was able to impose such a condition.

The Committee was persuaded by the arguments which had been made and decided to grant permission, subject to the imposition of a condition which ensured that dedicated car parking and amenity space was provided for the unit and that there

(Meeting
01.04.21

would be no encroachment into green fields. The Committee also directed that a condition requiring a landscape plan be attached to the permit.

Saut Falluet
Cottage and
Chalet du Pre,
La Rue du Saut
Falluet, St.
Peter:
proposed
change of use
to self-
catering.

A15. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the change of use of Saut Falluet Cottage, La Rue du Saut Falluet, St. Peter to self-catering accommodation. It was also proposed to demolish an existing porch and kitchen and construct a new extension to the east elevation and demolish the 4 bedroom dwelling known as to Chalet du Pre, which was to the south-west of the site, and replace it with 2 combined 2 bedroom self-catering units. It was also intended to restore and renovate 2 granite outbuildings, construct a car port and bat loft extension to the east elevation of the granite outbuilding in the north-west of the site. The scheme also proposed various environmental, ecological and landscaping improvements. The Committee had visited the application site on 30th March 2020.

P/2020/1017

Deputies ■■■ Truscott of St. Brelade and ■■■ Morel of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Saut Falluet Cottage was a Listed Building. Policies SP1, SP4, GD1, GD7, NE7, NE1, NE2, NE7, HE1 and EVE1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application site was a large woodland meadow site located on the south side of La Rue de Saut Falluet. There were 2 dwellings on the site, accessed via a long shared driveway – Saut Falluet Cottage, a Grade 4 Listed, 2 storey 18th century farmhouse and Chalet du Pre, a 2-storey 1960s dwelling. Both properties were in a poor condition and were not currently habitable. There were a number of small ancillary outbuildings close to the dwellings, but the majority of the site was open and undeveloped. The application proposed the refurbishment and extension of the existing Listed dwelling and its change of use to self-catering accommodation. The other unit within the site would be demolished and replaced with 2 further self-catering units. Existing historic outbuildings were also to be refurbished and re-used, and a new car port constructed. More generally, the scheme proposed landscape restoration and ecological enhancement across the site. There were undoubtedly some positive aspects to the proposal. However, the site was located within the Green Zone (wherein there was a general presumption against new development), and, in this instance, the Department was concerned about the overall scale of the new development. The proposal included significant increases in built form, as well as the introduction of an additional unit of accommodation and encroachment into currently undeveloped parts of the site. The overall scale of the new extension to the Listed building was also problematic. On balance, the Department's view was that, whilst there were positive aspects to the scheme, these did not out-weigh the aforementioned issues. The ambition of the proposal was too great and could not be supported. Consequently, the application had been refused on the grounds that it was contrary to Policies NE7, SP4, and HE1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal.

The Committee heard from Ms. ■. Ingle, Principal Historic Environment Officer, who advised that a number of issues had been raised by the Historic Environment Team in an initial response to the proposals. The proposed renovation work was viewed positively, but the scale of the extension was questioned and it had been suggested that it should not project beyond the building line. The contemporary approach was considered acceptable. The demolition of Chalet du Pres and the replacement buildings, to include the new car port, were also considered acceptable

and there would be no impact on setting, but the scale and impact of the proposed extension was of concern from a heritage perspective.

The Committee heard from the applicant, [REDACTED] and his agents, Messrs [REDACTED] Godel and [REDACTED] Satchell of Godel Architects. Mr. Satchell advised that the focus was on the restoration of the site. The application was supported by Visit Jersey and that the proposed development would complement the self-catering accommodation at Pont Rose to the south. Significant improvements would arise, to include the removal of the 60s cottage, which would be beneficial to the setting of the historic building. A unique design approach to the new buildings had been adopted and the applicant had worked extensively with a UK based leader in environmental consultancy, as detailed in the design statement. The proposed new development would be significantly lower than the ridge line of Chalet du Pres. The proposed new buildings would be sustainable and would have a low carbon footprint, in line with carbon neutral initiatives. The scheme exceeded requirements in both the planning and building bye laws context and was supported by the Natural Environment Section. In concluding Mr. Satchell stated that the design approach was considered acceptable by the Department and significant landscape and ecological enhancements would arise, whilst also enhancing the setting of the Listed Building.

Mr. Godel believed that approval could be justified on the basis of the ‘far reaching’ environmental gains proposed – including ecological and landscape improvements and the restoration of the Listed Building. Reference was also made to the overall design improvements, the environmental performance and energy efficiency of the proposed buildings, as well as the support from Visit Jersey. As part of the appeal submission, additional information had been submitted which sought to address a number of outstanding concerns raised by the Natural Environment Section. The Parish of St. Peter had raised no objection to the application, but sought assurance that there would be no surface run-off into the parish road if the driveway was re-surfaced. Policy NE7 presumed against development, but certain categories of development, to include those of a cultural or tourism nature could be considered. The proposed development was sensitive and proportionate to the landscape setting. Mr. Godel was aware that exceptions to Policy NE7 had been permitted where there was no harm to the landscape character. He quoted extensively from the Policy and concluded that the proposed development was appropriate in the context of the existing buildings and would not harm the landscape character. Impact on the landscape was the key issue in the Green Zone, as opposed to size. He concluded by stating that he had been confused by Ms. Ingle’s comments on the amended scheme and had understood that whilst the size of the extension had been considered regrettable, there had been no objection.

Mr. Bartlett addressed the Committee, highlighting the benefits which would arise from the scheme. A great deal of care and consideration had gone into the proposed development and the inspirations were the refurbishment of the dilapidated Jersey farmhouse and the reinstatement of the neglected valley. [REDACTED]

[REDACTED] Carbon neutral goals had been exceeded and this would be the first development of its kind in Jersey. Underground electricity cables had already been removed at great expense and recycled materials, storm fallen trees and local timber shingles would be used in the build. Mr. Bartlett concluded by stating that the increase in footprint would be offset by the range of benefits which would arise from this pioneering scheme.

In response to a question regarding the outstanding additional information which had been submitted to address a number of outstanding issues raised by the Natural Environment Section, it was noted that the case officer had received confirmation

(Meeting
01.04.21

from colleagues that concerns regarding the proposed new driveway and its impact on the meadowland habitat remained. There were also some queries with regard to the revised work schedule.

Mr. Satchell addressed the Committee for a second time, advising that a significant amount of information had already been provided. The applicant was confident that the driveway could be re-routed, made smaller and be contained within the domestic curtilage. A local ecologist had been commissioned to undertake the remainder of the work, which it was suggested could be dealt with by condition. The case officer advised that he had viewed aerial photographs of the site and it was not clear to him that there was any particular defined curtilage.

Having considered the application, the Committee concluded that this was a very exciting scheme in which the positives outweighed the negatives. The Committee was, however, concerned about the large parking area, which is considered to be excessive. Consequently, permission was granted, subject to the submission of revised drawings showing a re-designated parking area and confirmation that all issues raised by the Natural Environment Section had been addressed.

No. 8 Gorey
Pier, St.
Martin:
proposed
extension/
dormer
window/first
floor balcony/
internal/
external
alterations/
roof terrace
(RFR).

A16. The Committee considered a report in connexion with a request for the reconsideration of an application which proposed revisions to an approved scheme at No. 8 Gorey Pier, St. Martin, which had been refused by the Department under delegated powers. The scheme sought permission for the construction of an internal staircase from the first to second floor and the installation of a 'skybox' rooflight to the south elevation of an approved extension and the construction of a roof terrace. The scheme also proposed the replacement of one window with a door, 4 replacement windows and a front door and the construction of a balcony on the east elevation. The Committee had visited the application site on 30th March 2020.

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

RP/2020/1130

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area, the Shoreline Zone and was in a Tourist Destination Area as well as being on the Eastern Cycle Route Corridor. The property was also Grade 4 Listed, resulting in a requirement to preserve the architectural and historic character and integrity of the building and its setting. Policies GD1, GD7, HE1, BE6, TT3, EVE2 and BE4 of the 2011 Island Plan were of particular relevance.

The Committee noted that the scheme had been amended in response to comments from the Principal Historic Environment Officer and this had resulted in the removal of 2 rooflights on the west elevation and the omission of balcony on the east elevation. 2 rooflights were now proposed on the east elevation. In support of the appeal, the applicant's agent had stated that there was an existing overlooking relationship which would not be made any worse by the proposed development and that a privacy screen would reduce the amount of overlooking. The Department's position was that the height of the proposed roof terrace above the approved extension at second floor level would cause a detrimental overlooking impact on the neighbouring property to the north; No. 7 Gorey Pier. It was acknowledged that No. 9 Gorey Pier had been granted permission for a similar roof terrace, but the relationship with the neighbouring properties was set back further in that case and there was an approved privacy screen. It was also noted that the raised areas to the rear of the gardens were used as terraces. The application had been refused on the grounds that it was contrary to Policies GD1 and BE6 of the 2011 Island Plan and the Department was recommending that the Committee maintain refusal.

The Committee heard from the Principal Historic Environment Officer, who advised that there were a range of Grade 3 and 4 buildings along the Pier. Although she had worked with applicant and his architect on the scheme, additional work to the western elevation had led to an objection. The easterly rooflights were also considered to be unnecessary and it was noted that their removal would have been recommended had there been consultation on this element. However, on balance, it was not considered that these would result in greater impact than that which had previously been approved.

The Committee heard from the applicant, [REDACTED] and his agent, Mr. [REDACTED]. Van Bodegom of Page Architects. Mr. Van Bodegom advised that the Department had raised concerns about a staircase which had been erected in recent months in anticipation of the development and he confirmed that this would be removed immediately. The scheme mirrored the approach at No. 9 so there was a precedent for development of this nature.

Mr. James advised that the scheme had been amended in consultation with the Historic Environment Section (HES) so the refusal had come as a shock. The points of contention appeared to be the internal stair case, the skybox and the access to the roof terrace, together with a perceived loss of privacy to No. 7. Mr. James stated that mutual overlooking existed and the scheme would not make this any worse. He suggested that adding a privacy screen would be helpful. The extension at first floor would facilitate the creation of a green roof skybox and Mr. James believed this was supported by HES and it would provide access to the green roof and terrace to the east at second floor level. Neighbours on both sides had terraces at that level so Mr. James felt that it would be unfair to deny the same arrangement at his property. He noted that permission had, in fact, been granted for a similar development at No. 9 shortly before the submission of the application under consideration. In concluding, he stated that if the Committee maintained refusal of the application it would be impossible for the family to enjoy and maintain the amenity space and he stated that he had overlooked this access issue in the approved application.

The case officer pointed out that the addition of a privacy screen would increase the height of the boundary wall to an extent which was considered unacceptable and which would create a sense of enclosure. Mr. Van Bodegom suggested that it could be set back to reduce the impact.

Having considered the application, the Committee decided to maintain refusal for the reasons set out above, but suggested that the applicant might wish to work with the Department to revise the scheme, to include a privacy screen, which might alleviate concerns. In providing this advice the Committee could give no firm commitment in terms of a future approval.

Le Coin
Fleurie, La
Route des
Cotils,
Grouville:
proposed part
demolition of
wall/creation
of new access
and parking
area (RFR).

P/2020/1047

A17. The Committee considered a report in connexion with a request for the reconsideration of an application which proposed various works to facilitate the creation of a new car parking area and vehicular access at the property known as Le Coin Fleurie, La Route des Cotils, Grouville. The application had been refused by the Department under delegated powers. The Committee had visited the application site on 30th March 2020.

Connétable [REDACTED]. Mezbourian of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and was on the Eastern Cycle Route Corridor. Le Coin Fleurie was a Grade 4 Listed Building. Policies GD1, GD7, HE1,

(Meeting
01.04.21

BE6 and TT13 of the 2011 Island Plan were of particular relevance.

The Committee noted that scheme proposed the demolition of part a roadside granite wall and the creation of a new vehicular access and the repair and lowering of the height of the remaining sections of the wall to improve visibility. It was also proposed to form a new parking area to the north-west of the existing dwelling and remove the replacement of a garage door with a window and door arrangement. The scheme has been amended several times to overcome the objections of the Historic Environment Section (HES). However, in satisfying the requirements of the HES, this had triggered an objection from the Highway Authority, and vice versa. A mutually acceptable solution could not be reached. In the final set of amendments the new vehicular access was proposed on the corner, and the roadside walls lowered to provide maximum visibility, which was supported by the Highway Authority but had been rejected by HES. Accordingly, the application has been refused on the basis of the impact on the setting of the Listed Building. The Department was recommending that refusal be maintained.

The Committee heard from Ms. ■. Ingle, Principal Historic Environment Officer, who reiterated that the proposals were challenging from both a highways and heritage perspective. This was not just an issue of setting – the garden of the property was included in the Listing schedule and the impact on the character and integrity of the garden was of concern. The removal of the wall, the lowering of the garden and the formation of an area of hardstanding had a wider impact and there was a tension between the desire for on-site car parking and the historic context. In conclusion, the proposal could not be supported.

The Committee heard from Mr. ■ Dennis of Origin Architecture Studio, on behalf of the applicant, who advised that the main aim was to extinguish the existing garage access, which had little or no visibility and was dangerous. In terms of the various revisions to the scheme, the main difference was the height of the roadside wall. The submitted scheme would improve visibility whilst retaining the lowered wall and with no harm to the Grade 4 Listed asset. In concluding, Mr. Dennis made reference to recent media coverage of a road traffic accident in St. Martin which had resulted in the serious injury of a child and which had led to an Island-wide review of road safety. He also recalled the details of a fatal road traffic incident in the vicinity of Millennium Park in St. Helier and highlighted the need to replace the existing hazardous access to protect vulnerable road users.

Having considered the application, the Committee concluded that the site safety benefits which would arise outweighed the heritage impact. Consequently, permission was granted, contrary to the officer recommendation. The application would be represented at the next scheduled meeting for formal decision confirmation.

Terre Neuve,
La Rue de la
Mare Ballam,
St. John:
proposed
extension/
cladding/plant
room/
installation of
windows and
doors (RFR).

A18 . 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 ground floor extension and the installation of horizontal cladding to the south and west elevations of the property known as Terre Neuve, La Rue de la Mare Ballam, St. John. It was also proposed to construct a plant room to the south elevation, install a window to the north elevation, a sliding door and glazed top light with Juliette balcony to the west elevation and to enlarge an existing window on the south elevation. The Committee had visited the application site on 30th March 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies GD1, GD7, BE6, NE7, TT13 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee was advised the above application had been refused on the grounds that the siting, scale, form and design of the proposed extension, along with the alterations to the existing dwelling, failed to achieve a high standard of design and were not considered to be appropriate within this rural context or sympathetic to the existing property, contrary to Policies GD1, GD7, NE7 and BE6 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, Mr. ■ Nicholson, who advised that the property required considerable attention and that the objective was to reorientate the dwelling. He believed there to be no issue with regard to the principle of the proposed development, its form, the fenestration details or the materials. Mr. Nicholson stated that the Committee had a statutory obligation to assess applications in the context of the Island Plan Policies and having regard to all material planning considerations. On this latter point, Mr. Nicholson was critical of the Department and believed that there had been serious omissions in the assessment of the application. He pointed out that there was already a lean-to extension to the west. Furthermore, 30 square metres of development could be delivered without the need for an application, under permitted development rights. Terre Neuve was not a Listed Building and the proposals did not affect the principal elevation. These were highly relevant issues and Mr. Nicholson informed the Committee that this should have been reflected in the Department's recommendation. He repeated that, in the assessment of the application, there should have been some recognition of those works which could be carried out without the need for planning permission. For example, all of the windows could be replaced without an application – he stated that there had been some focus on the gable end window, which was a contemporary insertion in a modern part of the property and similar to the fenestration details on a property to the south. The proposal to re-point the granite had not been mentioned in the Department report. There was no requirement to submit an application for the timber cladding to the ground floor and the existing render could be painted or finished in any manner which suited the owner. The proposed solution was appropriate and Mr. Nicholson repeated again that it was important that the Committee was aware of what work could be done under permitted development rights. He concluded by stating that the issues raised in the Department report were 'not of the magnitude' set out therein. In response a question from Deputy S.G. Luce of St. Martin, Mr. Nicholson advised that the proposed ground floor extension would measure in the region of 55 square metres, which exceeded the 30 square metres of development allowed under permitted development rights. Mr. Nicholson accepted that the application sought permission for more development than was permissible under permitted development rights but clarified that the Department's concerns appeared to relate to the proposed extension across the granite element at the front.

Having considered the application, the Committee was not persuaded by the arguments made and endorsed the officer recommendation to refuse permission for the reasons set out above.

(Meeting
01.04.21

accordance
with Article
9A.

that a review of the percent for art scheme be undertaken to facilitate some formalisation, with a requirement for proposals to be reviewed by an independent body (Minute No. A8 of 31st March 2021 refers);

that consideration be given to a means of quantifying gains arising from renewable energy proposals (Minute No. A5 of 31st March 2021 refers).

Schedule of
meetings:
2021.

A20. The Committee acceded to a request from Deputy S.G. Luce of St. Martin for a review of the scheduled dates for the remainder of the meetings for 2021, so that he could commit sufficient time to his other responsibilities.

It was agreed that a revised schedule would be circulated. It was anticipated that the next scheduled meeting could be held at St. Paul's Centre, subject to further advice and in accordance with Government guidelines in relation to Covid-19. The Committee recognised the need to maintain the ability to host meetings via video-link going forward.