

KML/SB/360

PLANNING COMMITTEE

(21st Meeting)

21st November 2019**PART A (Non-Exempt)**

All members were present, with the exception of Deputy J.M. Maçon of St Saviour and Connétable 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 Nos. A9, A10, A11 and A17)
 Deputy S.M. Wickenden of St. Helier
 Deputy R.E. Huelin of St. Peter
 (not present for item Nos. A18 – A22)
 Connétable P.B. Le Sueur of Trinity
 Deputy K.F. Morel of St. Lawrence
 (not present for item Nos. A17 – A21)

In attendance -

P. Le Gresley, Director, Development Control
 G. Duffell, Senior Planner
 E. Stables, Senior Planner
 L. Davies, Planner
 A. Parsons, Planner
 G. Vasselin, Trainee Planner
 T. Ingle, Principal Historic Environment Officer
 K.M. Larbalestier, Committee Clerk, States Greffe

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The Minutes of the meetings held on 16th and 17th October 2019, having been previously circulated, were taken as read and were confirmed.

Bay Croft, La
 Route de la
 Haule, St.
 Lawrence:
 proposed
 demolition and
 redevelopment.
 P/2019/0113

A2. The Committee, with reference to its Minute No. A5 of 16th October 2019, considered a report in connexion with an application which proposed the demolition of the existing dwelling and garage at the property known as Bay Croft, La Route de la Haule, St. Lawrence and their replacement with one x 3 bedroom and 4 x 2 bed apartments with basement parking. In addition, 4 x 3 bedroom dwellings were also proposed, together with a new vehicular access. The Committee had visited the site on 15th October 2019.

The Committee recalled that it been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the basis that, whilst the principle of new residential development within the Built-Up Area, in accordance with the Spatial Strategy (Policy SP1) was supported, the scheme was considered to represent the overdevelopment of the site. By virtue of its overall scale,

density, and design, the proposed development would be out of character with surrounding properties and would also unreasonably harm the amenities of nearby residents through its overbearing presence, and its overlooking of neighbouring properties. Accordingly, the application failed to satisfy the requirements of Policies GD1 (General Development Considerations), GD3 (Density of Development), and GD7 (Design Quality).

Keppel Tower/
Cottage and
Elizabeth
Cottage,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition and
redevelopment.
477/5/2(615)

A3. The Committee, with reference to Minute No. A2 of 16th October 2019, considered a report in connexion with an application which proposed amendments to the approved scheme for Elizabeth and Keppel Cottages, La Grande Route des Sablons, Grouville (application reference No. P/2018/1250). The approved scheme would see the replacement of the aforementioned properties with 6 x 2 bedroom and 4 x 3 bedroom residential units. It was also intended to refurbish Keppel Tower and remove modern additions to the same. The Committee had visited the site on 15th October 2019.

P/2017/0162

The above application had sought permission for the extension of the approved Block B to the south and north elevations. Internal alterations to amended unit layouts, the conversion of the roof space to create habitable accommodation and the construction of a balcony to the east elevation were also proposed. Additionally, various external alterations to Block B, to include the installation of 2 roof lights to the north and south elevations, the alteration of the roof shape and the extension of the basement to provide 4 additional parking spaces and stores was proposed.

The Committee recalled that it been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the basis that the widening of Block B would significantly reduce views through the site. The Committee also considered that the additional accommodation that would be created as a result of the widening of the building, the change in roof space and increase in size of the basement would result in an overdevelopment of the site, and be detrimental to the character of the area. Consequently, the application was refused for the following reasons –

the widening of Block B would result in the strategic views through the site (which had been achieved as part of the approved scheme) being significantly reduced and therefore the proposed revision failed to satisfy the requirements of Policies GD5 and BE4 of the 2011 Island Plan; and,

the widening of Block B, the increase in basement size and the changes to the design of the roof to create additional habitable space would result in an overdevelopment of the site which would be detrimental to the character of the area and therefore contrary to Policies GD3 and GD7 of the 2011 Island Plan.

Keppel Tower/
Cottage and
Elizabeth
Cottage,
La Grande
Route des
Sablons,
Grouville:
proposed

A4. The Committee, with reference to Minute No. A3 of 16th October 2019, considered a report in connexion with an application which proposed amendments to the approved scheme for Elizabeth and Keppel Cottages, La Grande Route des Sablons, Grouville (application reference No. P/2018/1250). The approved scheme would see the replacement of the aforementioned properties with 6 x 2 bedroom and 4 x 3 bedroom residential units. It was also intended to refurbish Keppel Tower and remove modern additions to the same. The Committee had visited the site on 15th October 2019.

21st Meeting 21.11.19	demolition and redevelopment. 477/5/2(615) P/2017/0162	<p>The above application had sought permission for the division of a 3 bedroom ground floor maisonette residential unit in Block C and the conversion of an approved bin store to form a 2 bedroom ground floor residential unit and a 2 bedroom first floor residential unit. The bin store would be relocated elsewhere on the site and the basement extended to provide 4 additional car parking spaces and stores.</p> <p>The Committee recalled that it been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.</p> <p>The Committee confirmed its decision to refuse permission on the basis that the conversion of the bin store into habitable space, the division of this and an approved maisonette into 2 apartments, which included an increase in the size of the basement, would increase the density of the development unacceptably, resulting in the overdevelopment of the site, contrary to Policy GD1 of the 2011 Island Plan.</p>
Homestead, La Route de Vincelez, St. Ouen: review of planning condition.	RC/2019/0593	<p>A5. The Committee, with reference to its Minute No. A3 of 17th October 2019, 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.</p> <p>The Committee recalled 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 and permission was sought for its removal to allow land between the southern face of the southern buildings and an existing bank to be designated as domestic curtilage.</p> <p>The Committee recalled that it been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally setting out the reasons for approval and the conditions which were to be attached to the permit, the application was re-presented.</p> <p>The Committee confirmed its decision to grant permission subject to the imposition of the following conditions –</p> <p style="padding-left: 40px;">notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011, or any amendment to or replacement of that Order, no works involving the erection of a building, extension, structure, gate, wall, fence or other means of enclosure, tank, or the introduction of any hard standing to any ground surface, nor the installation of any lighting was permitted without the prior written approval of the Department; and,</p> <p style="padding-left: 40px;">within 12 months of this decision a hedge comprised of native species with whips planted at 60 centimetre intervals must be planted on the line separating the residential land from the field to the south of the site and this would thereafter be retained.</p>
Rondel's Farm, Haut de l'Orme, La Rue du Haut de l'Orme, Trinity: change of use of		<p>A6. The Committee, with reference to its Minute No. A7 of 16th October 2019, considered a report in connexion with an application which sought retrospective permission for the change of use of an agricultural store and workshop to form commercial storage at Rondel's Farm, Haut de l'Orme, La Rue du Haut de l'Orme, Trinity. It was also proposed to install a mezzanine floor to create office space and alter the vehicular access onto La Rue du Haut de L'Orme. The Committee had visited the site on 15th October 2019.</p>

agricultural store (RETROSPECTIVE)/ installation of mezzanine floor to create office space /alteration of vehicular access.
P/2019/1055

Deputy R. Labey of St. Helier, Chairman and Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application.

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

The Committee confirmed its decision to grant permission subject to the imposition of the following conditions –

no part of the development hereby permitted would commence until the final design of the western façade of the approved commercial store had been submitted for approval by the Department. The approved scheme would be implemented in full and thereafter retained as such; and,

no part of the development hereby approved would be occupied until the road and junction improvements on the approved plans had been wholly constructed in accordance with the approved plans and would thereafter be retained as such.

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

P/2019/0540

A7. The Committee, with reference to its Minute No. A4 of 17th October 2019, 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.

The Committee recalled that it been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally setting out the reasons for approval the application was re-presented.

The Committee confirmed its decision to grant permission.

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

P/2019/0672

A8. The Committee, with reference to its Minute No. A1 of 17th October 2019, 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 replacement with a new dwelling with car parking and amenity space. The Committee had visited the site on 15th October 2019.

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

The Committee confirmed its decision to grant permission subject to the imposition of the 4 conditions detailed within the officer report, as follows –

the flat roof areas of the development hereby approved should not be used as a balcony, roof garden or similar amenity area;

no part of the development hereby permitted should commence until a scheme of landscaping has been submitted for approval by the Department;

21st Meeting
21.11.19

samples of all external materials to be used (including any hard landscaping materials) should be submitted for approval by the Department prior to use. The approved materials should be implemented in full and thereafter retained as such; and,

Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011, or any amendment to or replacement of that order, no works involving the erection of a building, extension or structure was permitted without the prior written approval of the Department.

Les Ormes
Golf and
Leisure
Village, Le
Mont á la
Brune, St.
Brelade:
proposed
demolition of
tennis
hall/construct-
ion of self-
catering units.

A9. The Committee considered a report in connexion with an application which proposed the demolition of the existing tennis hall at Les Ormes Golf and Leisure Village, Le Mont á la Brune, St. Brelade and its replacement with 44 x one bed, 2 x 2 bed, 13 x 4 bed and one x 6 bed self-catering accommodation units with reception and ancillary structures and landscape alterations. It was also proposed to extend the existing house-keeping building to the north-east of the site. The Committee had visited the site on 19th November 2019.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located in Airport Noise Zone 3, the Coastal National Park and the Green Zone. It also included a Listed Building and a Protected Open Space. Policies SP1, 2, 5, 6, GD1, 4, 7, 8, NE1, 2, 4, 7, HE1, EVE1, SCO3, TT2, 3, 4, 8, 9, NR7, WM1 and LWM2 of the 2011 Island Plan were relevant.

P/2019/0688

The Committee noted that the application related to the large tennis hall at the centre of Les Ormes site. In recent years, the site had evolved to provide a mix of tourism and leisure uses, offering a range of sporting and recreational activities. The existing tennis centre had been constructed in 1998, but the applicants reported that it had not been as successful as had been hoped and now stood empty for approximately 78 per cent of its available hire time. As such, it was not economically viable to maintain. Meanwhile, the self-catering accommodation which had been established on the site was described as having been 'hugely successful' and there was rising demand for this. Accordingly, the applicants wished to shift the focus of the business towards tourism.

The application proposed an additional 60 units of tourist accommodation across 4 new blocks of 2-3 storeys in scale. At present there were 62 units of self-catering accommodation on the site. Consequently, the application was considered to be of strategic significance to the Island's tourism industry.

The application would see the removal of a large metal shed and its replacement with a series of smaller blocks, distributed in a more fragmented pattern across the site. With their improved design and the associated creation of a new public space at the heart of the site, this represented a significant overall visual enhancement. The landscape impact of the new development was localised as it would only be visible from within the site itself and there would be no wider visual impact from a public perspective. On the basis of these overall improvements (in layout, form, and design), the application was considered to be justified in the context of the Green Zone Policy.

Architecturally, the development had been designed to reflect the existing buildings on the site, adopting the same palette of materials which had already been used to good effect.

Whilst the loss of the sporting facilities was regrettable, the applicants had made a robust case on the grounds of economic viability. In addition, the applicants had stated that they were prepared to continue to fund netball within the Island in the sum of £10,000 per annum for 5 years.

The Highway Authority had been consulted and was content with the application. There would be no adverse impact on the local road network and the application included an enhancement of the local cycle and pedestrian network – including the provision of a new public route through the site, linking up with existing or anticipated infrastructure in the area.

It was recommended 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, (POA) pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to ensure -

that the new accommodation was occupied for holiday purposes only and not as a sole or main place of residence;

the enhancement of the existing public path which ran southwards from the main east entrance of Les Ormes. The existing path was to be overlaid with compacted hoggin in order to create a continuous 1.8 metre wide path extending from a point approximately 30 metres south of the Les Ormes public entrance junction with La Rue Carrée, and continuing to the south for approximately 380 metres as far as the gated path junction with the existing pedestrian/cycle track to the perimeter of the Belle Vue estate. The works were to include the removal of overhanging vegetation that would otherwise impinge upon the use of the track by pedestrians or cyclists. The work would be undertaken to the satisfaction of Growth, Housing and the Environment's Transport section/Authority and completed prior to the first occupation of the development, and;

upon dismantling the steel portal frame of the existing building it would be offered to the public of the Island, free of charge, for re-use elsewhere as an appropriate sporting or community facility.

It was recommended that the Director, Development Control be authorised to grant planning permission under delegated powers. In the event that a suitable POA was not agreed within 3 months the application would be returned to the Committee for further consideration.

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

In response to a question from Deputy K. F..Morel of St. Lawrence regarding compliance with Policy NR7, the Director, Development Control drew the Committee's attention to the Department's report which stated that, in addition to high levels of insulation and air tightness (minimising heat loss), the intention was to incorporate photo-voltaic technology into the development, as well as utilising heat recovery systems which captured and re-circulated warm air. The heavily glazed south elevation would also serve as a passive solar collector, whilst blinds and overhangs would provide seasonal shading during summer. Deputy Morel also wished to receive further information regarding the increase in traffic in an area where a large new secondary school was also under construction. It was noted that Mr. W. Prendergast, Senior Transportation Planner was present and could be invited to respond.

Deputy R. E. Huelin of St. Peter expressed some concern about bicycles passing through the centre of the site and the potential for accidents in the shared space.

The Committee heard from Mr. D. Whalley, who used the sporting facilities at the site and expressed concern at the lack of investment in sporting facilities and the wider impact of the same.

The Committee heard from Messrs. R. Trower, Chairman, D. Schofield, Deputy Managing Director and C. Riva, Trustee and Architect, all representing the Bosdet Foundation. Mr. Trower advised that the Bosdet Foundation had been set up by the late George Bisson in 1989. He had transformed Les Quennevais Campsite and surrounding properties in his ownership with the principal aim of investing income derived from the land back into the community. Les Ormes and the Foundation's Trustees continued to adhere to Mr. Bisson's principle aim and as Les Ormes evolved the amount of money distributed to various local charities and non-profit organisations increased. Approximately £350 – 400,000 was distributed annually and half a million pounds had been donated to Maison St. Brelade over 5 years for the redevelopment of the parish residential home. The Foundation's ambition was to donate £1,000,000 annually by 2030 and the focus would be on younger people.

Mr. Schofield advised that the existing tennis hall building was at the end of its life and was no longer viable. The cost of continuing to operate the building was estimated at £400,000 and this was money which could be used for future donations. The intention was to create a world class resort at Les Ormes and Mr. Schofield discussed the sustainability of self-catering accommodation when compared with traditional hotel accommodation, both in terms of the number of guests which could be accommodated and the number of staff required to service such a facility. The proposed development would give rise to benefits to the local economy, with an estimated 5,720 additional visitors each year spending money in local attractions and businesses. Mr. Schofield discussed the success of the existing self-catering accommodation and the low risk associated with a development of this nature. In terms of concerns regarding the loss of sporting facilities, Mr. Schofield advised that the Foundation had, in fact, added to sporting facilities with the recently established Jump Jersey and the provision of a swimming academy, which offered free places for schools. Free access to sporting facilities at Les Ormes for low income families was also offered. Furthermore, there was no intention of developing the land upon which the golf course had been created.

Mr. Riva addressed the Committee, stating that the scheme would see the removal of an unsightly structure, which was inappropriate in the context of the existing visitor accommodation. The focus at Les Ormes had changed, with the ultimate goal being to create a first class year round facility, whilst also improving the ambience of the area. In response to concerns regarding bicycles going through the central space, Mr. Riva believed that cyclists would reduce speeds in shared areas. There would be links through to a network of paths which were to be established in the area. There was a market demand for this type of accommodation and the Jersey Architecture Commission had been most impressed with the quality of the existing visitor accommodation. In response to Deputy Morel's comments regarding compliance with Policy NR7, Mr. Riva confirmed that it was intended to incorporate photo-voltaic technology into the development, with a view to generating electricity. A pool of battery operated cars would also be available for use by visitors. Deputy Morel expressed the view that a much greater level of detail in respect of compliance with Policy NR7 was required.

The Committee discussed the scheme and heard from Deputy S.M. Wickenden of St Helier who referred to the Green Zone Policy test, as set out in the Island Plan and, in particular, the intensification of use. Deputy Wickenden also noted the existence of a Listed Building on the site – a WWII aircraft gun testing range (which had been converted to visitor accommodation) - and the fact that the proposed southern block

would be closer to that structure. Whilst the Historic Environment Section had acknowledged the impact on its setting, there had been no objection to the proposal, other than a suggestion that the area in front of the range would benefit from greater landscaping. Mr. Riva reminded the Committee that when the application site had operated as a camp site there would have been a significant number of visitors as the camp site had encompassed a much larger area. However, Deputy Wickenden pointed out that the applicant company frequently advertised the accommodation as being suitable for longer term use by Islanders who were, for example in the process of moving house. Mr. Schofield confirmed that over the course of a year occupancy levels were at 80 per cent and added that self-catering accommodation was far more space efficient when compared with hotel accommodation. Winter stays tended to be for an average of one month.

The Committee heard from Mr. Prendergast, who did not believe that the facility would be used as a cycle route by groups of local cyclists as it was circuitous. In terms of the impact of the proposed development on the surrounding road network, an assessment had been undertaken and it had been concluded that the proposal would not cause significant changes in traffic flows, when the changes in use on the site were considered. The traffic impact assessment had also taken the new Les Quennevais School into account.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the Listed structure was part of an integrated network of German structures constructed in Jersey during the Second World War, more widely part of the Atlantic Wall. The aircraft gun testing range was an unusual survival of the military structures constructed during the German Occupation of the Island with a specialised, if basic, design and construction. There was added local interest with the re-use of a prison cell door.

The proposed replacement of the large footprint tennis centre with new accommodation with new blocks in more fragmented forms had a positive impact on the setting of the Listed aircraft gun testing range. The proposed southern block was located closer to the structure than existing buildings. Whilst this would have an impact on setting, it was evident that the gable and scale of the proposed block were sufficiently distant to allow the range structure to retain its singular character. The area in front of the range could benefit from greater landscaping than proposed to offer a buffer. A study of the extent of the surviving concourse would help assess whether some form of recording would be needed.

Whilst Deputies K. F. Morel and R. E. Huelin expressed support for the scheme, with some caveats, Deputies R. Labey of St. Helier, Chairman, S.M. Wickenden of St. Helier, Huelin of St. Peter and Connétable P.B. Le Sueur of Trinity expressed concerns regarding the intensification of use of this site in the Green Zone, the scale of the 3 storey element, the impact on the Listed Building. It was also felt that the proposed development was out of character with the Green Zone setting. Consequently, the application was refused on these grounds.

Having noted 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 decision confirmation and to set out the formal reasons for refusal.

Tramonto, La
Route du Petit
Port, St.
Brelade:
proposed

A10. The Committee, with reference to Minute No. A6 of 21st September 2017, of the Committee as previously constituted, considered a report in connexion with an application which proposed the construction of a first floor extension above an existing garage to create a one bed residential unit at the property known as Tramonto, La Route du Petit Port, St. Brelade. The Committee had visited the site

21st Meeting
21.11.19

extension/
erection of
fence.
P/2019/0945

on 19th November 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 whilst Tramonto was located in the Built-Up Area, the garden of the property was located in the Green Zone. Policies GD1 and GD7, BE6 and H6 of the 2011 Island Plan were relevant to the application.

The Committee recalled that Tramonto was a large detached property at the top of Le Mont du Petit Port. The original 1960s property had been extensively remodelled in line with recent permissions. The application under consideration proposed a first floor extension above an existing garage attached to the main house. This extension would provide a small integral unit [REDACTED]. Architecturally, the extension would reflect the style of the existing dwelling.

A previous application for a similar development on the site had been rejected in 2017 – following an unsuccessful appeal - on the grounds that the proposed development would have had an unacceptable impact on the living conditions of the properties to the south and east. The applicants had sought to address this previous reason for refusal by re-designing the scheme and reducing the scale along the southern and eastern sides. However, a vertical gable wall at first floor level along the south elevation, together with a pair of south facing first floor windows was now proposed. The primary concern which had been identified as part of the previous application was one of impact upon the living conditions of the property known as Rose Maris, leading to it being ‘hemmed in’ by the proposed development. The Department was concerned that, owing to its scale and form, the current application did not satisfactorily address this reason for refusal. Consequently, it was recommended that the Committee refuse permission on the grounds that the application was contrary to Policy GD1 of the 2011 Island Plan.

The Committee noted that the above application was one of 2 concurrent applications for similar development on this site (Minute No. A11 refers). The 2 applications effectively represented alternative development options and each application had to be assessed on its own individual merits. All oral representations in respect of both applications had been set out in Minute No. A10.

4 letters of representation had been received in connexion with the application and a number of late representation received after the publication of the agenda papers had been distributed to members under separate cover.

The Committee heard from Mrs. C. Auffret, a neighbour and her agent, Mr. C. Buesnel. Mr. Buesnel addressed the Committee, stating that there was no objection to the principle of the creation of [REDACTED] accommodation and the need for the same was accepted. The objection related to the form of the development and its impact on La Hougue Farm. Mr. Buesnel noted that application reference P/2019/0945 was recommended for refusal on the grounds of its impact upon the property known as Rose Maris. The view was expressed that application reference P/2019/0946 should be refused on the grounds of its impact on La Hougue Farm (there would be a vertical elevation only 3 metres away from that property) and it was suggested that an inconsistent approach had been adopted by the Department in its assessment of the applications. A Ministerial Order which had been issued following the construction of a new dwelling at the neighbouring property, La Hougue Farm, had required the planting of new hedging on the western boundary to address overlooking issues. Mr. Buesnel stated that the gable feature of the proposed new extension would be higher than that hedge. He suggested that consideration be given to converting the existing

garage to provide the necessary accommodation.

The Committee heard from Mrs. Auffret, who advised that there had been significant development on the application site in recent years, to include the construction of a 2 bedroom cottage. The proposed development would have a significant overbearing impact on La Hougue Farm and would have a detrimental effect on [REDACTED] enjoyment of their property.

On a related matter, and in response to a question from Deputy K.F. Morel of St. Lawrence, it was noted that certain highway visibility improvements required by a condition attached to the permit issued in respect of the construction of a single storey extension to the north elevation of the property known as Meribel (application reference P/2018/1204) had not been undertaken. Whilst the current submitted applications were not conditional upon the same, the Director, Development Control undertook to investigate the matter.

The Committee received Senators K.L. Moore and S.W. Pallett, both speaking in support of the application. [REDACTED]

Senator Pallett stated that he respected the right of neighbours to object. He explained that he was very familiar with the area as he had lived at La Hougue View for many years. He reminded the Committee that the application site was in the Built-Up Area and was a large site which could accommodate the proposed development. Senator Pallett believed that the applicants had addressed the concerns previously expressed and he highlighted the fact that an integral unit was proposed, as opposed to a separate unit. [REDACTED]

[REDACTED] The Senator believed that these particular circumstance should be taken into account by the Committee. The Senator went on to state that developments in the immediate vicinity had also impacted on the application site. He concluded by stating that overbearing issues had been addressed and the proposed development was a considerable distance away from the property known as Rose Maris. The applicants had gone as far as they could to address concerns.

The Committee received the applicant, Mrs. A. Sheehan and her agents, Messrs. T. Perchard and M. Waddington. Mr. Perchard addressed the Committee, confirming that the application did not propose an additional bedroom, but rather a unit [REDACTED]

[REDACTED] The existing garage at ground level was a modest single garage which was required by the applicants for storage. In any event it was not appropriate for consideration to be given to alternative development options on the floor of the Committee room. The scale and massing of the proposed extension had reduced and this addressed previous concerns. Mr. Perchard referred to the approved development at La Hougue Farm and the impact this had had on the application site.

The Committee heard from Mrs. Sheehan, [REDACTED] and the urgent need to provide accommodation [REDACTED]

21st Meeting
21.11.19

[REDACTED]

Mr. Waddington stated that whilst the applications had to be assessed in the context of the Island Plan Policies, the applicants' particular circumstances should be taken into account. He too referred to the impact development at La Hougue Farm had had on the application site and described it as 'rude' in planning terms; so much so that the planting of a hedge had been required to overcome harm to Tramonto. He argued that it was Tramonto which was 'hemmed in'. In terms of the submitted applications, Mr. Waddington believed that both addressed concerns previously expressed in relation to the impact on Rose Maris and neither caused planning harm. Whilst neighbouring amenities had to be respected, there was no requirement for development to be invisible, particularly in the Built Up Area. The application was about need and not greed and Mr. Waddington pointed out that the Green Zone Policy made provision for dependent relative accommodation. He urged the Committee to do the right thing and approve the application and ignore 'NIMBY' comments.

In response to a question from Deputy R.E. Huelin of St Peter in connexion with how much weight the Committee was required to give to personal circumstances, the Director, Development Control referred to a ruling by the Royal Court in which it had been stated that personal circumstances should rarely be taken into account and should never be determinative.

Having considered the application, members unanimously refused permission in accordance with the officer recommendation and for the reasons set out above.

Tramonto, La
Route du Petit
Port, St.
Brelade:
proposed
extension/
erection of
fence.

A11. The Committee, with reference to Minute No. A6 of 21st September 2017, of the Committee as previously constituted, considered a report in connexion with an application which proposed the extension of the existing garage and the construction of a first floor extension above to create a one bed residential unit at the property known as Tramonto, La Route du Petit Port, St. Brelade. The Committee had visited the site on 19th November 2019.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

P/2019/0946

A site plan and drawings were displayed. The Committee noted that whilst Tramonto was located in the Built-Up Area, the garden of the property was located in the Green Zone. Policies GD1 and GD7, BE6 and H6 of the 2011 Island Plan were relevant to the application.

The Committee recalled that Tramonto was a large detached property at the top of Le Mont du Petit Port. The original 1960s property had been extensively remodelled in line with recent permissions. The application under consideration proposed the extension of the garage and the construction of a first floor extension above an existing garage attached to the main house. This extension would provide a small integral unit [REDACTED] Architecturally, the extension would reflect the style of the existing dwelling.

A previous application for a similar development on the site had been rejected in 2017 – following an unsuccessful appeal - on the grounds that the proposed development would have had an unacceptable impact on the living conditions of the properties to the south and east. The applicants had sought to address this previous reason for refusal by re-designing the scheme and reducing the scale and mass along the southern and eastern sides, thereby reducing the impact. On the basis of the changes made, the Department was satisfied that the earlier concerns with regard to neighbouring impact had been satisfactorily addressed, and the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee noted that the above application was one of 2 concurrent applications for similar development on this site (Minute No. A10 refers). The 2 applications effectively represented alternative development options and each application had to be assessed on its own individual merits.

3 letters of representation had been received in connexion with the application and a number of late representation received after the publication of the agenda papers had been distributed to members under separate cover.

All oral representations received in connexion with this application and application reference No. P/2019/0945 were detailed in Minute No. A10 of this meeting.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, refused permission on the basis of the overbearing impact of the proposed development on the property known as Rose Maris. As this decision was contrary to the officer recommendation, it was noted that the application would be represented for formal decision confirmation at the next scheduled meeting.

La Crete
Quarry, La
Route de la
Côte, St.
Martin:
proposed
change of use
of part of site
to al fresco
dining area.

A12. The Committee considered a report in connexion with an application which proposed the change of use of part of the site at La Crete Quarry, La Route de la Cote, St. Martin to an alfresco dining area, the installation of picnic tables, the erection of a fence to the boundary and the creation of a grass verge to the east of the site. The Committee had visited the site on 19th November 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and Policies NE6, EVE1 and EVE3, GD1, GD7 of the 2011 Island Plan were relevant to the application.

P/2019/0706

The application sought permission for the formation of an outdoor eating area enclosed by fencing within the Coastal National Park. Development was proposed to the northern side of the car park at La Crete Quarry on an area currently overgrown with trees and vegetation. The site was prominently located in an exposed position, immediately adjacent to the coast road between Anne Port and Archirondel. The Department was concerned that the proposal would intensify vehicular activity and this would have highway safety implications. The Highway Authority strongly objected to the application on safety grounds and, having been made aware of this, Jersey Property Holdings, which body administered the land on behalf of the public, had also raised an objection. The Department was recommending refusal on the grounds that the application was contrary to Policy GD1 of the 2011 Island Plan.

2 letters of objection had been received, together with 4 letters of support for the application.

The Committee noted that the proposal was linked to a parallel application (reference MS /2019/0880 – minute No. 13 of this meeting refers), also before

Committee, for 2 mobile structures on the site; a mobile toilet and a food trailer. The Department was of the view that the applications should be dealt with simultaneously as they were inextricably linked. All oral representations received in connexion with this application and application reference No. P/2019/0880 were detailed in Minute No. A12.

The Committee heard from the applicant, Mr. P. Tarrant, his agent, Mr. M. Stein and Deputy S. G. Luce of St. Martin. Mr. Stein stated that the proposed use would be ancillary to the applicant's oyster operation and would allow Islanders and visitors to enjoy locally caught shellfish in the open air. Mr. Stein believed that this was exactly the sort of business which should be encouraged. Genuine Jersey produce would be sold in a coastal location and this was supported by the Coastal National Park Policy which focussed on the conservation and enhancement of the Island's cultural heritage. A converted horse box would be used for the food trailer and this would not be harmful to the landscape character. The preamble to the Coastal National Park Policy supported small scale buildings like this and the application also complied with Policy EVE3. Mr. Stein argued that the facility would enhance the visitor experience and Visit Jersey was in favour of the scheme. In terms of the comments of the Highway Authority, Mr. Stein stated that it was difficult to understand how the intensification of use of a public car park could be deemed unacceptable and he stated that it was not for the Department to regulate the level of use of public car parks. If safety was considered to be an issue at the car park this should be addressed by the relevant States Department. Mr. Stein added that the States of Jersey had created a picnic area across the road and he argued that this should not have been permitted if highway safety was a concern.

The Committee heard from Deputy Luce, who asked for 'political common sense' and a 'can do attitude' and believed that efforts should be made to find a positive solution. He was disappointed with the lack of support for the proposals from the Department and he too was confused about the use of a public car park resulting in highway safety concerns. He agreed that the approval of the picnic area opposite, which was maintained by the States of Jersey, sent out an inconsistent message. He believed that outdoor eating should be encouraged and he referred the Committee to an identical food trailer known as The Horse Box Café at St John. He also suggested that the portable toilet could be screened.

The Committee heard from the applicant, Mr. P. Tarrant who provided the Committee with a series of images which showed the food trailer at Gorey Pier and sought to address the highway safety concerns. Mr. Tarrant stated that the car park was already used intensively during the summer months and he asked why the States of Jersey had not addressed the risks highlighted in the letters of objection. The applicant company was prepared to provide roadside mirrors opposite the car park to improve visibility and would undertake to manage vegetation. Furthermore, the applicant company was prepared to omit the proposed portable toilet from the scheme.

Deputy K.F. Morel of St Lawrence questioned why the area was being referred to as a public car park – when it appeared to be a piece of land on the edge of a car park. Mr. Stein pointed out that there was a public car parking sign. The case officer stated that it had not been specifically designed as a car park so visibility splays were sub-standard and the surface was hoggin. Deputy Luce advised that there were a number of car parks in the Island with a hoggin surface. He was also critical of the manner in which the Property Holdings Department had withdrawn its support for the application on receipt of the highways objection. He felt this was 'embarrassing' and disjointed in that different sections of the same Department appeared not to be working together. Whilst it was recognised that it was not unusual for the various sections of large Departments with different statutory obligations to take opposing

views, the Director, Development Control undertook to write to the Director General of the Growth, Housing and Environment Department to address the specific circumstances which had arisen in this particular case.

Having considered the application, the Committee, with the exception of Deputies Morel and G.J Truscott of St. Brelade, expressed support for the application and decided to grant permission, contrary to the officer recommendation. It was noted that the application would be re-presented for formal decision confirmation at the next scheduled meeting.

La Crete
Quarry, La
Route de la
Côte, St.
Martin:
proposed
change of use
of part of site
to al fresco
dining area.

P/2019/0880

A13. The Committee considered a report in connexion with an application which proposed siting a food trailer and portable toilet to the north of the La Crete Quarry, La Route de la Côte, St. Martin site. The Committee had visited the site on 19th November 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and Policies NE6, EVE1 and EVE3, GD1, GD7 of the 2011 Island Plan were relevant to the application.

The application sought permission for the siting of 2 mobile structures within the Coastal National Park (CNP); a portable toilet and a food trailer. The site was a former quarry, now used as an informal car park, and included an overgrown area of roadside verge on its northern side. The site was prominently located in an exposed position, immediately adjacent to the coast road between Anne Port and Archirondel. The Department was concerned that the proposal would intensify vehicular activity and this would have highway safety implications. The Highway Authority strongly objected to the application on safety grounds and, having been made aware of this, Jersey Property Holdings, which body administered the land on behalf of the public, had also raised an objection. Additionally the portable toilet would be visible to passing traffic and was visually unacceptable in the Coastal National Park where policies were aimed at conservation and enhancement. The Department was recommending refusal on the grounds that the application was contrary to Policies GD1, GD7 and NE6 of the 2011 Island Plan.

2 letters of objection had been received, together with 4 letters of support for the application.

The Committee noted that the proposal was linked to a parallel application (reference P/2019/0706 – minute No. A12 of this meeting refers), also before Committee, for the formation of a fenced outdoor eating area on the roadside verge. The Department was of the view that the applications should be dealt with simultaneously as they were inextricably linked. All oral representations received in connexion with this application and application reference No. P/2019/0706 were detailed in Minute No. A12 of this meeting.

Having considered the application, the Committee was unable to reach a majority decision, with 3 members expressing support for the application on the basis that the portable toilet was screened and the remaining 3 endorsing the officer recommendation to refuse permission on the grounds detailed above. Consequently, in accordance with agreed procedures, the application was determined in the negative and was refused.

St. Mannelier,
La Vielle
Maison
de'Ecole, La
Rue de St.

A14. The Committee considered a report in connexion with an application which proposed the change of use of use of agricultural land to residential at St. Mannelier, La Vielle Maison de'Ecole, La Rue de St. Mannelier, St. Saviour. Various landscape and land level alterations to the site, the construction of a garden store to the south-west and the extension of a plant area to the north elevation were also proposed,

21st Meeting
21.11.19

Mannelier, St. Saviour:
proposed
change of use
of agricultural
land/various
alterations.

P/2019/0860

together with a replacement swimming pool and plant room and the installation of 3 air source heat pumps to the east of the main house. A new terrace was to be constructed and existing terracing to the south and east elevations were to be altered. 2 gates to the western roadside boundary would be replaced, a wall constructed and a new gate to the north of a staff cottage would be installed. The Committee had visited the site on 19th November 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that St. Mannelier was a Listed Building. Policies NE7, HE1, NE2, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the site included a former school building (1758) and attached house (1830) together with a detached cottage adjacent to the lane. These buildings were Grade 2 Listed. The main house had been extended to the east with a glazed link and pool house. The site also included 5 fields (S287, S288, S303, S304A and S304) which wrapped around the house. Field S288 to the north was of archaeological interest, being the site of a medieval chapel. The school building replaced a much earlier building, which had been the Island's first formal school, founded on this site in 1477. The existing school building had become part of the house to which it was attached when the school had closed in 1863.

The Committee noted that the proposals largely concerned landscaping works around the house, including the provision of a new driveway route, a garden store and replacement swimming pool, all of which were considered relatively minor works and which were sympathetically designed for this rural location.

The application was before the Committee due to the formal change of use of agricultural land. The application sought a change of use of the fields from agricultural to residential, in the following manner –

Field S287 – currently laid to grass - would be an orchard for a bona fide cider producer;
Field S304A – to be planted as a wildflower meadow and tree ‘corridor’;
Field S288 – to be planted as native woodland and informal orchard;
Field S304 – steep escarpment to be regraded and planted with grass and wildflowers; and,
Field S303 to be maintained with trees for coppicing and hay production.

Additionally the proposals include the formation of an ‘informal’ drive; hard and soft landscaping; the construction of a garden store to the west of the house; a replacement swimming pool to the east of the house; and replacement gates within the roadside boundary wall.

Although the site included a number of fields, these had not been in active use since 2007. Whilst the Green Zone policy presumed against the change of use of agricultural land, the Department's agricultural advisor had not objected in this particular instance. The land was compromised by a public drain, manhole covers, a heating system and steep topography, all of which restricted its use for agricultural purposes in the normal sense. The proposals included sensitive and appropriate landscaping to safeguard the setting of the Grade 2 Listed house, increase the ecological value and agricultural productivity through the planting of an orchard for cider production.

The application was recommended for approval, subject to the imposition of 2 conditions detailed within the officer report.

At the request of a member, the Director, Development Control explained the difference between the terms ‘residential use’ and ‘domestic curtilage’. It was noted that domestic curtilage generally referred to far smaller areas and did not include all residential land. The term ‘domestic curtilage’ was a legal term used in the General Development Order.

Deputy K.F. Morel of St Lawrence understood that the applicants could not be compelled to plant an orchard on Field S287 and he was concerned that if a change of use was permitted and the safeguards afforded by the agricultural status removed, this would make it possible to build on the land. The case officer reminded the Committee that, if approved, a standard condition would be attached to the permit stipulations that the scheme had to be implemented in accordance with the approved plans.

The Committee heard from the applicant, Mr. G. Davidson, his agent, Mr. M. Stein and Mr. H. van Oordt, landscape Architect. Mr. Stein advised that the applicant wished to create a much more natural and organic feel by transforming lawned areas and taking a more rural and informal approach to the driveway. 275 new trees would be planted, together with wild flowers and grasses. Invasive species would be removed and a management plan put in place. The applicant was committed to creating a more natural environment, adding to the ecological value and enhancing the setting of the Listed Building.

Mr. van Oordt advised that the landscaping scheme would bring a more rural, discreet and understated style and the driveway would have the appearance of a track. The approach to the house would be much more pleasant and the scheme would reduce the sea of parked cars. Mr. van Oordt confirmed that an orchard would be planted in Field S287 for the purpose of cider production.

Deputy Morel repeated his concerns regarding the removal of the agricultural status and the potential for the future development of the land if it changed hands. Mr. Stein reminded the Committee that the Fields had been laid to lawn for some considerable time. The applicant stated that building on this land would also devalue the principal dwelling. Mr. Stein suggested that a Planning Obligation Agreement could be entered into to secure the use of land as an orchard in perpetuity.

Having considered the application the Committee, with the exception of Deputy S.M. Wickenden of St. Helier – who was uncomfortable with the change of use - decided to grant permission, subject to the implementation of certain conditions detailed within the officer report. In addition, the Committee agreed that the applicant should enter into a Planning Obligation Agreement to secure the use of the land as an orchard in perpetuity, as suggested by Mr. Stein. The Director, Development Control highlighted the fact that no development rights were conferred on the land at present and consent would be required for any work. However, the Committee wished to proceed in the manner set out above.

La Lisière, La
Rue de la
Pigeonnerie,
St. Brelade:
proposed
demolition and
redevelopment.

A15. The Committee, with reference to its Minute No. A11 of 4th April 2019, considered a report in connexion with an application which sought permission for the demolition and redevelopment of the property known as La Lisière, La Rue de la Pigeonnerie, St. Brelade to provide 3 x 4 bed dwellings and one x 5 bedroom dwelling with associated parking and landscaping. It was also proposed to create a new vehicular access onto La Rue de la Pigeonnerie. The Committee had visited the application site on 2nd April (in connexion with a previous application) and 19th November 2019.

P/2019/0973

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, HE1, H6,

WM1, NE1, SP1, SP4, SP6 and NE1 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Note No. 3 – Parking Guidelines - September 1988.

The Committee was advised that the site currently housed a single dwelling and was located in the Built-Up Area. To the north-west lay a Grade 3 Listed Building known as Le Pigeonnerie. The current application followed on from pre-application advice and a recently refused scheme for 4 new dwellings. The size, scale, design and quantum of development proposed would have resulted in a scheme which tested the relationship with the adjoining neighbours and the Listed Building, La Pigeonnerie. This was reflected in the previous scheme attracting 9 letters of objection from neighbouring residents (and a 10th since its refusal). The Historic Environment Section had also objected. The application had been refused for the following reasons –

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

Since the refusal of the previous application, the applicant's agent had actively engaged with the Department to address the above reasons for refusal. The proposed development had been scaled back to address the concerns of neighbouring residents and the Historic Environment Section. The proposal accorded with the Island Plan's Strategic and detailed Policies and satisfied the Department's minimum standards regarding amenity space, room sizes, and car parking. Matters raised by statutory consultees had been addressed during the life of the application and/or by condition.

The scheme was not considered to cause unreasonable harm to the amenities of neighbouring users, nor would it lead to an unacceptable increase in traffic generation and parking. It was acknowledged that the proposal had attracted an objection from the Transport Authority on the basis that the access with the primary route network (La Route des Genets) was substandard. However, it was noted that this access already served 70 units and the application proposed increasing the number of units on the site from 1.5 to 4, which was not considered to result in a significant increase in traffic movements or highway safety issues.

The application represented an opportunity to redevelop residential land in the Built-Up Area to a higher density and in doing so deliver more homes in a sustainable location. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

10 letters of objection from 8 individuals had been received in connexion with the application.

The Committee heard from Mrs. J. Stevenson who explained that she found it difficult to understand why the new plans continued to propose 4 new dwellings. She was concerned about the sheer volume of the development and the additional

cars. She was particularly worried about unit No. 4 and its relationship with [REDACTED] property and she felt that demand for housing in the Island was causing the concerns expressed by neighbours about the impact of development to be set aside. She noted that there would be 2 visitor parking spaces against the boundary [REDACTED] and she felt that this would be prejudicial to privacy and asked if consideration could be given to the construction of a 2 metre high wall. The applicant's agent confirmed that the applicant would be willing to construct the wall. She also requested that if the application was approved, a condition be attached to the permit requiring the obscure glazed windows to remain in perpetuity – the case officer confirmed that such a condition was proposed.

The Committee heard from Ms. C. Le Bas-Mitchell, who also found it difficult to understand why the application continued to propose 4 new dwellings in spite of the previous refusal. She expressed the view that the proposed development would be out of keeping with existing surrounding development in Clos des Genets. Ms. Le Bas-Mitchell also felt that the provision of visitor parking was insufficient and could result in indiscriminate parking at Clos des Genets. Whilst she was supportive of the provision of affordable housing, she did not believe that the new units would be priced with first time buyers in mind. She too was concerned that the obscure glazed windows could be removed in the future. The Director, Development Control advised that if permission was granted with the condition referred to by the case officer and the windows were later clear-glazed, this could result in both enforcement action and prosecution. In concluding, Ms. Le Bas-Mitchell asked whether it was intended to retain an existing dry stone [REDACTED]. The applicant's agent confirmed that this would be the case.

The Committee heard from the applicant's agent, Mr. R. Godel, who advised that the scheme had changed significantly and considerable effort had gone into addressing the issues which had previously been raised, to include privacy issues. In terms of the grain of development in the immediate vicinity, this was mixed with a Listed Building to the north and a housing estate to the south and west. Mr. Godel felt that the proposal presented an appropriate response and would be a visual asset to the area. The provision of car parking exceeded the standards and the access road was wide enough to accommodate vehicle parking.

Having considered the application, the Committee endorsed the officer recommendation to approve the application, subject to the implementation of certain conditions detailed within the officer report and on the basis of an additional condition requiring the construction of a 2 metre high boundary wall along the southern strip of the visitor parking area.

White Sands,
No. 2 Rue de
Maupertuis, St.
Clement:
proposed new
vehicular
access (RFR).

P/2019/0785

A16. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the creation of a new vehicular access onto La Rue de Maupertuis from the property known as White Sands, No. 2 Rue de Maupertuis, St. Clement. The Committee had visited the site on 19th November 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 GD1 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site was located on La Rue de Maupertuis, a short distance from the junction with St. Clement's coast road. The applicants wished to remove the roadside wall of the property in order to create two parking spaces with direct access onto La Rue de Maupertuis. The Highway Authority had objected to the application on the grounds of highway safety and insufficient

21st Meeting
21.11.19

visibility for both pedestrians and drivers. Vehicles would be unable to turn on the site and would, therefore, have to reverse into the main road. Consequently, the application had been refused on the grounds of highway safety. Furthermore, the proposed removal of the entire roadside wall would impact on the character of the street scene.

The applicants had requested that the Committee review the decision, making the following points -

- the intention was to reverse into the parking area and exit in a forward gear; i.e. there would be no reversing into the main road;
- the visibility would be improved compared with the existing shared vehicle access to the rear of the property;
- the loss of the front garden and roadside wall was regrettable, but the priority was to improve safety; and,
- the existing parking situation at the rear of the property was highly unsatisfactory in terms of size and usability and there were conflicts with neighbours.

The Department noted the above comments, including the evident shortcomings of the existing parking situation, and the applicants' stated intention regarding the use of the parking area. However, there was no reasonable way to enforce this and the concerns of the Highway Authority remained. Therefore, it was recommended that the Committee maintain refusal of the application.

Having noted that no persons present wished to speak for or against the application, the Committee proceeded to determination and unanimously refused permission for the reasons set out above.

Pont Rose
Farm, Le Pont
du Val, St.
Brelade:
proposed
demolition of
extensions/
construction of
new
extensions/con
version of
various
structures.

P/2019/0524

A17. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the following works at Pont Rose Farm, Le Pont du Val, St. Brelade

–

- the demolition of various extensions to the north elevation of Pont Rose Farm and
- the construction of new extensions to the north and east;
- the conversion of units 3 and 4 to form one x 3 bed dwelling;
- various external alterations, to include replacement windows and dormers, the removal of render, the construction of a carport and bin store to the north and the construction of garages to the south;
- the formation of a driveway and the creation of a vehicular access onto Pont du Val;
- the conversion of a bake house to a garden store;
- the demolition of some existing sheds and the construction of 2 x 2 bed self-catering accommodation units; and,
- the alteration of the existing vehicular access and alterations to the slipway onto La Rue des Sauvalleries.

The Committee had visited the site on 19th November 2019.

Deputies G.J. Truscott of St. Brelade and K.F. Morel of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and included a Grade 3 Listed farm group. Policies SP1, SP4, GD1, GD7, NE1, NE2, NE7, HE1 and EVE1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site comprised a historic farm group in a valley setting. Access into the site was via La Rue des Sauvalleries, which ran along the eastern side of the site. The original buildings had undergone a significant amount of alteration during the 20th century – much of it unsympathetic to the historic character of the property. There were 4 existing residential units within the southern range of buildings, only one of which was currently occupied. To the north there was a small row of ancillary outbuildings.

The application proposed the redevelopment of the group. The existing southern range would be altered and extended to create 3 dwellings. To the north, 2 new units of tourism accommodation would be established in place of the existing outbuildings. To the north-west, a new garage would be constructed in place of an existing machinery store and at the southern end of the site new garaging would be established and an existing vehicle entrance onto Le Pont du Val would be reopened. Overall, the application demonstrated a high quality of design throughout, and provided a series of improvements to the existing historic buildings – including the removal of many damaging 20th century interventions. In addition, a scheme of landscape enhancements was proposed across the site and within the adjoining area to the north.

Notwithstanding the benefits, concern existed with regard to the overall level of new development proposed, bearing in mind the Green Zone Policy restrictions. This included concerns over the construction of a new 2-storey block, containing 2 additional (tourism) units to the north in place of a single storey outbuilding. In the context of the wider scheme of improvement across the site, one new unit could potentially be justified as a replacement for Unit 4, which was being lost as a result of the amalgamation of existing Units 3 and 4. However, 2 new units in this area was difficult to justify. Moreover, the application also proposed the construction of a substantial new garage outbuilding within the southern part of the site, in a currently undeveloped area. Taking all of this into account, the Department did not believe that the application was in accordance with Policy. Consequently, it had been refused on the grounds that it failed to satisfy the wider requirements of Policy NE7 (Green Zone). It was recommended that the Committee maintain refusal.

The Committee received the applicant, Mr. M. Bartlett and his agents, Mrs. F. Godel and Mr. R. Godel. Mr. Godel stated that the property had been neglected and was in a very poor state of repair. Consequently, a considerable amount of work would be required to restore the site and the 2 self-catering units to the rear were required to make the scheme financially viable. Anecdotal evidence suggested that there had originally been 5 units of accommodation. The proposed design approach had been discussed with the Historic Environment Section and the self-catering units to the north had been designed to minimise the impact on the landscape and to respect and reflect the style of the Listed Buildings to the south. There had previously been a 2 storey building to the rear of the site and it was understood that the Historic Environment Section was satisfied with this. The scheme would increase the number of beds from 10 to a maximum of 12 so the increase in occupancy was not considered unreasonable – 2 of the units would be used as self-catering accommodation and

21st Meeting
21.11.19

Visit Jersey supported the application. Mr. Godel discussed the many advantages of the scheme and stated that the applicant was motivated by a desire to contribute to the improvement of Jersey's landscape. Every effort had been made to make the proposed development blend in with its context and all car parking would be removed from the court yard area to restore that space.

Mr. Bartlett advised that the scheme proposed the sympathetic restoration of buildings which had lain derelict for many years. An old Jersey bake house and an abreuvoir would also be restored and significant ecological enhancements were also proposed.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who referred to the surviving historic features. She confirmed that she had raised a number of detailed issues in her consultation response, which were designed to ensure the retention of historic features. She recognised the many benefits which would arise from the scheme and requested that, if permission was granted, a condition be attached to the permit which required the retention of as many features as possible. Whilst she did not believe that the setting of the farmhouse would be affected by the proposals, there would be an impact on the abreuvoir. In conclusion, the Historic Environment Team was not objecting to the application, but had requested further information.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, who was concerned about the proposed garaging, decided to grant permission, contrary to the officer recommendation. In doing so the Committee stated that approval was conditional upon the issues raised by the Historic Environment Officer being addressed and some form of restriction on the occupancy of the self-catering accommodation being imposed.

Coppelia
Cottage, La
Grande Route
des Sablons,
Grouville:
proposed
extension.

A18. The Committee considered a report in connexion with 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 form a second bedroom to the west elevation of the property known as Coppelia Cottage, La Grande Route des Sablons, Grouville. The Committee had visited the site on 19th November 2019.

Deputies K.F. Morel of St. Lawrence and R.E. Huelin of St. Peter did not participate in the determination of this application.

P/2019/0857

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies GD1, BE6 and H6 of the 2011 Island Plan were of particular relevance.

The application site was small and accommodated a 2 storey dwelling known as Coppelia Cottage. The property had been built within the grounds of the dwelling known as Coppelia and had been in situ since the 1960's. Coppelia Cottage had been formed with unusual dimensions, with a long, thin layout due to the tight constraints of the site. It was 2 storeys high and sat uncomfortably with the single storey building it was attached to. Parking and amenity space were limited.

The Committee noted that the proposed works would result in an increase in occupancy and the provision of practical parking, amenity space and internal space would be below that set out for a 2 bedroom property in Policy Note 6 - A minimum specification for new housing developments 1994 (Amended 2009) and the current guidelines for car parking. In addition to this, the area marked as amenity space to the front of the property on the proposed site plan would be unacceptably overlooked by several windows belonging to 'Coppelia' and would also fall foul of the requirements set out in Policy Note 6. Furthermore, the proposed first floor

extension would have an unacceptable impact upon the residential amenity that users of neighbouring properties might reasonably expect to enjoy by way of a harmful overbearing impact and through the loss of light.

The Committee was advised that as the site was already cramped with a one bedroom unit it was not considered adequate to accommodate a 2 bedroom unit, as proposed, without resulting in the difficulties highlighted. Consequently, the application had been refused on the grounds that it failed to satisfy the requirements of Policies GD1, BE6 and H6 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from the applicants' agent, Mr. J. Wildbore-Hands, who advised that a very modest extension was proposed and that the existing parking arrangements had worked well for 60 years. There had been no objections to the application and the scheme would see the removal of a window which overlooked a garden to the north. The amenity space would only be one and a half square metres under that which was required by the standards and Mr. Wildbore-Hands referred to 2 new houses approved in Le Breton Lane which had smaller amenity areas.

Having considered the application, the Committee endorsed the officer recommendation and maintained refusal for the reasons set out above.

Kenmuir
Apartments,
No. 13
Queen's Road
Terrace,
Queen's Road,
St. Helier:
proposed
replacement
guttering
(RFR).

A19. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the replacement of some guttering to the north elevation of Kenmuir Apartments, No. 13 Queen's Road Terrace, Queen's Road, St. Helier. The Committee had visited the site on 19th November 2019.

Deputies K.F. Morel of St. Lawrence and R.E. Huelin of St. Peter 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 of the Green Backdrop Zone and that the property was a Grade 4 Listed Building. Policies GD1, GD7, BE6, BE3, HE1 and TT13 of the 2011 Island Plan were of particular relevance.

P/2019/1028

The Committee noted that the application proposed the replacement of the existing timber gutter with a Upvc gutter. The Department accepted that the existing gutter needed to be replaced and permission had been granted for a new timber gutter. However, the applicant wished to install a Upvc gutter and the Department's position was that this would not preserve or enhance the architectural and historic character and integrity of the Listed building. Consequently, the application had been refused on the grounds that it was contrary to Policy HE1 and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that this Grade 4 Listed Building was part of a terrace of significant character. This particular feature was part of the historic integrity of villas of this type in St. Helier and replicating detail was vital. Plastic features were not appropriate, nor were they in-keeping with original features.

The Committee heard from Mr. J. Turner, who represented the applicant. Mr. Turner stated that he respected the views of the Historic Environment Officer and her specialist knowledge and understanding of the importance of preserving historic features. However, in this particular case the gutter was not considered to contribute to the character of the building or environment. Furthermore, a mix of materials had been used in this and neighbouring buildings. There had been no objections and, due

21st Meeting
21.11.19

to the location and height of the gutter, it was not considered to contribute to the historic value of the building.

Having considered the application, the Committee endorsed the officer recommendation and maintained refusal of the application for the reasons set out above.

St. Jude, La Grande Route de St. Martin, St. Saviour: proposed demolition of various structures/ construction of extension/car port.

A20. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the demolition of an existing garage, conservatory and sheds at St. Jude, La Grande Route de St. Martin, St. Saviour and the construction of a single storey extension to the south elevation and the installation of a dormer window to the west elevation. It was also proposed to install a pergola to the west and construct a carport to the east of the site. The Committee had visited the site on 19th November 2019.

Deputies K.F. Morel of St. Lawrence and R.E. Huelin of St. Peter did not participate in the determination of this application.

P/2019/1095

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies GD1, GD7, NE7, SP7 and TT13 of the 2011 Island Plan were of particular relevance.

The Committee noted that, due to its size, design and location in relation to neighbouring properties, the proposed side extension was considered to cause unreasonable harm to the residential amenity of neighbouring properties through a loss of privacy and overbearing impact.

The proposed scheme intended to increase the internal floor space of the property by 61 per cent. Potential occupancy would increase from 3 to 5 bedrooms and this was contrary to the requirements of the Green Zone Policy. Furthermore, the dimensions of the proposed dormer window failed to respect those of the host dwelling and would be a dominant feature which would have a negative impact upon the existing property. Finally, the scheme did not provide adequate car parking for a dwelling of this size.

The combination of the above issues resulted in a proposal which was wholly unacceptable due to its impact upon neighbours and the Green Zone, the poor design, and the inadequate car parking. As a result, the application had been refused on the grounds that it was contrary to Policies NE7, GD1, GD7 and TT13. It was recommended that the Committee maintain refusal.

The Committee heard from Messrs. I Pallot and M. Russell representing the applicant. Mr. Pallot stated that the individual elements of the scheme were relatively small and, he believed, with some slight 'tweaks', could be carried out without the need for permission (under Permitted Development Rights). The proposed scheme would enhance a run down and tired property and Mr. Pallot understood that the Green Zone Policy permitted the extension of dwellings. He pointed out that the immediate context was a dense mix of 2 - 3 storey properties and there would be no impact on neighbouring amenities. No objections had been received. The openings on the south elevation were all at ground floor level and served 'secondary' rooms. The degree of overlooking would be minimal and the applicant intended to construct a wall along the southern boundary which would restrict the degree of overlooking (this did not form part of the application). Whilst the percentage increase in the floor area appeared large, this was because the existing dwelling was so small it did not comply with the standard for a 3 bedroom property. The proposed extension was small and Mr. Pallot stated that what was proposed was

less than could be achieved with Permitted Development Rights. Whilst the dormer was large, it was not on the principle elevation and was set well into the roof. With regard to car parking, there would be no reduction. The existing garage was 4 metres long and was very difficult to access.

Mr. Russell advised that [REDACTED] that the intention was to create a family home. The scheme would result in the building moving further away from the boundary, thus reducing the impact. With regard to the existing garage – which had been constructed in 1958 – this was not sufficiently large for modern vehicles and recent experience had shown that it was not even large enough for a 1970's Ford Escort.

Having considered the application, the Committee was unable to reach a majority decision, with 2 members supporting the application and the remaining 2 endorsing the officer recommendation to refuse permission. In accordance with agreed procedures in relation to tied votes, the application was determined in the negative for the reasons set out above.

Larks Rise, Le
Mont
Rossignol, St.
Ouen:
installation of
glazed
balustrade to
flat roof
(RETRO-
SPECTIVE).
P/2019/0824

A21. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission retrospectively for the installation of a glazed balustrade on a flat roof at the property known as Larks Rise, Le Mont Rossignol, St. Ouen. The Committee had visited the site on 19th November 2019.

Deputies K.F. Morel of St. Lawrence and R.E. Huelin of St. Peter 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 Green Zone and that Policies GD1, GD7 and NE7 of the 2011 Island Plan were of particular relevance.

The Committee noted that a roof terrace had been approved in 2014 (under application reference P/2014/1772). In 2015, during its construction, the Department had been made aware that it was not being built in accordance with the approved plans. The staircase was in the wrong location and the roof terrace had been extended across the whole of the flat roof. Whilst the staircase had been relocated and now complied with the permission, the balustrade had never been removed from the eastern section of the flat roof. The gap where the original stair had been wrongly positioned had also been infilled with a matching balustrade.

In 2015, a retrospective application had been made for the extension of the roof terrace to regularise what had been constructed. On advice that the application would be refused, it had been withdrawn. This was followed by an application in 2016 (P/2016/0236) which had sought to remove the unauthorised balustrading, along with various other modest alterations to the approved roof terrace. This had been approved but the unauthorised balustrade remained. The current application was very similar to the withdrawn 2015 application, albeit that there was now additional balustrading between the authorised roof terrace and the unauthorised section relevant to this application. The scheme was still considered to be unacceptable as the balustrade enclosing the area did not fully prevent access and the area could be used as a roof terrace. Furthermore, the area appeared as a roof terrace from the neighbouring property and thus its appearance and possible unauthorised use compromised privacy.

21st Meeting
21.11.19

Whilst the visual design of the proposal was satisfactory and the application sought to create ‘a balance to the elevation by use of a common architectural treatment’, the impact on the neighbouring property was deemed detrimental. The appearance and layout of the balustrade as built, did not mitigate neighbour issues or improve the design to an extent which made the application acceptable. Consequently, it had been refused on the grounds that it was contrary to Policy GD1 of the 2011 Island Plan and it was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr. D. Le Tarouilly, a neighbour who advised that when the roof terrace had been used in the past this had impacted upon privacy. Mr. Le Tarouilly informed the Committee that he had been given assurances by an Enforcement Officer in 2016 that the stair case and balustrade would be removed. However, in 2019 an additional section of balustrading had been installed so he had contacted the Department. The barrier which divided the authorised and unauthorised sections of roof terrace could easily be removed to facilitate use of the whole area.

The Committee heard from Messrs. A. Hunter, the applicant and R. Godel, his agent. Mr. Godel confirmed that he had not been involved in the project when the original unauthorised works had been carried out. However, he stated that there had been a genuine error in terms of the interpretation of what had been permitted. The fact remained that a barrier had been erected, decking laid and glass balustrading installed to enclose the unauthorised area. It was not intended to use this area and it would only be accessed for maintenance purposes. The surface could be replaced with pebbles. Mr. Godel believed that it was clear that this part of the roof could not be used as it was not easily accessible because of the barrier which had been erected. He felt that requiring the removal of the glazed balustrade and the decking would be excessive and the materials would only have to be disposed of, which was not environmentally sustainable. Mr. Godel was of the view that retention of the balustrading would not increase the impact on neighbour’s privacy.

Mr. Hunter addressed the Committee, stating that the error had occurred as a result of an oversight by the original architect involved in the project. The applicants had complied with an enforcement order which had been issued by the Department and believed the glass balustrading to be purely cosmetic. This area of the roof had never been used, except for general maintenance of the roof and a wall had been erected to protect privacy.

Having considered the application the Committee endorsed the officer recommendation to maintain refusal for the reasons set out above.

De Montford
House, La
Route de la
Côte, St.
Martin:
proposed
extensions.

A22. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought permission for the construction of a ground floor extension to the west elevation of De Montford House, La Route de la Côte, St. Martin. It was also proposed to enclose a courtyard and construct a ground floor infill extension and a first floor extension on the north elevation. The Committee had visited the site on 19th November 2019.

P/2019/0970

Deputy R.E. Huelin of St. Peter 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 of the Green Backdrop Zone and was in a Tourist Destination area. Policies GD1, GD7, BE3, EVE2, HE1 and SP4 of the 2011 Island Plan were of particular relevance.

The Committee noted that the site had undergone a major redevelopment resulting in the completion of a substantial dwelling with a strong visual impact located in an elevated position above Gorey Harbour. De Montford House lay within the setting of the Grade 1 Listed Mont Orgueil Castle and the wider setting of the Listed Buildings in Gorey Harbour.

The application followed 2 recent refusals for very similar schemes, albeit the latest submission had been reduced in scale. Both of these previous applications had been refused on 4 grounds and the Department was of the view that those reasons for refusal had not been addressed in this latest scheme. The scheme had attracted objections from neighbouring residents, the Historic Environment Team and the Highway Authority.

In conclusion, the size, scale and siting of the 2 storey extension was considered to be overly dominant in the Green Backdrop Zone setting and harmful to the amenities of neighbouring sites. In addition, the scheme failed to preserve or enhance the setting of Mont Orgueil Castle or demonstrate that it would not lead to unacceptable highway safety problems. It was, therefore, recommended that the Committee maintain refusal of the application on these grounds.

The Committee heard from Mrs. J. Barnes [REDACTED]
[REDACTED]
[REDACTED] She and her husband had been shocked to discover that [REDACTED] wished to extend De Montford House as they believed that the site had reached its full potential in terms of development. It was highly visible from Gorey as a result of its scale and elevated position. Mrs. [REDACTED]
[REDACTED]
[REDACTED] She and her husband enjoyed the peace and tranquillity [REDACTED] and the proposed extension would [REDACTED] [REDACTED] having a considerable impact upon [REDACTED] privacy and the amount of natural light to the area. Concerns were also expressed regarding noise and disturbance arising from construction work.

The Committee heard from Mr. J. Barnes of Barnes, Collie, Fischer Architects, representing Mrs. Barnes and her husband. He described the scheme as an unwelcome intrusion into the Green Backdrop Zone, where the landscape character must be the dominant element. He also believed that it would have an overbearing impact on The Warren, [REDACTED] The existing dwelling was prominent and ostentatious and the extension would increase the bulk of the house. The existing structure had a significant impact on Mont Orgueil Castle. Mr. Barnes expressed the view that the application failed to satisfy the tests set out in the General Development Policies and the application failed to satisfactorily address these issues. There would be noise and disruption from the construction works.

The Committee heard from the applicant, Mr. L. De la Haye and his agent, Mr. J. Nicholson, who sought to address the reasons for refusal. He stated that the green c  til would remain the dominant element. The site was in the Built-Up Area so a balance had to be struck and Policy BE6 supported alterations and extensions in the Built Up Area. Buildings could be larger as long they did not diminish the landscape character. The proposed extension would be well designed and would be set back. There were a number of large properties in the immediate vicinity, to which reference was made, where various works had been approved with no consideration having been given to the impact on Mont Orgueil Castle. It was, therefore, difficult to reconcile concerns expressed in this regard and Mr. Nicholson highlighted the need for consistency of approach. He did not believe that the scheme would have an

21st Meeting
21.11.19

impact on the setting of the castle and this view was supported by an historic environment expert. There was sufficient car parking on the site and no change was proposed in this respect.

Mr. De la Haye advised that he had erected a fence and planted trees between his property and The Warren. In spite of the fact that these trees were not yet fully grown, Mr. De la Haye reported that he was unable to see into the neighbouring property. He advised the Committee that he wished to be a good neighbour. De Montford House had only 3 bedrooms and the proposed development would provide additional space whilst balancing out the appearance of the structure. He too referred to development approved in the immediate vicinity and felt that he was being unfairly penalised in some way.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the position of this relatively large house high on the cōtil formed part of setting of the castle, as did other modern development in the area. Whilst she noted the view of the applicant's heritage specialist, Ms. Ingle stated that views on setting were subjective. In terms of the impact of the extension, she advised that De Montford House was a substantial building, as evidenced by night time views which highlighted its prominence, so a further extension would have a negative impact on the setting of the castle in her view.

Having considered the application, the Committee endorsed the officer recommendation to maintain refusal. In doing so the Committee noted that the application had been refused on the grounds of, among other things, failing to demonstrate that the proposals would not lead to unacceptable problems of highway safety. The Committee did not believe that this would be an issue and directed that this particular reason be struck out on the refusal notice.