

KML/MH/345

PLANNING COMMITTEE

(6th Meeting)

15th November 2018**PART A (Non-Exempt)**

All members were present., with the exception of Connétable K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman

(did not participate in the determination of item No. A5)

Deputy G.J. Truscott of St. Brelade, Vice Chairman

Deputy S.M. Wickenden of St. Helier

(did not participate in the determination of item No. A5)

Deputy J.M. Maçon of St. Saviour

Deputy R.E. Huelin of St. Peter

(did not participate in the determination of item Nos. A3 and A5)

Connétable D.W. Mezbourian of St. Lawrence

Connétable P. B. Le Sueur of Trinity

(did not participate in the determination of item Nos. A5 and A8)

In attendance -

P. Le Gresley, Director, Development Control

J. Nicholson, Principal Planner

C. Jones, Senior Planner

E. Stables, Senior Planner

G. Duffell, Senior Planner

J. Gladwin, Senior Planner

R. Greig, Planner

T. Ingle, Principal Historic Environment Officer

K.M. LARBALÉSTIER, Committee Clerk, States Greffe

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

Minutes. A1. The Minutes of the meeting held on 18th October 2018, having been previously circulated, were taken as read and were confirmed.

Deputy R.J. Rondel of St. Helier (deceased). A2. The Committee observed a minute's silence in honour of the late Deputy R.J. Rondel of St. Helier, who had passed away on 14th November 2018, after a long illness borne with great courage and dignity.

Members recalled that Deputy Rondel had first been elected to the States in November 2011, and was subsequently re-elected in 2014 and again in 2018, when he topped the poll. He had served on the Planning Committee in its various iterations since 2014, and it was recalled that, in spite of being gravely ill, Deputy Rondel had attended the Committee meeting in October 2018 when other members had been unavailable. This was testament to the Deputy's strength of character and public spiritedness.

The Committee expressed its deepest sympathy for Deputy Rondel's family at this time of great sadness.

April Cottage,
La Route de la
Côte, St.
Martin:
proposed
conversion to
provide 2
residential
units.
477/5/2(787)

P/2018/0557

A2. The Committee, with reference to its Minute No. A9 of 18th October 2018, considered a report in connexion with an application which had been refused by the Department under delegated powers and which proposed the conversion of the property known as April Cottage, La Route de la Côte, St. Martin to provide a one bedroom residential unit and a 2 bedroom residential unit. The Committee had visited the application site on 16th October 2018.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was re-presented.

Having considered the conditions which it was proposed to attach to the permit, the Committee confirmed its decision to approve the application, subject to the implementation of those conditions.

St. Elmo,
Edward
Place/Nos. 2 &
4 Kensington
Place, St.
Helier:
proposed
demolition/
construction of
electricity sub-
station.
1060/109/3
(14)

P/2018/0950

A3. The Committee, with reference to its Minute No. A4 of 18th October 2018, considered a report in connexion with an application which sought permission for the demolition of the premises known as St. Elmo, Edward Place/Nos. 2 and 4 Kensington Place, St. Helier. The Committee had visited the application site on 16th October 2018.

Deputy R.E. Huelin of St. Peter advised that he was a member of the Future Hospital Review Panel and, for this reason, and irrespective of whether there was any perceived link between the application and the future hospital project, advised that he had decided not to participate in the determination of the application.

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, NE2, HE1, WM1 and WM2 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the application site comprised the 3-storey flat-roofed rear wing of 5 Edward Place, which had most recently been used as a facilities management store and doctors' mess. The application sought planning permission for the demolition of the structure and its replacement with a building of the same overall form, containing a Jersey Electricity Company (JEC) sub-station, switchgear (on the ground floor) and general storage for the hospital (on the first floor). The supporting documents stated that the application was a distinct proposal, outside of the Future Hospital Project, to deal with an issue in relation to the current sub-station provision to the existing hospital and the wider locality. The existing sub-stations were embedded in the Stafford and Revere Hotel sites and this was considered problematic by the JEC, being inconvenient for them and the property owners. The proposed substation was required to provide continuity of supply to the hospital and the private residential and commercial businesses in the area.

The submitted scheme was considered to provide a suitable back-drop building within the local environment and was appropriate in land-use terms. Consultation responses and technical information from the JEC supported the principle of the use and the scheme accorded with the relevant Island Plan Policies, to include requirements in relation to the amenities of neighbours and preserving the setting of Listed Buildings. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee recalled that it had considered the application at its meeting on 18th October 2018, and had noted that there were no representatives from the JEC present to provide members with a much fuller understanding of why it was necessary to

relocate the sub-station to this particular location and how it would serve the wider area. Members had been mindful of the fact that permission had previously been granted for a large electricity sub-station on La Route de St. Aubin. Consequently, the Committee decided to defer consideration of the application pending the receipt of further information.

In broader terms, concern had also been expressed that constructing a sub-station in this particular location could be perceived as support for, or adding weight to, the argument for building a new hospital on the site of the existing hospital. In this context the Committee was particularly mindful of the comments made by Mr. D. Moon (who had objected to the application) in relation to the scope of the future hospital application and, more specifically, the inclusion of plant and infrastructure in that application. The Committee was concerned that the application under consideration might be interpreted as an attempt to de-rail the Public Inquiry process.

6 letters of representation from 5 individuals had been received in connexion with the application. Further representations had been received after the publication of the agenda and members had received copies of the same. The Committee was advised that the Environmental Health Section had raised no objection to the application.

The Committee noted that, since the last meeting, correspondence from the applicant's agent, Waddington Architects had been received, together with a network drawing from the JEC. The Committee noted that it had been stated that the existing hospital needed to make provision for increased electrical load demand in the next few years (written confirmation of the same from the Future Hospital Group had also been received). The increase in demand reflected the on-going maintenance and improvements which were required to ensure the existing hospital continued to function until a new hospital had been constructed, irrespective of the location of that new hospital. The Committee was advised that the increased electrical load was required to supply future therapeutic and diagnostic equipment, updated plant and anticipated changes to electric heating. It was normal practice for the JEC to seek to safeguard resilience for the wider area when carrying out works of this nature and the existing sub-stations, which were located within the Stafford and Revere Hotel sites, were of limited size and the Stafford Hotel sub-station was approaching the end of its operational life. The availability of the St. Elmo's site presented the opportunity to improve the electrical infrastructure and move the sub-station closer to the hospital, where the primary demand arose. There was also a requirement for sub-stations to be accessible from the public highway to allow easy, 24 hour access. There were no other buildings or sites in Kensington Place in public ownership which were available or met the requirements.

The Committee heard from Mr. D. Moon, who maintained that the application should form part of the wider scheme for the proposed new hospital, which had been referred to an Independent Planning Inspector for consideration at a Public Inquiry. In addition, a Future Hospital Review Panel had been established as part of the scrutiny process and the Chief Minister had also authorised the formation of a Hospital Policy Development Board. It was noted that the application for the new hospital specifically referenced plant and infrastructure and Mr. Moon believed that the construction of an electricity sub-station next door to the existing hospital was clearly part of the infrastructure. As the application for the new hospital had yet to be determined, and other sites now fell to be re-considered, it appeared somewhat premature to grant permission for major infrastructure works on the application site.

Mr. Moon referred the Committee to correspondence from the Jersey Electricity Company dated 1st November 2018, which stated that 'the existing sub-stations had provided a flawless service to date and there was no reason to believe this would

change in the foreseeable future'. The correspondence also confirmed that, during the feasibility stage of the Future Hospital draft proposals, the Jersey Electricity Company had been asked about the practicality of moving the existing sub-stations and the company had agreed to a small degree of movement which would not alter the distance from the load centre area too greatly. Mr. Moon argued that this statement clearly showed that the proposal was being driven by the Future Hospital Team.

On a related matter, Mr. Moon pointed out that Chief Executive, Mr. C. Parker's decision to re-organise Jersey public sector Departments had, in this case, created a clear conflict of interest in that the applicant, the Department for Infrastructure, was now headed up by the same Director General who oversaw the Department responsible for assessing applications and who also had responsibility for shareholder relations with companies such as the JEC, where the States was the majority shareholder. Mr. Moon stated that criticisms about the dual role of the Bailiff paled by comparison.

In concluding, Mr. Moon again urged the Committee to defer consideration of the application pending the publication of the report arising from the Public Inquiry and the findings of the Scrutiny and Review Panels.

The Committee heard from Mrs. A. Howell, who concurred with the views expressed by Mr. Moon and stated that a deferral appeared most sensible given the wider context. Mrs. Howell advised the Committee that she had recently telephoned the JEC and had spoken to 2 individuals who had declined to answer her questions about the size of the proposed sub-station and who had referred her to the Future Hospital Team. Mrs. Howell noted the presence of representatives of the Future Hospital Team at the meeting and asked why this was necessary if the application was not related to the future hospital project? She concluded by stating that, if approved, the proposed scheme could result in a considerable amount of tax payers' money being squandered on infrastructure on a site which might not be chosen as the preferred site for the new hospital.

The Committee heard from Mr. R.C. Duhamel, former Deputy for Saviour No.1 and Minister for Planning and Environment. He too supported a deferral for the reasons set out above. He reminded the Committee that the JEC was in the process of constructing a large transformer station on the nearby Route de St. Aubin and he had understood that this would provide electricity for the western part of town and the existing hospital. Consequently, he had been surprised to learn of the proposal to construct another sub-station in such close proximity. Mr. Duhamel stated that there appeared to be some difference of opinion as to whether or not the new plant was a replacement for the existing plant and whether it was, in fact, large enough to meet the requirements of the future hospital, if it was located on the existing site. He felt that there was a lack of clarity and suggested that the application should be deferred for this reason alone. He too supported awaiting the outcome of the publication of the report arising from the Public Inquiry and the findings of the Scrutiny and Review Panels. Mr. Duhamel concluded by highlighting the significant financial investment which would be required for the project which he believed made it absolutely imperative that the broader picture was taken into account.

The Committee heard from Mr. M. Waddington, representing the applicant. Mr. Waddington clarified that representatives of the existing hospital team were present – not the future hospital team - together with representatives of the JEC. The application had not previously been deferred pending the release of the aforementioned reports as these were unrelated and the requested detailed information had now been submitted. The application fee had been paid and the Committee had a statutory duty to determine it. Mr. Waddington suggested that politics appeared to be at play and he felt that some of the issues raised went beyond

normal planning considerations. Whatever happened with regard to the future hospital site, the current hospital needed this facility.

In response to Mr. Moon's comments regarding a perceived conflict of interest in the new organisational structure, Mr. Waddington stated that 'nothing would happen if this this view was taken'. He added that the States owned a number of properties and land in the Island and was entitled to make applications for development. Mr. Waddington expressed the view that there was no comparison between the multi-faceted role of the Director General, Growth, Housing and Island Environment Department and the dual role of the Bailiff. He urged the Committee to put that comment into perspective.

The Committee heard from Mr. I. Crawley, representing the Jersey Electricity Company. Mr. Crawley advised that it was understood that, irrespective of the location of the new hospital, there was a need for increased capacity at the existing hospital. The new sub-station on La Route de St. Aubin would supply the whole of St. Helier west and the sub-station under consideration would supply the existing hospital and the future hospital, if it was located on the existing hospital site. The Chairman advised that the Committee had been informed that the proposed new sub-station would also serve the wider community. Mr. Crawley advised that the existing sub-stations on the hotel sites also supplied approximately 150 customers in the local area.

The Committee heard from Mr. T. Bertram, representing the Jersey Electricity Company. Mr. Bertram advised that the proposed new sub-station would provide the additional capacity required by the existing hospital and also presented the opportunity to improve resilience and rationalise equipment. The age of the existing equipment meant that it was approaching the end of its working life. In response to questions from a member regarding the life span of the existing equipment, Mr. Bertram informed the Committee that the life expectancy of a transformer was approximately 50 years and the equipment on the Stafford Hotel site had been installed in 1968. The other transformer had been installed in 1982 and the switch gear was due for replacement in the near future. Responding to further questions, Mr. Bertram stated that the replacement of the equipment was being driven by customer requirements. With regard to Mrs. Howell's questions about the size of the transformer, Mr. Bertram confirmed that she had been referred to the planning website. The physical size of the transformer itself was about one and a half metres and the total room size of the sub-station was 14 metres x 5 metres. The transformer rating was 1 megavolt amperes as compared to the new sub-station on La Route de St. Aubin, which was 30 megavolt amperes. The new St. Helier west sub-station was a bulk supply point.

Deputy G.J. Truscott of St. Brelade asked whether approval of the application under consideration was critical to the safe operation of the existing hospital. Mr. Waddington responded by reading from a letter dated 12th June 2018, from the Jersey Electricity Company which stated that the current location of the sub-station within the Stafford Hotel site 'was extremely inconvenient for both the Jersey Electricity Company and the site owner, very difficult to maintain and virtually impossible to asset replace to a good standard.' Mr. Waddington stated that this demonstrated that there was a very real need to relocate the equipment.

The Committee heard from Mr. R. Baudains, T & G Engineers, who advised that he had been coming to Jersey for the last 20 years to work on electrical design projects at the General Hospital. He had no link to the future hospital team. Mr. Baudains advised that he was in no doubt that the electrical infrastructure was reaching the end of its useful life. New diagnostic equipment at the hospital meant that more power was required and there was no capacity left on the existing transformers. New

switch gear was also required.

The Committee discussed the scheme with the applicant's representatives and noted reservations from Deputy S.M. Wickenden of St. Helier with regard to the proposed use of a centrally located site for infrastructure when the need for hospital staff accommodation was well known. In response to a question from a member, the case officer advised that there would be no need to seek approval for a change of use of the building as the upper floors had previously been used for storage. Mrs. Howell interjected advising that she believed that the site had been used in the recent past to accommodate hospital staff. However, Mr. D. Ahier, Future Hospital Team advised that he had worked at the existing site since 1999 and was unaware of it being used for anything other than a mess room/changing room/administrative office during that time. Mr. Waddington advised that the new electrical equipment had to be located within the 'red edge' of the hospital site so options were limited. In response to questions regarding noise nuisance and electromagnetic frequency (EMF), Mr. Waddington advised that the Jersey Electricity Company had confirmed that the equipment would operate well within safety guidelines for noise and EMF.

Having considered the application, the Chairman advised that he supported a deferral pending the outcome of the Public Inquiry and the findings of the Scrutiny and Review Panels. Deputy Wickenden was minded to refuse the application on the basis that approval of the scheme result in the under-utilisation of a prime site in the Built-Up Area. However, the remaining members endorsed the officer recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report. Consequently, permission was granted on this basis.

Field No. 1534
& Claremont
House, Tower
Road, St.
Helier:
proposed
demolition and
redevelopment.
477/5/3(743)
477/5/1(618)

P/2017/1808

A4. The Committee considered a report in connexion with an application which sought permission for the demolition of the property known as Claremont House (and Field No. 1534), Tower Road, St. Helier and the construction of a new 7 bedroom dwelling with associated car parking and landscaping and 2 apartment blocks comprising 16 apartments with parking. The Committee had visited the application site on 13th November 2018.

A site plan, drawings and a 3 dimensional virtual 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, 2, 3, 4, 5, 6, 7, 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 recalled that Claremont House was a two storey pitched roof property located on the western perimeter of the Parish of St. Helier. The property was situated on an elevated site which benefitted from open views towards St. Aubin's Bay. The site measured approximately 2,806 square metres (0.69 acres) in area and bordered Tower Road to the north, existing residential properties to the west and open land to the south and east. The elevated portion towards the east of the site (known as High Gorse) benefitted from planning permission for a large, 3 storey dwelling. An outline application, which remained undetermined, had been submitted in 2016 for the demolition of Claremont House and its replacement with 4 x 4 bedroom dwellings.

The Committee noted that the site was located wholly within the Built-up Area (Green Backdrop Zone) in a sustainable location within walking and cycling distance of local amenities. It was also within close proximity of bus routes to and from St Helier. The proposed development made best use of previously developed land, producing a contemporary scheme which related well to the existing site context. The Committee was advised that in response to concerns expressed by

neighbours, the apartment blocks had been reduced in height. The scheme included substantial landscaping (which had been strengthened, also in response to concerns expressed by neighbours) and this would reinforce the site's Green Backdrop location. The scheme achieved the minimum housing standards required and provided car parking and sustainable transport initiatives, such as bicycle parking and electric car charging points.

The Committee's attention was drawn to Policy GD1 of the Island Plan, which focussed on the test of unreasonable harm to neighbouring uses from a proposed development. Taking into account the context of this particular area and the scale and siting of the proposed development relative to existing buildings, it was considered that the development would not cause unreasonable harm to neighbouring uses. Highway safety concerns had also been expressed by residents and the applicant had worked with the Parish of St. Helier (the relevant authority) to produce a scheme which was acceptable in highway safety terms. A pedestrian footpath had recently been provided on Tower Road close to the application site and the applicant was willing to make a financial contribution towards the provision of cycling and walking routes as well as other highway initiatives with the aim of promoting sustainable transport in this location.

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, within 3 months, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended) to secure the following:

£28,350 towards cycling and walking routes;
£1,500 for the provision of a bus stop post and information board;
£11,500 for the provision of a bus shelter, and,
the ceding of a footpath to the application site frontage to the Parish of St. Helier.

If the Planning Obligation Agreement was not completed within 3 months of the date of approval of the application then the application would be referred to the Director, Development Control.

19 letters of representation had been received in connexion with the application, to include a letter from First Tower Community Association, which had subsequently been withdrawn. In addition, a letter of objection had been received from Ogiers on behalf of 36 local residents, 9 of whom had also submitted independent objections.

The Committee heard from Mr. C. Hamon, who advised that, as well as his own personal representation, he also spoke on behalf of 14 other households in the immediate vicinity of the application site. Whilst residents of the area were not opposed to development per se, they believed that the site should not be developed at any cost. Although the reduction in the height of the apartments was welcomed, residents did not feel it went far enough and were also disappointed that there had been no reduction in the height of the proposed single dwelling. Concerns existed with regard to the size, scale and density of the proposed development and its impact on the Green Backdrop Zone. Mr. Hamon referred to recent discussions regarding the impact of development on the Green Backdrop Zone in St. Brelade's Bay and he stated that greater resolve in the application of Policy BE3 was essential if the Committee was serious about protecting and enhancing these areas. Concerns also existed with regard to drainage, loss of privacy, traffic intensification and highway safety. Mr. Hamon urged the Committee to require the erection of scaffold profiles in order for the impact of the development to be properly understood, but stated that he did not support the application as presented. He also asked whether the Department/Committee had visited the site and it was confirmed that this was the case.

The Committee heard from Mr. J. Clark, a resident of the area, who concurred with the concerns raised by Mr. Hamon. He too felt that St. Helier had already lost too much of its green backdrop and he discussed the visual impact of the scheme on the skyline and pointed out that it would be conspicuous from key vantage points as far as St. Aubin.

The Committee heard from Mrs. S. Steedman, who advised that she had been asked by residents to make representations on their behalf. Mrs. Steedman summarised the planning history of the site and reminded the Committee of the aims and constraints of the Green Backdrop Zone Policy and the Green Zone Policy (Field No. 1534 was situated in the Green Zone and Mrs. Steedman asked to what extent, if any, the application relied on that field). With regard to the planting scheme, Mrs. Steedman questioned how this would be implemented as some of the planting appeared to be on the perimeter of the site. She also asked whether it was likely that residents of the proposed new development would wish to have trees planted directly in front of their balconies which would block the view out. Mrs. Steedman believed that the proposed apartment blocks would change the character of the area, which largely comprised semi-detached dwellings. Residents were concerned about over-bearing from balconies and the resultant loss of privacy, highway safety (she asked how large vehicles would access the site from the road without crossing the centre line) and localised flooding (Mrs. Steedman asked if the proposed surface water drainage solution relied upon the adjacent field).

The Committee heard from Mr. N. Weston, who advised that he was the co-owner of the site and had previously obtained permission for the construction of a dwelling on the elevated portion of land towards the east of the site (known as High Gorse). He confirmed that he had objected to a previously submitted scheme (which remained undetermined) and which had proposed the construction of 4 dwellings in front of the approved dwelling. Mr. Weston advised that, following consultation with the applicants, Dandara, who had applied for the 4 new dwellings, it had become apparent that a combined scheme would work better and Mr. Weston advised that considerable effort had gone in to addressing neighbours' concerns; something which he considered of the utmost importance. The preservation of the Green Zone and the protection of the adjacent field from development was also extremely important to Mr. Weston. In terms of the proposed new 7 bedroom dwelling, Mr. Weston advised that it was intended to create a 2 generation home so that his parents could live with the family in the future. In concluding, Mr. Weston advised the Committee that the combined scheme had required a degree of compromise in that the views from the proposed new dwelling would not be as good as from the approved dwelling. However, the advantage for him was the ability to have his parents living on site with the family.

The Committee received Messrs. A. Huckson, I.McDonald and A.Farman, representing Dandara, the applicant company. Mr. Farman stated that the proposed development complied with all relevant Island Plan Policies, to include Policies GD1, GD7 and BE3. The scheme also met all of the standards for residential accommodation, significantly improved the access arrangements, strengthened planting, moved the building further away from Clifton Lodge, was lower than the approved scheme and was well designed and used high quality materials. The scheme would also result in a more efficient and sustainable use of a site within the Built-Up Area, as required by the Island Plan. New walls, fencing and tree planting were all proposed and views out from the development would 'over sail' neighbouring properties. Mr. Farman reminded the Committee that Policy GD1 did not include a requirement to entirely maintain privacy. 2 existing dangerous access points would be extinguished and visibility greatly improved, together with the provision of a wider pavement. It was also noted that refuse vehicles would no longer

need to stop on the highway. The applicant had also expressed a willingness to enter into a Planning Obligation Agreement to deliver further off-site improvements and the highway authority had raised no objections to the scheme.

Mr. McDonald addressed the Committee, outlining the amendments which had been made to the scheme to address concerns which had been expressed by neighbours. These included reducing the height of the apartment buildings by one complete storey (5 metres) and reducing the height of the proposed single dwelling. Considerable thought had been given to the importance of privacy and the scheme proposed improved landscape screening. Views would 'over sail' existing properties in front of the application site and balconies would include opaque manifestations. The size of the basement car park had also been reduced and density levels were low at less than 60 habitable rooms per acre. Mr. McDonald urged the Committee to approve the application.

The Committee heard from Mr. Huckson, who highlighted the distance from boundaries when compared with the original submission. Whilst the model demonstrated the scale and impact of the proposed buildings, it did not fully illustrate the boundary treatment.

The Chairman noted that the most southerly row of planting appeared to block the view out from the development. However, Mr. McDonald stated that the site was quite steep and the type of planting proposed was dictated by the topography. Trees on the eastern side would probably be larger and would screen views from lower level apartments. A significant increase in planting in the Green Backdrop Zone was proposed. In terms of surface water drainage, Mr. Huckson advised that a sustainable drainage system would be used, to include the provision of an attenuation tank, and this was supported by the relevant section of the Department. There was absolutely no reliance upon the adjacent field and Mr. Weston, the owner of the field, fully appreciated its visual and ecological amenity value. The applicant company was more than willing to abide by a condition preventing any development from taking place on the field. There followed some discussion regarding the height of the proposed single dwelling (which included a small pop up structure which allowed access to the roof terrace – this had also been included in the previously approved scheme). It was noted that Mr. Weston wished to take advantage of the amenity space at the top of the building and a roof terrace, which would be set back, was proposed.

The Committee heard from former Senator E. Vibert, of the First Tower Residents' Association. It was noted that the Association had initially objected to the application due to concerns regarding traffic intensification, the height of the development and drainage. Following discussions with a representative of the applicant company and subsequent amendments to the scheme, the objection had been withdrawn. Mr. Vibert added that the applicant company had been most co-operative in dealing with objections and he believed that the development of the site presented an excellent opportunity to provide residential accommodation in the Built-Up Area. In response to a question from a member regarding the height of the single dwelling, Mr. Vibert stated that no objection had been raised as it was understood that the approved dwelling was of a similar height, albeit that the scheme proposed a different dwelling. The Committee viewed drawings of the approved scheme and Mr. Vibert concluded that the Association would have preferred the single dwelling not to be as high.

Mr. Weston addressed the Committee for a second time, advising that the concept of the small glass box on the roof of the single dwelling had been 'tested in great detail' by an Independent Planning Inspector who had considered an appeal against the original decision to refuse the application (the appeal had been successful and

the application subsequently approved). Mr. Weston understood that the Inspector had concluded that the approved dwelling was sufficiently far away so as to not have an impact on privacy. As the dwelling currently under consideration was much further away than the approved dwelling, it was even less likely to have a detrimental impact. Deputy R.E. Huelin of St. Peter expressed considerable concern about the height of the single dwelling and its impact and asked for advice from the Director, Development Control regarding just how much weight the Committee should place on the extant permit. It was confirmed that there was a 900 millimetre height difference between the approved and proposed dwellings and the Director advised that the extant permit was a material planning consideration. However, whilst there were similarities between the approved and proposed schemes for the single dwelling, this was a new application so an exact comparison could not be made. The Committee had to assess the impact of the development based on the submitted information and from its site visit. The Committee noted the conditions which it was proposed should be attached to the permit, if permission was granted.

Having considered the application the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, concluded that whilst it had no issue with the proposed apartment blocks, the height, mass and scale of the proposed dwelling and the resultant impact of the same on the Green Backdrop Zone was just too great. Consequently, the Committee decided to refuse permission on those grounds, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal confirmation of the decision and the reasons for refusal.

Caribbean
Vibz, Maison
Chaussey and
Drifters, Havre
des Pas, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(640)
P/2018/1013

A5. The Committee considered a report in connexion with an application which sought permission for the demolition of the properties known as Caribbean Vibz, Maison Chaussey and Drifters, Havre des Pas, St. Helier and the construction of 19 x one bedroom and one x 2 bedroom residential units with associated car parking/garaging. It was also proposed to include a café with an alfresco seating area within the proposed development and alter the vehicular access on to Havre des Pas. The Committee had visited the application site on 13th November 2018.

Deputy R. Labey of St. Helier, Chairman, Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and Connétable P. B. Le Sueur of Trinity did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chairman, acted as Chairman for the duration of this item.

A site plan, drawings and a virtual 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, 3, 5, 6, 7, GD1, GD3, GD4, GD7, TT2 and TT3, H6, BE4, E1 and EVE2 of the 2011 Island Plan were of particular relevance.

The Committee was advised that it was proposed to demolish the existing buildings on the site and construct a predominantly 6 storey residential building comprising 20 apartments with associated parking for 15 cars, to include a 'double-stacker' car parking system, 20 cycle racks at ground floor and an altered vehicular access onto Havre des Pas, as well as a café with alfresco seating at ground floor level on the sea side. A previous scheme which had proposed a total of 27 residential units had been withdrawn in January 2018.

The site was located within the Built-Up Area in a sustainable location within walking distance of the centre of St Helier. The Committee noted that the scheme complied with all relevant Island Plan Policies and proposed improvements for pedestrians, cyclists and public transport through Planning Obligation contributions to the eastern cycle route, the provision of a bus shelter and pavement

improvements. A contemporary design approach was proposed for the new building with painted render, glass balustrades and a metal clad roof. The design and form was considered to be of a high quality and would lift the street and enhance the character of the area. The new building would be higher than the existing buildings on the site, which were set lower than the majority of buildings on this particular side of the road. The existing buildings were not Listed and were of no architectural merit. The proposed building would be of a similar height and scale to the neighbouring buildings and would not unreasonably harm the character of the area and coastline, which comprised a wide range of different styles of buildings, with a mix of materials.

The Committee was advised that the test set out within Policy GD1 was one of unreasonable harm to neighbouring uses arising from a proposed development. Taking into account the context of the area and the scale and siting of the proposed development relative to existing buildings, the Department had concluded that there would be no unreasonable harm to neighbouring uses. 14 car parking spaces were proposed for residents on car parking stackers with one visitor/service parking space in the ground floor car park. The Transport Section of the Department had been consulted and had raised no objections. Having regard to the proximity of the site to the town centre and local amenities, the proposed level of parking was considered acceptable. It was further recognised that the existing provision on site was well below the required standard and the proposal represented an improvement in this regard.

In conclusion, the Department was recommending that permission be granted, 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 pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended) to secure the following –

the sum of £27,000 (prior to commencement) towards the provision of the Eastern Cycle Route;

the sum of £11,000 (prior to commencement) towards a bus shelter for bus users travelling east.

If the Planning Obligation Agreement was not completed within 3 months of the date of approval of the application then the application would be referred to the Director, Development Control for further consideration.

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

The Committee heard from Mr. M. Braunsbahn, who expressed concerns regarding overlooking from the proposed development and loss of light – issues which he believed had not been properly addressed in the officer report. He referred to the proposed obscure glazed balcony privacy screens which, he stated, appeared to cover the full height of the opening to the south west from certain views, but not from other perspectives. In addition, balconies on the first, second and third floors were recessed (as opposed to projecting forward from the building) to minimise overlooking but the fourth floor balconies had not received the same treatment.

The Committee received Mr. M. Mattioli, Director, Marina Metro Hotel and Mrs. S. Steedman of KE Planning, his agent. It was noted that the hotel provided tourist accommodation and short-term lets. The hotel had accommodation on the western side, facing west over the application site and concerns were expressed with regard to loss of privacy and loss of light which would, in turn, have a detrimental effect on the business. Mr. Mattioli advised that his family had made significant financial

investment in the hotel and he provided the Committee with a brief history of the application site, which included its use as an aquarium. During the 1970s the Marina Hotel had been separated from the neighbouring building and a first floor had been constructed on the existing structure on the application site. This had significantly reduced the amount of natural light to one of the hotel bedrooms making it unsuitable for guests and necessitating a change of use to a laundry room. Mr. Mattioli advised that this situation was likely to reoccur if the proposed development was approved due to the proximity of the development to the hotel. He anticipated the loss of 3 hotel suites due to a lack of natural light arising directly from the construction of the proposed development. The Department's report appeared to acknowledge that there would be an impact on the hotel but seemed to suggest this was acceptable as there were no permanent residents. Mr. Mattioli pointed out that permission had previously been granted for the conversion of the Marina Metro Hotel to residential accommodation and the permit was deemed to have been implemented by virtue of the installation of a new lift. The balance of the work would be undertaken at a later date as Mr. Mattioli wished to continue operating the hotel for the time being. With reference to comments from the applicant's agents, Axis Mason, regarding the hotel not having a right to a view over the application site, Mr. Mattioli advised of the existence of a condition of the Deed of Purchase (associated with the separation of the hotel from the premises known as Nelson's Eye - (now Caribbean Vibz) which stated that the hotel windows on the west wall would remain and be maintained as they were at present. He believed that this implied a right to light and views. With reference to the submitted ground floor plan, the visibility splay to the nearside carriageway (eastbound) was shown crossing the legal site boundary of the hotel and the owner's permission had not been sought. When this factor was taken into account the visibility dimension eastbound was reduced from 37.0 metres to 31.0 metres and would not comply with current standards. In concluding, Mr. Mattioli repeated concerns about the height of the proposed building and the impact this would have on light in the area in general and he concluded that this was not the right scheme.

Mrs. Steedman advised that the proposed development would give rise to overlooking, would be overbearing and would result in a loss of sun light and day light. She repeated Mr. Mattioli's concerns regarding the impact on the west elevation of the premises and pointed out that the hotel was currently occupied for most of the year. In terms of the extant permission for the conversion of the hotel to residential accommodation, a lawful start had been made in 2011, by virtue of the installation of the lift.

Mrs. Steedman asked the case officer whether he had accessed the hotel to look at the affected windows prior to writing his report to Committee. The case officer confirmed that he had not accessed the interior of the hotel until he had accompanied the Committee on a site visit on 13th November 2018, after he had written his report. He had, however, made an assessment using the digital model.

Mrs. Steedman stated that she had scrutinised the Island Plan and could not find any reference to any distinction in the treatment of hotel accommodation versus accommodation which was occupied on a permanent basis. In her view the scheme would unreasonably harm the amenity of the hotel by virtue of the position of the new building. Whilst the model illustrated the impact on sunlight, day light was a different matter entirely and there would be an impact on the amount of diffuse light received into a room when a building was constructed only one and a half metres away. This led Mrs. Steedman to conclude that the application was clearly contrary to Policy GD1 of the 2011 Island Plan.

The Committee heard from Mr. G. Mayger, who currently ran the Marina Metro Hotel. He stated that the scheme would result in the over development of the site and that the proposed new structure would be 4 times larger than the existing building.

This would have a significant impact on the hotel business and could lead to the closure of the hotel. If approved, the construction period would be particularly problematic and would have a detrimental effect on the customer experience. At present the hotel received complaints from guests regarding noise from a nearby public house and from extractor fans on the application site. Mr. Mayger believed that a residential development would generate more noise and disturbance than the existing uses, would result in a loss of light, would exacerbate car parking problems and the entry/exit arrangements could prove unworkable. In concluding, Mr. Mayger stated that he did not believe that redundancy had been proved in respect of the existing employment land use on the application site. The Director, Development Control pointed out that the submitted scheme included a café.

In response to questions from a member, the case officer clarified that the application had to be assessed against the existing hotel use and not the approved conversion to residential. Furthermore, hotel guests were transient and it was unlikely that the same guests would occupy the hotel year round. At this point Mrs. Steedman read from Policy GD1 and made particular reference to the test of unreasonable harm to neighbouring uses.

The Committee heard from Mr. I. McDonald, Axis Mason, representing the applicant. Mr. McDonald stated that the scheme proposed 20 residential apartments in a highly sustainable location in the Built-Up Area, wherein there was a strong presumption in favour of development. The scheme would contribute towards the provision of much needed affordable housing and would reduce pressure to develop in the countryside. The scheme would also regenerate an area which had long been neglected. There would be no unreasonable impact on neighbouring uses and the relationship with existing buildings had been carefully considered. The building form had been divided into component parts to reduce the apparent scale and the balconies had been recessed within the building envelope, creating outward and inward privacy. The intention was to have opaque balcony screens to the east and west to prevent direct overlooking to neighbouring properties. The scheme would enhance and build upon the seaside character of the area and included a viable employment use in the context of the new café; which would be larger than Drifters and would utilise the entire ground floor level. This would add vibrancy to the sea side frontage amenity for residents and visitors alike. The site was located within easy walking distance of the town centre and the proposed approach to car parking and servicing was considered reasonable in this context. Mr. McDonald discussed the proposed highway safety improvements and public transport contribution. In terms of the impact on the Marina Metro Hotel, Mr. McDonald pointed out that the hotel benefitted from a number of windows which overlooked the application site. He suggested that if the proposed development had included the introduction of windows on the east elevation looking into the hotel, the Committee might have taken a harsh view of this. The hotel did not have a right to a view across the application site and efforts had been made to maintain, as far as was reasonably possible, the outlook from the hotel. With reference to Mrs. Steedman's interpretation of Policy GD1, Mr. McDonald felt that the policy sought to protect residential amenity. He went on to outline the amendments which had been made to the scheme, to include cutting the building back on the most valuable seaward side of the development. This was testament to the aims to minimise the impact of the development. He urged the Committee to grant permission.

In response to a questions from members, Mr. McDonald advised that the top floor balconies would have 1.8 metre high opaque screens which graduated down to 1.1 metres to prevent direct overlooking. The applicant was willing to make the privacy screens full height if the Committee felt this was appropriate. However, Mr. McDonald stated that some degree of overlooking was typical in this context. In terms of visibility splays, Mr. McDonald advised that the new building would be set

back further on the site and this represented an improvement on the existing situation. It was not considered that visibility would present a problem, particularly given the proposed highway safety improvements, which included the provision of a 1.8 metre wide pedestrian footpath to be provided along the street frontage. Visibility splays to the west matched the existing visibility of 43 metres and visibility splays to the east were improved.

There followed a most comprehensive and detailed study of the digital model, with a number of views being considered at the request of both the Committee and objectors, together with a careful consideration of the sun path analysis at different times of the year.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence, decided to refuse permission on the grounds of the impact of the proposed development on the neighbouring hotel in terms of its overbearing and the loss of light which would arise from its construction.

No. 3 Rouge
Bouillon, St.
Helier:
proposed
extension to
store (RFR).
477/5/1(641)

A6. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a first floor extension to a store/ancillary building at No. 3 Rouge Bouillon, St. Helier. The Committee had visited the application site on 13th November 2018.

P/2018/0990

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and that the property was a Grade 3 Listed Building. Policies HE1, BE3, BE6, H6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application proposed the construction of a new first floor extension to an existing ancillary building to create office accommodation. The Committee noted that permission had previously been granted in July 2016 for the replacement of a previous structure with a new building. Revised plans, which increased the size of the new building, had been approved in November 2016, and the scheme had been implemented. The applicant had subsequently been refused permission in March 2018, for the construction of a first floor extension to the new building, due to the unduly dominant and imposing nature of the proposed enlarged building; the failure to preserve or enhance the special interest of the Listed Building and its setting; and, the unreasonable impact upon the amenities of neighbouring land users. In response, the application had been revised to include the replacement of some dormer windows with roof lights, in order to address concerns regarding loss of privacy to neighbouring amenities. Whilst the Department acknowledged that this amendment sufficiently addressed this particular concern, the application continued to propose a further increase in the scale and mass of the permitted building and the scheme failed to deliver the high standard of design required and did not preserve or enhance the special interest of the Listed Building, contrary to Policy HE1. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the property formed part of a terrace and retained original external features, making a positive contribution to the streetscape character. Whilst it was acknowledged that there had been some unsympathetic additions to the rear of building, these were not considered deleterious to its character and were reversible. It was noted that the rear garden of the property was included within the Listing. Whilst the new building was modest and did not impact upon the setting of the Listed Building, the proposed extension would increase the mass and scale of the building and this was considered detrimental to the setting of the Listed Building.

The Committee heard from Ms. D. Harding, Voisin Law, representing the owners of No. 18 Parade Road. Ms. Harding advised that an opening had been made in a party wall (and other unauthorised works carried out) without the consent of the joint owners of the wall. The applicant had been contacted in writing in relation to this matter and the owners of No. 18 Parade Road objected to any further development which relied upon the use of the party wall to construct the first floor extension.

The Committee heard from Mr. I. Bravery, acting on behalf of Nos. 18 and 21 Parade Road. Mr. Bravery understood that the existing building was being used for the storage of building materials and he recalled that a previous application to increase the size of the building had already been refused. The 2011 Island Plan sought to preserve the special historic and architectural interest of Listed Buildings and the application appeared to run contrary to that aim and did not accord with the professional advice of the Department. Mr. Bravery felt sure that the proposal was related to the operation of a commercial undertaking and he referred the Committee to restrictions which existed in terms of the establishment of commercial businesses in residential properties, to include the provision of car parking. Mr. Bravery reiterated the points made by Ms. Harding regarding the party wall between the application site and No. 18 Parade Road and he informed the Committee that he understood that the applicant had been directed to restore the wall to its former state. He urged the Committee to maintain refusal of the application.

The Committee heard from Mr. M. Bravery, who confirmed that the opening in the party wall that had been created illegally and contravened Building Bye Laws. Mr. Bravery believed that the applicant wished to use the enlarged building as a timber store and he stated that this type of use could potentially present a fire hazard. Furthermore, the proposal represented an intensification of the use of the site and could create noise and disturbance for residents.

The Director, Development Control advised the Committee that references to legal matters such as the works to the party wall were not material planning considerations and the Committee should set those issues aside. However, Ms. Harding reminded the Committee that the signature of all owners was required on planning application forms and that the Department had, in the past, refused to register an application which had not been endorsed by all owners. Consequently, this was a relevant issue.

The Committee heard from the applicant, Mr. M. Woolley and his agent, Mr. M. Smith of J. Design. Mr. Woolley confirmed that the building would be used for storage purposes only and it was not intended that any manufacturing would take place on site. He refuted suggestions that a commercial undertaking would be operated from the site. Mr. Woolley acknowledged that he had made a mistake in carrying out certain works without seeking the permission of the joint owner of the party wall and he intended to restore the wall to its former state. He went on to advise the Committee that he wished to create an office on the proposed first floor.

Mr. Smith referred to the specific reasons for refusal and noted that the increase in the height of the building would be less than one metre. The proposed extension would add 51.50 cubic metres to the volume, which represented an increase of just 20 percent. The existing building had an offset ridge line and the proposed extension would be much more symmetrical and would not be unduly dominant. Mr. Smith also asked the Committee to consider the context, which included modern apartments on the adjacent site.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, decided to maintain refusal.

No. 4
Gwendoline
Villas,
Bellozanne
Road, St.
Helier:
proposed
vehicular
access (RFR).
477/5/1(642)

P/2018/1180

A7. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the creation of a new vehicular access on to Bellozanne Road from No. 4 Gwendoline Villas, Bellozanne Road, St. Helier. The Committee had visited the application site on 13th November 2018.

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, H6, BE6 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee noted that Gwendoline Villas was one of 4 traditional Victorian semi-detached properties at the northern end of Bellozanne Road. None of the properties were Listed but all retained their original frontage gardens, boundary walls, railings and tiled paths, making them distinctive and of high streetscape value. The application sought permission for the removal of all of the frontage boundary features to facilitate the formation of a 2 metre wide car parking space parallel to the road. The width of the proposed space did not meet the minimum size requirement of 2.4 metres and would, therefore, be prejudicial to highway safety and contrary to policy. Additionally the proposal would have a detrimental impact on the street scene and it was not clear from the submitted information how the difference in levels would be accommodated.

The Committee was advised that an almost identical application had been refused in 2017. That particular scheme was, in fact, considered to be more sympathetic as the pedestrian gate and tiled path had been retained. With regard to the current scheme, the Parish of St. Helier, who were the highway authority for this road, had requested that the application be refused on the basis that parked cars would overhang the pavement, forcing pedestrians into the road. The application had, therefore, been refused on the grounds that it was contrary to Policies GD1, GD7, H6, BE6 and BE8 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The case officer advised that, at the request of the Committee, she had investigated whether a neighbouring property had obtained consent for the creation of a parking space at the front. It was noted that no formal consent appeared to have been sought and that photographs confirmed that the space had existed for approximately 15 years. Whilst the case officer had not accessed the neighbouring property, so could not confirm the exact size of the space, she expressed the view that it appeared to be slightly deeper than the space proposed on the application site.

The Committee heard from Mr. N. Fryer, the applicant, who explained that he and his wife owned one small vehicle which would fit into the space without overhanging the pavement. They had a young family and currently had to park their vehicle some distance away from their property and had to cross a number of busy roads to get to their home. Furthermore, the majority of properties on the road had already created unauthorised frontage parking. Nos. 1, 2 and 3 Gwendoline Villas benefitted from garages to the rear of their properties and No. 1 had also removed half of the railings and wall at the front of the property to create additional car parking. Mr. Fryer also advised that he had had measured some of the existing car parking spaces and some were actually smaller than the space proposed on his property. Furthermore, the existing wall at his property was in a poor state of repair and he felt that the proposed scheme would result in a visual improvement to the appearance of the exterior. Mr. Fryer confirmed that he and his wife had recently purchased the property and had been unaware of the previously refused application. He concluded by stating that he merely wished to be treated in the same way as everyone else who had created parking on neighbouring sites.

6th Meeting
15.11.18

Whilst the Committee expressed considerable sympathy for Mr. Fryer's predicament, it was mindful of the advice of the highway authority with regard to pedestrian safety. Consequently, the Committee decided to maintain refusal of the application.

Castel
Sedement, La
Rue de la
Falaise,
Trinity: review
of planning
condition
(RETROSPEC
TIVE) (RFR).
477/5/2(351)

A8. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought a review of condition No. 2 of the permit which had been issued in respect of the temporary change of use of an agricultural shed to a haulage depot at the property know as Castel Sedement, La Rue de la Falaise, Trinity. The Committee had visited the application site on 13th November 2018.

Connétable P. B. Le Sueur of Trinity 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 Policies GD1, GD7, NE7, E1 and ERE5 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to the Supplementary Planning Guidance (SPG) in respect of the protection of employment land.

The Committee was apprised of the long planning history of the site, to include the granting of a time limited permission in 2007 for the change of use of the shed at Castel Sedement to a depot for the haulage company, Fetch and Karrie Limited. This temporary 3-year consent had subsequently been extended for a further 6 years (application reference RC/2010/1009 refers). The permit had now lapsed but Fetch and Karrie continued to operate from the site.

Subsequently, application reference P/2017/1548, had sought a permanent change of use and the Land Controls and Agricultural Development (LCAD) Section had raised an objection to the loss of the shed from the agriculture industry. The applicant had responded by requesting a further 5 year temporary consent, for which permission had been granted, subject to the imposition of certain conditions, to include a condition which required the shed's former agricultural use to be reinstated, if necessary, at the end of the period in the interests of the agricultural industry and in accordance with Policy ERE5. The case officer advised that, in addition to this, the description of the development as set out in the permit had been modified by the Department in error. As the decision notice had been issued and a third party objection received the applicant had no alternative but to seek the removal of the condition. However, this would not alter the fact that the decision notice would still state that the development was permitted for a 5 year period only. The Committee recalled that Policy ERE5 presumed against the change of use of modern farm buildings unless redundancy had been demonstrated and the applicant had already undertaken a marketing exercise which had clearly demonstrated redundancy, in accordance with the guidelines set out in the SPG: Protection of Employment Land.

The Committee discussed the matter with the applicant, Mr. M. Renouf, his agent, Mrs. S. Steedman of KE Planning and Connétable P. B. Le Sueur of Trinity and concluded that it would not wish the applicant to be penalised as a result of an error in the wording of the description of the development which had been used in the permit. The Committee was also concerned to learn that the applicant had expended a considerable sum of money in an attempt to rectify this matter and Mrs. Steedman suggested that the Minister might consider refunding a portion of the fees paid. The Committee gave no undertaking in this respect as it did not have the statutory powers to reimburse an applicant. Members noted 2 approaches suggested by the case officer, which were designed to address the confusion which had arisen as a result

of the wording of the condition. Both suggestions were considered cumbersome and unsatisfactory and the Committee decided to defer consideration of the application pending the receipt of legal advice with regard to the ability of the Minister to modify or revoke the consent in accordance with Article 27 of the Planning and Building (Jersey) Law 2002.