

KDC/MH/317

PLANNING COMMITTEE

(20th Meeting)

17th October 2019PART A (Non-Exempt)

All members were present, with the exception of Deputies J.M. Maçon of St. Saviour and R.E. Huelin of St. Peter and Connétables P.B. Le Sueur of Trinity and D.W. Mezbourian of St. Lawrence from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman

Deputy G.J. Truscott of St. Brelade, Vice Chairman (not present for item A5)

Deputy S.M. Wickenden of St. Helier

Deputy K.F. Morel of St Lawrence (present for items A5 and A6 only)

In attendance -

P. Le Gresley, Director, Development Control (not in attendance for item A3)

A. Townsend, Principal Planner

G. Duffell, Senior Planner

C. Jones, Senior Planner

G. Vasselin, Planner

L. Davies, Planner

E. Stables, Senior Planner

T. Ingle, Principal Historic Environment Officer

K.M. Larbalestier, Committee Clerk, States Greffe

K. de Carteret, Committee Clerk, States Greffe

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

Beach House,
La Route de la
Haule, St.
Peter:
proposed
demolition and
redevelopment.

P/2019/0672

A1. The Committee considered a report in connexion with an application which sought permission for the demolition of an existing property, known as Beach House, La Route de la Haule, St. Peter and its proposed replacement with a new dwelling with car parking and amenity space. The Committee had visited the site on 15th October 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and Policies GD1, GD7, HE1, NE1, H6 BE4, TT4, LWM2, LWM3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site was located opposite the Gunsite café and in the immediate proximity of a Grade 1 Listed Conway Tower. The site contained a 2-storey, 3 bedroom dwelling with amenity space and parking. The scheme proposed the demolition of the existing building and its replacement with a 2-storey, 4 bedroom dwelling, with oversized feature glazing, parking and amenity space. The design was noted to be of a high standard and the proposed application was not considered to cause unreasonable harm to the amenities of neighbouring users and satisfied the standards for parking, minimum space, drainage and amenity space. The site was also located in the Built-Up Area, where there was a presumption in favour of development.

Whilst the 2011 Island Plan had included Policy GD2 – Demolition and Replacement of Buildings – which sought to restrict development of this nature, this had been removed when the 2011 Island Plan had been revised in 2014. However, Policy GD1.1(a) remained in the Plan, and presumed against development proposals which would replace a building that was capable of being repaired, or refurbished. In order to satisfy the requirements of this policy, a condition survey, prepared by a suitably qualified person, was required as part of a planning application. In this particular instance, the Applicant had submitted electronic mail correspondence from a chartered surveyor, in which it had been suggested that demolition of the structure and re-building would be an economically viable way forward. However, this was deemed insufficient to demonstrate that the building was not capable of repair and refurbishment. Moreover, the application did not result in a more sustainable use of land to justify the removal of the existing building. Accordingly, the scheme did not satisfy the requirements of Policy GD1.1(a).

The Committee noted that the Highway Authority had strongly objected to the scheme, which was within an area that had complex and busy travel movements, on the grounds of intensification of the site, highway safety and visibility.

In the light of the location of the site in the immediate setting of a Grade 1 Listed Conway Tower, Policy HE1 required the setting to be considered in any proposals for change, to minimise the visual impacts to the character and significance of the Listed Building. The Historic Environment Team had raised concerns over the scale and height of the replacement dwelling, which was not considered to preserve the setting of the Grade 1 Listed Tower, contrary to Policy HE1 of the Island Plan.

As a consequence of the foregoing, the application was recommended for refusal.

A total of 6 letters of representation had been received in connexion with the application – all of which supported the proposed development.

The Committee heard from Deputy J.M. Maçon of St. Saviour. He explained that the applicant [REDACTED] wanted to create a modern home for his family. The existing house had been built in 1941, was of wood construction, poorly designed and had uneven floors. Deputy Maçon suggested that the requirement under policy GD1.1(a) to obtain a condition survey to demonstrate that the building was incapable of repair and refurbishment was “heavy handed” as it was, obviously, of poor quality. He drew the attention of the Committee to the concerns raised by the Historic Environment Team in its submission, the most significant of which centred on the height of the proposed new structure and many of which could be mitigated by sympathetic landscaping. With reference to the traffic and access concerns which had been raised, Deputy Maçon suggested that the Committee should take into account the present circumstances, because there were existing, long established, points of access to the site. He reminded the Committee that the proposals would lead to a reduction in the number of parking spaces, thereby reducing the number of vehicle movements on the site.

The Committee heard from Mr. N. Socrates, the architect of the scheme. He explained that the development would replace an aged building with a modern and sustainable dwelling, which would enhance the setting of the adjacent tower. The main mass of the proposed development would be situated on the same footprint as the existing building, but there would be a single storey extension at ground floor level. The ground floor of the proposed development would be clad in vertical timber and the first floor in brown zinc, of the same shade as the masonry of the listed Conway Tower. The single storey extension would have a sedum roof and the southern façade of the development would be ‘stepped’ to accommodate a small

balcony, thereby ensuring that no overlooking of neighbouring properties could occur. Mr. Socrates confirmed that the immediate neighbours had been shown a computer model of the proposed scheme and had been supportive of it. He referenced the 6 letters of representation that had been received, all of which were in favour of the scheme. The Committee was advised that the existing building was unsafe and beyond repair. Mr. Socrates confirmed that whilst a condition report on the state of the building had not been provided, one could be acquired at short notice, if necessary. However, the building was visibly dilapidated, so it had seemed excessive to require it. Mr. Socrates referenced the consultation response from the Historic Environment Team, which had not raised any concerns over the footprint of the proposed dwelling and had noted the use of recessive materials. A preference for the upper floor metal clad element of the design to be reduced in height had been addressed and the applicant had appointed a historic building consultant. In relation to the concerns which had been expressed by the Highway Authority, Mr. Socrates advised that the proposed reduction in the number of car parking spaces would lead to improved traffic safety. He also confirmed that there was sufficient manoeuvring space for vehicles within the curtilage of the property.

The Committee heard from Ms. N. McKinnon-Fox, who read a statement on behalf of KR Synergy, a transport consultant, in support of the application. The statement emphasised that the current property had been in place before the existence of the cycle track and, as such, the applicant had a right of access. The statement further suggested that the reduction in the number of parking spaces would have the effect of lessening the congestion impact.

The Committee heard from the applicant, Mr. J. Lloyd Jones, [REDACTED]. He indicated that the property had been built in 1941 and due to its poor state of repair, resulting from years of exposure to the elements, required continuous and significant maintenance costs. There was water egress and rotten wood within the property, which also required a complete rewire. He had been notified of the presence of asbestos in the roof and the dividing walls, which made it expensive to insure. He indicated that a surveyor had advised him that the building did not conform to current building regulations and that it was likely that the cost of achieving compliance would be greater than the cost of a new build. Mr. Lloyd Jones explained that the property was no longer fit [REDACTED].

[REDACTED] He further advised the Committee that whilst it was possible to park 7 cars at the property, there was currently no turning circle to enable a car to exit the site in a forward gear and vehicles leaving the property had to reverse out onto the public right of way and cycle track along the sea front. He suggested that the application would improve both the vehicular access to the property and address any visibility issues. He indicated that some of the 'congestion' issues in the immediate location resulted from the proximity of the property to the cycle track and the café, which were beyond his control, but which he sought to address with his application. Mr. Lloyd Jones reiterated that the Beach House had been at the location before the establishment of the cycle track and emphasised the support of his neighbours for the development.

The Committee noted that a strong objection to the application had been made by the Highway Authority. Mr. Lloyd Jones reminded the Committee that he was currently compelled to reverse out onto the cycle path, because of the lack of space in his property in which to turn. He explained that this would be remedied by the proposed works and, whilst the turning circle would be tight, a car would be able to turn in the driveway and exit the site in a forward gear.

The Committee, with the exception of Deputy G.J. Truscott of St. Brelade, was persuaded by the applicant's arguments and decided to approve the application, contrary to the officer recommendation. The Committee was of the view that the scheme would not be detrimental to the setting of the Grade 1 Listed Tower and resulted in an improvement to the property's impact on the transport and access concerns raised in respect of the site.

Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal confirmation of the decision and the approval of any conditions which were to be attached to the permit.

Unit Nos. 8 &
11, St. Peter's
Technical
Park, La
Grande Route
de St. Pierre,
St. Peter:
removal of
conditions of
permit
(RETRO-
SPECTIVE).

A2. The Committee considered a report in connexion with an application which sought permission retrospectively for the removal of a condition attached to the permit in respect of Unit Nos. 8 and 11, St. Peter's Technical Park, La Grande Route de St. Pierre, St. Peter. The Committee had visited the site on 17th September 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, SP2, GD1, EIW2 and EIW4 of the 2011 Island Plan were relevant.

The Committee noted that the above units were leased by Pentagon and used as a builders merchants with a trade counter. The application sought permission for the retrospective removal of condition No. 12 of the permit (to enable outside storage and other operations).

RC/2019/0705

The Committee noted that it was evident that condition No. 12 formed part of the 1984 permit in order to protect the amenities of nearby residential properties and safeguard the quality of life of residents. The current daily operations already had a negative impact on the health and wellbeing of nearby residents by reason of noise, vehicle traffic and privacy impact. If the condition was removed it would further exacerbate the situation and continue to have a detrimental effect on immediately adjoining neighbours. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policy GD1 of the 2011 Island Plan.

By way of clarification, the Committee noted that the aforementioned condition had been imposed on Unit No. 8 only, but the applicants also used Unit No. 11 for their business purposes and there were frequent interactions between the 2 Units. As a consequence of this, the Department report considered the impact of the removal of the condition on the operation of both Units.

14 letters of representation had been received in connexion with the application. The Committee's attention was also drawn to responses from statutory consultees, to include the Environmental Health Section of the Growth, Housing and Environment Department, which stated that the proposal was unlikely to be classed as a statutory nuisance. Members had also received an electronic mail message regarding the application from Deputy R.E. Huelin of St. Peter, who was unable to attend the meeting. This was read aloud by the Director, Development Control, as follows –

'Firstly, may I apologise for not attending in person to support the residents of St. Peter living at La Ville du Bocage. In the 16 months since I was elected the lives of the residents have changed immeasurably. Initially they suffered the noise and vibrations caused by the hospital catering construction at Nos. 9 and 10, which has settled prior to food production commencing. Now there is excessive noise and inconsiderate behaviour by Pentagon at Nos. 8 and 11. I have lost count of the calls I have received and the visits I have made to witness

this. Each time the calls have been, in my opinion, valid and hard to defend. This is also the view taken by the Environment Department who have instigated enforcement action as a result of the breach of planning conditions. The matter is now with the Law Officers' Department pending prosecution. As we all know too well this is the last resort and such measures are only taken when behaviour has not changed after countless warnings. May I therefore please urge you to support the Department's recommendation to refuse the application so that the commercial usage of the Technical Park is not extended exacerbating the massive disturbance endured by residents'.

The Committee heard from Mrs. S. Wood, who advised that there had been some confusion around which date the Committee was due to consider the application, with both 16th and 17th October 2019, having being variously cited. It was likely that this confusion had impacted on attendance at the meeting by those wishing to make representations.

Mrs. Wood went on to reference a letter, dated 19th September 2019, from MS Planning Limited on behalf of the applicant company and, in particular, comments relating to the fact that condition No. 12 only applied to unit Nos. 7 – 10 and not Unit No. 11. In this connexion, reference had been made to the applicant company not being best pleased with what had been described as 'an incorrectly served Enforcement Notice' in relation to Unit 11. Mrs. Wood argued that, irrespective of this, the applicant company should have operated in a manner which did not prejudice residents and she pointed out that for over 30 years tenants had worked within the constraints of the planning consent. It was only when the applicant company had moved onto the site that issues with noise and general disturbance had arisen. Mrs. Wood questioned why the Department had not issued a stop notice, as opposed to an enforcement notice; she had been advised that the latter was more robust. In spite of this robustness she claimed that the applicant company had failed to comply and no action had been taken. Assurances which had been given in terms of changes to working practices *et cetera* had not come to fruition. Mrs. Wood stated that the use of fork lift trucks was a major issue and noise from these vehicles started before 7.00 a.m. some mornings, with materials being transported between the units. The existing use generated excessive activity, which was not compatible with the neighbouring residential use. Many residents had taken comfort from the conditions attached to the permit and had purchased their properties on the basis of the same. Mrs. Wood believed that residents would have a legitimate right to claim compensation if the conditions were breached and she urged the Committee not to permit their removal.

Mrs. Wood went on to explain that delivery lorries frequently arrived as early as 7.00 a.m. and waited adjacent to the boundary wall with their engines running. Light pollution from the application site was also an issue and it was impossible to use the garden, except on Sundays, due to the use of foul language and shouting emanating from the application site. Residents also experienced excessive dust levels from building sand stored on the site.

[REDACTED]

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the applicant company to load and unload and have outdoor storage on the forecourt. To require them to store goods inside would mean losing half of the warehouse floor space. At Unit No. 7 outside storage/loading/unloading was permitted for White and Company and the hospital catering facility was also permitted to load and unload and use the forecourt for outside storage. Mr. Stein argued that if it was acceptable for the States of Jersey to operate in this manner then it was only fair that the applicant company should be permitted to do so too. He advised that it was not possible for vehicles to enter Unit No. 11 because of a raised concrete platform.

Mr. Stein informed the Committee that when the original permit had been issued the site had been situated in the Agricultural Priority Zone, which had been equivalent to the Green Zone and he believed that this was the reason for the particular conditions which were attached to the permit. The site had subsequently been rezoned as a protected industrial site. Mr. Stein referred the Committee to Policy EIW1, which had not been included within the planning assessment. He argued that the presumption in favour of warehouse uses meant that outdoor storage was incidental so the application complied with this Policy. Residents had chosen to buy properties next to a commercial site which had existed since the 1950s when there had been a knitwear factory on the site. Residents' expectations had to take account of the zoning of the site. There had been no objection from the Environmental Health Section, but there had been a recommendation to restrict the hours of operation, which were currently 6.00 a.m. – 10.00 p.m. The applicant was willing to change the hours of operation to 7.00 a.m. – 5.00 p.m. Monday – Friday, 8.00 a.m. – 1.00 p.m. Saturday and no opening on Sundays, or public holidays. Mr. Stein concluded by stating that refusal of the application would set a most undesirable precedent for industrial sites in the Island.

The Committee heard from Mr. R. Springett, [REDACTED] of Pentagon, the applicant company. Mr. Springett expressed disappointment with regard to the nature of the objections made by the Woods [REDACTED]. He advised that steps had been taken to appease neighbours and actions agreed mutually. New LPG and electric fork lift trucks had been purchased; speed limits restricted; advice sought in relation to the possibility of replacing reverse sirens on forklift trucks with flashing beacons (this was not permissible for health and safety reasons); a new heavy goods vehicle had been purchased; hours of operation restricted – doors were actually closed at 4.00 p.m.; weekly meetings had been held to identify ways of reducing the level of disturbance, and help from outside parties had also been sought. Mr. Springett explained that a customer parking traffic management plan had been devised for Unit No. 11 and that the applicant company had worked with the landlord to change traffic flows, racking had been installed to reduce vehicle movements, the numbers of which Mr. Springett stated had been exaggerated. Signs had been erected to educate those not directly employed by the company in the management requirements for the site. Regular meetings were held with Ferryspeed, the only courier used by the applicant company. Mr. Springett advised that all possible steps had been taken to limit disturbance and he offered to arrange for hoods to be placed over building sand in response to a question from a Member who had seen the sand encrusted on the windows [REDACTED].
[REDACTED]
[REDACTED] Mr. Springett expressed a desire for an amicable relationship with neighbours.

[REDACTED]
[REDACTED]

The Committee heard from Mr. E. Le Feuvre, [REDACTED] Pentagon who advised that stakes had been placed in the ground to prevent heavy goods vehicles parking by the boundary walls [REDACTED]. The courier company had

also been made aware of the applicant company's desire to prevent this. In terms of the Units, it was noted that Unit No. 8 was used as a storage facility, so it made sense to unload goods there. Mr. Le Feuvre stated that, during certain periods when re-stocking was taking place (between 8.00 a.m. and 11.00 a.m.) there could be frequent fork lift truck movements. Mr. Stein added that this was to be expected on an industrial estate. He also suggested that the applicant company would be willing to forfeit the ability to store goods outside in favour of the ability to load and unload. The Director, Development Control advised that the Committee had to determine the application as submitted.

Having considered the application, the Committee endorsed the officer recommendation to refuse permission for the reasons set out above. In doing so some Members expressed a desire to understand why different arrangements existed for other units in terms of what tenants were permitted to do.

Homestead, La
Route de
Vincelez, St.
Ouen: review
of planning
condition.

A3. 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 approval for the removal of a condition attached to permit P/2016/0976, in respect of the redevelopment of Homestead, La Route de Vincelez, St. Ouen. The Committee had visited the site on 15th October 2019.

RC/2019/0593

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone, it was on a Primary Route Network and that the property was a Listed Building. Policies NE7, TT13, HE1 of the Adopted Jersey Island Plan, 2011 (revised 2014) were of particular relevance.

The Committee noted that the application related to condition (No.7), which had been attached to the permit issued in November 2016. Condition No. 7 restricted the area designated as residential curtilage at the site. The current application sought to remove the condition, to allow land between the southern face of the southern buildings and an existing bank to be designated as domestic. This had been refused by the Department because the extension of domestic curtilage beyond the southern face of the southern range of buildings would result in the incremental loss and erosion of the landscape character to domestication in the countryside and have a serious and significant detrimental effect on the area and the setting of the Listed Building. It was recommended that the Committee maintain refusal of the application on this basis.

2 letters of representation, from the National Trust for Jersey, had been received in connexion with the application.

The Committee heard from the Principal Historic Environment Officer, Ms. T. Ingle, who explained that the unique aspect of the U-shaped farm complex with outbuildings was typical of Jersey farms originating from the 1800s. She had been involved in the original planning application for conversion at Homestead and had discussed how best to reuse the buildings and retain their U-shape and morphology. She explained how the 2016 permit had allowed some openings to be made in the south elevation of the property and the creation of a sunken garden. However, the approval of a new garden space on the southern side, albeit screened by a new hedge, would impact the setting of the building and it formed the basis of the Historic Environment Team's objection.

The Committee heard from Mr. M. Stein, MS Planning, representing the applicant. Mr. Stein advised the Committee that the application related to a small area of grassland that had no agricultural or landscape value. There had been an initial objection from the National Trust (the Trust); however, he suggested the Trust had submitted the response on principle, because of the loss of agricultural land and the

presence of the Listed Building. After visiting the site the Trust had sent a further correspondence (dated 16th October 2019) to confirm that it was happy with the application. The Committee had been provided with a copy of the letter as a late paper. Mr. Stein further advised that various Government departments currently classified the strip of land in question in different ways, which was inconsistent and confusing for all parties involved.

The Committee heard from Mr. P. Mossop, [REDACTED] who explained that [REDACTED] in 2014. [REDACTED] the property had been on the market for over 5 years, had ceased to be a working farm and the buildings had been in a derelict state. He explained to the Committee that he felt that there had been an early misinterpretation of the field boundary. The Planning Department had suggested that it finished at the back of the buildings on the southern range of the property; however there was no map that would suggest this was the case. He advised that all maps showed that the boundary allowed for a strip of land between the wall of the building and the field. Mr. Mossop explained that there was no conveyancing history to evidence the field boundary as, [REDACTED] [REDACTED] the buildings and land had never been sold separately. Mr. Mossop suggested that the misunderstanding had only arisen because the field had been purchased at the same time as the house, so there was no evidence of their separating boundary. Mr. Mossop indicated that field boundaries were typically straight lines due to ploughing constraints and he opined that it did not make sense for the field boundary to be situated at the building wall. He further advised that he had spoken to an individual who was familiar with the property [REDACTED] who had indicated that the strip of land had been used as access around the building and did not form part of the field.

Mr. Mossop further explained that the condition on the previous planning consent had been reluctantly agreed to at the end of an exhausting period where there had been a number of delays, including the requirement for an environmental survey, which had revealed the presence of bats at the property. He explained that the project would have been pushed back by more than a year if the window of opportunity to take the roof off the building had been missed. Mr. Mossop maintained that the strip of land was not agricultural and that aerial photographs taken in 2014 had shown the property was dilapidated and overgrown.

Mr. Mossop explained that the issue initially raised by the National Trust had been addressed. He advised that, as part of the process, the established washing line area had been given up. Concerns, which had been raised by the National Trust over access to Field 0240, especially for modern machinery, were discussed. Prior to 2014, access to Field 0240 had been through Field 0241, because they were under the same ownership, however, that was no longer the case and the applicant had been given permission to create new access to Field 0240.

Mr. Mossop advised the Committee [REDACTED] had respectfully restored and converted the derelict property into a family home. [REDACTED] worked hard to regenerate it and the surrounding area, including the hedgerows. The buildings' use as a farm had ceased and he suggested that to insist that the small strip of land, which was the subject of the application, was agricultural was too strict a decision, as the rest of the site was not.

The Committee, with the exception of Deputy G.J. Truscott of St. Brelade, was persuaded by the applicant's arguments and decided to grant permission, contrary to the officer recommendation. The Committee was of the opinion that the use of land as domestic curtilage would not cause harm, or be out of keeping, with the setting or the Listed Building.

Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision and to set out the formal reasons for the approval.

The Powder Magazine, Les Vieilles Charrieres, Trinity: proposed upward extension. (RFR)

P/2019/0540

A4. 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 permission for the replacement of a flat roof with a pitched roof, to create a first floor habitable space at the property known as The Powder Magazine, Les Vieilles Charrieres, Trinity. The Committee had visited the site on 15th October 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and that the application site was a Grade 4 Listed Building. Policies GD1, GD7, NE6 and HE1 of the of the Adopted Jersey Island Plan, 2011 (revised 2014) were of particular relevance.

The Committee noted that the application proposed extending the property, which encompassed the Grade 4 Listed Powder Magazine, upwards, to form additional living space within a pitched roof structure to the modern flat roofed extensions; and to relocate a window and install an additional window on the east elevation.

The Committee noted that the scheme had been refused due to the Department's view that the proposed upwards extension of the property would increase its visual impact on the landscape and would have a detrimental impact on the setting of the Grade 4 Listed Powder Magazine and the Coastal National Park. It was recommended that the Committee maintain refusal of the application.

No letters of representation had been received from the public in connexion with the application.

The Committee heard from the Principal Historic Environment Officer, Ms. T. Ingle, who provided a brief history of the Powder Magazine and its place in Jersey's military history. She explained that the Listed Building had originally been constructed as a guard house circa. 1780 - 1810 as part of a network of coastal defences, which represented a cultural and characterful role. It was acknowledged that the Listed Building (which was noted to be the original granite part only) had changed through the addition of modern flat roof extensions in the 1960s, but that it retained its historic interest. Ms. Ingle reminded the Committee that the impact on Listed Buildings had to be considered from every aspect, not just what could be seen from the road. She advised that the massing of the upward extension would subsume and dominate the Listed Building.

The Committee heard from Mr. M. Wille, [REDACTED] who advised the Committee that [REDACTED] [REDACTED] loved the property and were keen to preserve it. Mr. Wille suggested that certain elevations of the property were unattractive and the flat roof of the property gave the impression that it was un-finished in some way. He explained that the Powder Magazine was covered in a render, which made it difficult to identify its original use and advised that this would be removed with the proposed work to the property. Mr. Wille suggested that the Powder Magazine was already subordinate to the structures around it. He explained that the application provided a 21.6 per cent increase to the living area, without extending the building's footprint and he believed that should be acceptable. Mr. Wille summarised the officer's report for the Committee and stated that his application was in direct response to the comments made in the Department's 2010 report.

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The Committee heard from Connétable P.B. Le Sueur of Trinity, who explained that the family wanted to enjoy the property; however, it currently appeared as a “carbuncle” as there had been unsympathetic additions made to the Listed part of the building and he felt the application sought to enhance the setting of the Powder Magazine. The Connétable acknowledged that the history of the property could not be re-written, but suggested that approval of the application could deliver the right scheme for the family and would result in visual and environmental improvements.

The Committee, with the exception of Deputy S.M. Wickenden of St. Helier, who felt that the application would make the Powder Magazine more subservient to its surroundings, was persuaded by the applicant’s arguments and decided to grant permission, contrary to the officer recommendation. The Committee noted that the Powder Magazine was not easily visible from the road and was of the opinion that proposed additions to the building would not cause particular harm to the Listed Building, or its setting.

Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decisions and to set out the formal reasons for approval.

Jersey Masonic Temple,
Stopford Road
and 36 Oxford Road, St. Helier:
proposed demolition of caretaker’s dwelling and construction of flats.
(RFR)
477/5/1(637)
P/2019/0119

A5. The Committee, with reference to its Minute No. A10 of 2nd August 2018, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought the demolition of the caretaker’s dwelling at the property known as the Jersey Masonic Temple, Stopford Road and No. 36 Oxford Road, St. Helier and the construction of 5 x one-bedroom units with an associated amenity area, together with various internal and external alterations to the Temple. The Committee had visited the application site on 15th October 2019.

Deputy G.J. Truscott of St. Brelade 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 in the Built-Up Area, on a Primary Route Network, within the Regeneration Zone, in the Town of St. Helier and that the application site included a Listed Building. Policies DG1, GD7, GD8, HE1, H6 and BE6 of the Adopted Jersey Island Plan, 2011 (revised 2014) were of particular relevance.

The Committee noted that the application site was bounded by Stopford Road, Common Lane and Oxford Road and that it included the Masonic Temple (Listed Grade 2), the private car park and No. 36 Oxford Road. To the immediate south was No. 34 Oxford Road (Listed Grade 3); and it was further noted that Nos. 45 and 47 Oxford Road, opposite the site, were also Listed.

The Committee noted the planning history of the site and whilst it was acknowledged that the current scheme was an improvement on that which had been refused in 2017, for reasons relating to scale and design, it had been refused by the Department due to the lack of parking provision for the prospective residents of the 5 units. It was recommended that the Committee maintain refusal of the application.

A total of 2 letters of representation had been received in connexion with the application.

It was noted that whilst the original application had not shown any car parking, a revised drawing had been submitted with the review request, which denoted a strip of land 27.4 metres in length between the eastern wall of the Temple and the back edge of the pavement, divided into 5 spaces of varying length from 4.8 metres to 5.8 metres. The Minister for the Environment's approved standards required in-line car parking spaces to be 6.1 metres in length. Also, the road had a raised kerb for the full length of this area, so the cars would have to drive across the pavement, giving rise to safety concerns. Moreover, the role of the Committee was only to review the refused decision, which had not shown the parking spaces.

The Committee heard from the Principal Historical Environment Officer who explained that, following the refusal of submitted plans in 2018, the applicants had worked with the Department to find a more acceptable design for the site and its proximity to the Listed Buildings, particularly the Grade 2 Temple. She thanked the applicant for designing a scheme which respected the Listed Building. She indicated that she would not like to see cars parked in the location proposed in the aforementioned revised drawing.

The Committee heard from Mr. J. Dyson, architect of the scheme. Mr. Dyson reminded the Committee that the original (2018) and subsequent applications had identified the provision of parking in the main car park, however, that land was owned by a different company and he confirmed that parking spaces would be provided for the new units on property adjacent to the Temple on Oxford Road.

The Committee heard from Mr. G. Spence, [REDACTED] of the Jersey Masonic Company who confirmed that the provision of car parking for the new units had always been part of the brief. He also referenced the other changes to the application's design, including the movement of the Temple's kitchens to the new building to improve safety.

The Committee noted that confirmation of the proposed parking provision had not been included in the application that had been presented before them. The Director of Development Control reminded the Committee that the submission showing parking spaces had been presented after the publication of the current application and the Parish of St. Helier had not been given the opportunity to comment on the revised plans, so the formal process had not been properly undertaken.

Having considered the application, the Committee unanimously endorsed the officer recommendation to refuse the application on the basis that, despite assurances from the applicant that parking would be provided, it had not been shown in the application that had been presented to them for reconsideration.

8 Victoria
Road, St.
Saviour: alter
vehicular
access,
(RETROSPEC
TIVE).
(RFR)
P/2019/0735

A6. The Committee, with reference to Minute No. A15 of 28th January 2016 of the Committee, as previously constituted, received and considered a report in connexion with a request for the reconsideration of a retrospective application, which had been refused by the Department under delegated authority and which sought retrospective permission for the demolition of a wall at No. 8 Victoria Road, St. Saviour and the creation of a new vehicular access on what had been the front garden of the property. The Committee had visited the application site on 15th October 2019.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies GD1, GD7, BE8 and TTS13 of the Adopted Jersey Island Plan, 2011 (revised 2014) were of particular relevance.

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17.10.19

The Committee noted that No. 8 was located on the southern side of Victoria Road, directly opposite the junction with Albert Road. The speed limit was 30 mph and any vehicle unable to turn on the site would cause an obstruction to road users. 3 previous applications had been made for the removal of the garden wall in order to create a parking area. An appeal to the Committee, following the most recent refusal, had also been refused. The Committee noted that the front garden wall and pedestrian gateway had been removed subsequent to that refusal and the area to the front of the property had been resurfaced. That area measured between 3.8 and 4.5 metres in depth and 7 metres in width. The scheme had been refused due to insufficient space on site for a vehicle turning to enter the highway in a forward direction and because adequate visibility splays could not be achieved. Consequently, the scheme would be prejudicial to highway safety and failed to satisfy the requirements of Policies GD1 and TTS13 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

No letters of representation had been received from the public in connexion with the application.

The Committee heard from the applicant, Mr. D. Black, and his agent, Mr. D. Rothband. Mr. Black advised that he had removed the wall in order that the water main that serviced his property could be replaced. He clarified that the action had not been taken to create a parking area, but confirmed that, as a result, he could park his vehicle at a right angle to No.8 without an overhang on the pavement. He referred the Committee to other properties in the vicinity, where similar car parking arrangements had been created on the same size of area and drew attention to nearby commercial premises, which he suggested were situated in a more dangerous location relating to the junction and the bend, but which had parking provision directly outside. Mr. Black discussed the difficulties associated with car parking in Georgetown and the surrounding area and stated that he felt that the scheme presented a satisfactory and reasonable solution.

Mr. Rothband confirmed that there was enough space on site to park a vehicle and drive in and out in a forward gear. He stated that the junction opposite did not impact greatly on No. 8 Victoria Road. Vehicle movements to that property did not present a dangerous situation and the sight lines were acceptable. He urged the Committee to take a pragmatic approach.

Having considered the application, the Committee expressed sympathy for the applicant, but endorsed the officer recommendation to refuse the application on the basis that it was prejudicial to highway safety and failed to satisfy the requirements of the relevant policies of the Adopted Jersey Island Plan, 2011 (revised 2014).

Catelain Barn,
La Maison de
la Croix
Catelain, Le
Boulivot de
Bas, Grouville:
conversion and
redevelopment
of barn and
change of use
of field G773.
(RFR)
P/2019/0411

A7. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought approval for the conversion of a traditional agricultural barn into one x 2 bedroom unit at La Maison de la Croix Catelain, Le Boulivot de Bas, Grouville and the change of use of part of Field G773 from agricultural to residential. The Committee had visited the application site on 15th October 2019.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and on the Eastern Cycle Route Corridor. Policies GD1, GD7, NE7, NE2, ERE1, E1, and ERE4 of the Adopted Jersey Island Plan, 2011 (revised 2014) were of particular relevance.

The Committee noted that Catelain Barn was part of a former farm complex and it formed a group, with 3 residential properties, which all had access from La Rue du

Boulivot. The application site included the northern section of the barn, a small hardstanding area to the west of the building and a rectangular parcel of land within field G773, which was in the same ownership of the barn. There had previously been a single storey extension connected to the barn, however, it had been demolished prior to 2017. The application proposed the change of use of the barn and a single storey extension into a 2 bedroom dwelling and the creation of amenity space in the field. The proposed vehicle access was through the existing courtyard to 2 separate garage parking spaces.

The Committee was informed that there had been several previous applications to change the use of the Catelain Barn to residential. Since 2007, the Department had been consistent in its advice that the applications were not compliant with policy. Although the current application had included a structural and ecological survey, fundamental issues remained.

The Committee noted that the application did not meet the strict tests required to demonstrate permissible exceptions to development in the Green Zone. It would rely on a substantial extension relative to the size of the existing barn; it was considered that the proposed alterations were unsympathetic to the simple agricultural architecture; the proposed change of use of part of Field G773 to create a domestic garden area would result in the loss of agricultural land to residential curtilage; the proposed development would lead to the loss of a bat roost and a bird nesting site and would intensify the use of the application site and the use of the existing access onto Le Boulivot de Bas by 50 per cent. That access, which was not in the ownership of the applicant, had inadequate visibility splays, improvements to which were not proposed in the application and, as such, it was recommended that the Committee maintain refusal of the application.

A total of 5 letters of representation had been received in connexion with the application.

The Committee heard from Mr. S. Cannon, [REDACTED] Mr. Cannon advised the Committee that he had spent a considerable sum on an environmental survey and, as a result of the survey, the design had been changed to incorporate a bat loft, which would result in a space larger than the proposed second bedroom being given to that purpose. Mr. Cannon advised that he had been distressed to learn that the survey's findings and updated design had not been used in consideration of his application and he wished for his concern to be noted. It was clarified that a redesign had been submitted at a late stage in the assessment, 12 weeks after submission.

Mr. Cannon advised the Committee that he did not own the entrance to the property, but he had a legal right of way over it and the parking for the scheme would be on his own land. Mr. Cannon felt that neighbours had concerns because they currently used the shared courtyard for parking, but it would be across the right of access to his property. He explained that he and his wife, [REDACTED] wanted to create a home for their future retirement.

The Committee heard from Ms. V. Boarder, [REDACTED] Ms. Boarder expressed the view that it was sacrilege that the property had remained empty for years when it could be used as a residential unit. Referring to a conversation with a Planning Officer, Ms. Boarder suggested that it was hypocrisy that the Planning Department could suggest that the space would be of more valuable use to the neighbours. She felt that it was an absurd situation that the building could be used as a commercial unit which would have the same, if not a greater, impact on the area, but that it was not permitted to be changed for residential use.

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The Committee addressed the accusation of hypocrisy made in the representation and stated its support for the Departmental Planning Officers. It was clarified that the Officer, when pressed to provide guidance on the possible future uses for the building, had indicated that the building appeared to be isolated and had therefore suggested that it may be more suitable as an ancillary use for one of the adjacent dwellings; rather than being converted into a dwelling in its own right.

The Committee heard from the applicant's agent, Mr. M. Stein, MS Planning, who notified the Committee that the applicant wished to create a modest dwelling and advised that policies ERE4 and NE7 would allow for the conversion of a traditional building under exceptions. He referenced the previous planning applications and advised that a bedroom (from an earlier design and planning application) had now been given over to a bat roost. In order to replace that bedroom, to enable grandchildren to stay, the applicant was seeking to create a single story extension, which had previously existed on the barn, but had been demolished 2 years previously. Mr. Stein appealed to the Committee's common sense to re-establish a purpose for the underused building. He emphasised that the existing building purposed for agriculture use, could be used by Mr. Cannon for commercial purposes such as storage, which would give rise to an increase in the number of vehicle movements at the site.

Having considered the application, the Committee unanimously endorsed the officer recommendation to refuse the application on the basis that it failed to meet the requirements on a number of the relevant policies of the Adopted Jersey Island Plan, 2011 (revised 2014).