

Planning Committee

(8th Meeting)

23rd February 2023Part A (Non-Exempt)

All members were present, with the exception of Connétables P.B. Le Sueur of Trinity, D.W. Mezbourian of St. Lawrence, M. O'D. Troy of St. Clement and Deputy A. F. Curtis of St. Clement.

Connétable K.C. Lewis of St. Saviour  
 Connétable R. A. K. Honeycombe of St. Ouen  
 Deputy S.G. Luce of Grouville and St. Martin, Vice Chair  
 Deputy M. R. Le Hegarat of St. Helier North  
 Deputy T.A. Coles of St. Helier South  
 Deputy A. Howell of St. John, St. Lawrence and Trinity

In attendance -

G. Duffel, Principal Planner  
 C. Jones, Senior Planner  
 L. Davies, Planner  
 J. Durbin, Planner  
 S. de Gouveia, Planner  
 T. Gallichan Trainee Planner  
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A7 – A14)  
 A.-C. Goodyear, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1 – A6)

Note: The Minutes of this meeting comprise Part A only

- Minutes. A1. The Minutes of the meeting held on 26th January 2023, were taken as read and were confirmed.
- Ann Street Brewery, Ann Street, St. Helier: proposed redevelopment. P/2022/0969 A2. The Committee considered a report in connexion with an application which proposed the redevelopment of Ann Street Brewery, Ann Street, St. Helier, to include the demolition of some existing structures, the refurbishment of buildings (including Listed Buildings), the construction of new residential units, the creation of commercial spaces and associated ancillary works, including landscaping, means of access through the site and below ground car parking. The Committee had visited the site on 21st February 2023.
- Deputy T.A. Coles of St. Helier South did not participate in the determination of this item.
- A site plan and drawings were displayed. The Committee noted that the application site was located in the Built Up Area and that Policies SP1 – SP4, SP6, SP7, PL1, GD1 – GS3, GD6 – GD7, GD10, NE1, NE2, HE1, HE5, ER1, ER2, ER4, EV1, H1 – H4, H6, ME1 – ME3, CI6, TT1 – TT4, WER1, 2, 6, 7, UI3 and 4 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted that the key components of the scheme were as follows -

the demolition and clearance of:

- the existing 2 storey residential block with a frontage onto St Saviour's Road (Nos. 67-78 Quetteville Court);
- 2 storey residential dwellings within a group around the protected open space southern boundary of the site (Nos. 33-37 Quetteville Court);
- various buildings to the Ann Street frontage (Brewhouse Cottages/Fern Place);
- a group of single storey and 2 storey buildings to the rear of existing dwellings facing onto Simon Place;

the cessation of the car parking use of the existing open areas making up the northern and eastern portion of the site, and accessed from St Saviours Road;

the construction of a 5 storey residential block fronting onto Ann Street, with vehicular access into the site (and its associated car parking) provided at the southern end of this block, adjacent to the southern boundary of the site, and running alongside De Quetteville Court;

the construction of a rectangular north-south orientated block broadly centrally located within the site extending northward and continuing the line of 6 storey residential development permitted pursuant to the redevelopment of the Mayfair Hotel site, to the south. The central block would comprise 3 main blocks that would be 7 stories high for the southern pair and 6 stories high for the northern element. These would be linked by 2 separate 4 storey features. Solar panels would be included in the roof areas of the taller blocks and over the lower linking elements there would be landscaped amenity areas for residents. A total of 65 car parking spaces would be located underneath this block, along with circa 350 bicycle spaces and residents' storage. Facilities would be provided for cycle repairs, cleaning and battery charging. 5 motorcycle parking spaces would also be provided;

the refurbishment and extension of the property known as Sans Souci, a Grade 3 Listed Building facing onto St Saviours Road. Some alterations to the internal layout were proposed including the creation of a new opening internally and a link into the proposed single storey extension to the rear. Amended plans had been received during the life of the application which reduced the height of the single storey element;

on the Simon Place frontage, an existing dwelling on the eastern boundary would be extended to create a pair of buildings reflecting the original structures, but with the addition of a rear extension to provide a staircase. These would be open market units;

on the Simon Place frontage and to the west of the abovementioned block, an existing Listed Building would be demolished and replaced with a largely detached structure to provide residential dwellings within an apartment layout;

on the Ann Street and Simon Place corner, the existing Belmont House would be refurbished to provide a café on the ground floor with residential units above;

on the Ann Street frontage, facing west, the existing Brewhouse and Brewhouse Offices would be refurbished and it was proposed that this would be available for rent as a microbrewery and offices. A number of the historic features associated with the previous use as a brewery would be retained including distilling vats. An extension would also be constructed to the rear of the historic brewhouse building. It was noted that this part of the building originally had a large factory type rear extension in association with the brewery use but this has since been demolished;

as well as the aforementioned bicycle parking within the main central block, additional bicycle spaces would be provided within and adjoining the various other units to provide a total of circa 450 bicycle spaces;

areas of open space would be provided as usable amenity areas for future occupiers, including roof areas;

whilst the vast majority of the units, including the 3 bedroom units, would rely upon communal amenity space, a small number of ground floor units within the block fronting St Saviours Road would have private gardens.

the total number of units would be 258 and the number of units lost as a result of the proposal would be 45, resulting in a net gain of 213 units.

The following mix of residential units was proposed –

- 166 x 1 bedroom
- 87 x 2 bedroom
- 5 x 3 bedroom

9 of the units, comprising a mixture of one and 2 bedroom units within the buildings fronting onto Simon Place would be available on the open market.

During the course of the consideration of this application, amended plans had been received and these reduced the scale of the development overall and responded to representations received. Consequently, it had not been considered necessary to readvertise the application. A comprehensive Environmental Impact Statement had also been submitted with the application.

The Committee received details of the planning history of the site, to include a previous approval for the redevelopment of the site to provide a mixed use development.

The Committee was advised that the scheme would deliver a substantial number of new dwellings, including the replacement of poor quality and thermally inefficient structures. Having regard to the overall scale, density and context it was considered that the scheme would appropriately respect the character and appearance of the locality. Whilst approval of the scheme would result in the permanent loss of a Listed Building, it was considered that the overall benefits, including investment in other Listed Buildings outweighed any harm. Therefore, it was recommended that permission be granted subject to the imposition of certain conditions detailed in the Department report and on the basis of the completing a Planning Obligation Agreement to secure a financial contribution towards various works/initiatives, also detailed in the Department report.

In response to a question from the Committee, the case officer noted that any provision of pedestrian access from Belmont Road to Millennium Park was beyond the range of the application site. There was an indicative crossing on Simon Place, but this did not form part of the current application and was beyond the extent of the application site.

9 representations from 6 interested parties had been received together with comments from the Parish of St. Helier.

The Committee heard from Deputy T.A. Coles of St. Helier South, who pointed out that the top section of Millennium Park had been earmarked for a primary school. Reference was made to Policy H1, which encouraged the provision of entrances which served a

small number of homes to help foster a sense of community and familiarity with neighbours, as well as restricting accessible cores to no more than 6 dwellings on each floor in compact developments. Several of the proposed cores served more than 6 apartments. Policy H1 further stated that developments should maximise opportunities to provide dual aspect homes, with windows on more than one side, improving access to natural light and a choice of views, and many of the apartments did not meet this requirement. Supplementary Planning Guidance set out the minimum size standards for residential accommodation and Deputy Coles advised that 62 per cent of the proposed apartments were less than 2 metres larger than the minimum standard. The 2 bedroom apartments had been designed with a maximum occupancy of 3 people in mind and this did not provide an opportunity for families to grow. It was considered that the proposed development had not been 'future proofed' and Deputy Coles believed that the application should be rejected on the basis that it did not meet the requirements of Policies H1, H2, H4 and SP6.

The Committee heard from Mr. [REDACTED] representing the National Trust for Jersey who noted that the new primary school which was planned was not shown on the submitted plans. He added that families with children were unlikely to occupy one bedroom flats and Mr. [REDACTED] questioned the appropriateness of the provision of one bedroom apartments in this location given the proximity to the proposed new primary school. The scheme had been formulated prior to the Covid-19 pandemic and before the Bridging Island Plan had been adopted and it was believed that this should be a material consideration. Mr. [REDACTED] suggested that larger units which could accommodate families with easy access to the intended school would be much more appropriate. It was also suggested that the Masterplan for the area should be updated. Whilst some compromises had been made in terms of the streetscape, the damage to the historic environment was unfortunate. It was suggested that minimum size requirements should also be reviewed to ensure that improved living accommodation was provided. Mr. [REDACTED] referred to a Jersey Architecture Commission report of November 2020, which had criticised the design of the scheme and he stated that the conclusions of the report should be addressed. The density of the scheme was also raised, with a 46 per cent increase over and above what was considered acceptable being proposed. In concluding, Mr. [REDACTED] alleged that there appeared to be a lack of political and public engagement in the proposed development.

The Committee heard from Mr. [REDACTED] stated that the Committee was being requested to determine an incomplete application which lacked information in relation to the impact of the proposed microbrewery, with specific regard to the impact on the planned school and the potential for statutory nuisance complaints. He too believed that the Jersey Architecture Commission should be asked to provide further views in respect of the scheme. Consideration should also be given to the planting of trees towards Ann Street.

The Committee heard from Mr. [REDACTED] on behalf of the Société Jersiaise, who sought to provide qualified support solely in respect of the heritage aspects of the scheme. Mr. [REDACTED] praised the collaborative approach of Dandara Limited, Andium Homes and the Planning Department and supported continued constructive dialogue between parties as standard practice. Following consultation with heritage bodies, the scheme had been revised to alter the scale and refine the architectural detail. The 2 properties which were to be demolished were beyond repair. Mr. [REDACTED] suggested that the Department should be more pro-actively involved in the preservation of Listed Buildings to prevent such decay.

The Committee heard from Mr. [REDACTED] Chief Executive, Autism Jersey who considered the proposal a unique opportunity to develop a bespoke centre for those with Autism in Jersey. Time had been taken to understand the specific needs of those with Autism and a specialist architect had been engaged in respect of the design and to ensure

that the accommodation was appropriate. Mr. [REDACTED] advised that there was a shortage of supported living accommodation for adults with Autism.

The Committee heard from Mr. [REDACTED] of Andium Homes, who advised that 2 applications had been submitted in respect of the site since the agreement between Dandara Limited and Andium Homes had been reached in March 2020. The revised scheme responded to consultation and amendments had been made, to include the removal of one floor of the 1871 building. Any further reduction in the number of units would affect the viability of the scheme. The loss of 13 homes as a result of the removal of the top floor had been accepted on the basis that the scheme as presented could be supported. The proposed scheme included a mix of homes which met the needs identified in the 2023 affordable homes gateway. The development proposed high-quality, fuel-efficient homes, as well as improving the local environment and townscape and access through the development from Simon Place to Tunnel Street formed part of the proposals.

The Committee heard from Mr. [REDACTED] of Andium Homes who considered that the scheme responded well to its locality and that the taller buildings were in keeping with the context, given that the 1871 block sat lower than de Quetteville Court. It was noted that the Mayfair development and Ann Court West were 6 storeys high and Wesley Chapel was 8 storeys high, making taller buildings part of the character of the area. The central block was lower than its immediate neighbours, being predominantly 4 storeys, with the fifth storey being set back. The development respected the context of the area and made good use of a site in town, with all accommodation providing good space standards. Mr. [REDACTED] pointed out that many Andium homes were single occupancy. It was noted that the Supplementary Planning Guidance in relation to density levels had not yet been formally adopted and that it provided an indicative range which would not be exceeded by the proposed development. The proposal accorded with identified needs, would rejuvenate historic buildings and provide safe, attractive homes for Andium clients.

The Committee heard from Mr. [REDACTED] of Dandara who welcomed the collaboration with the Department, Autism Jersey, the Société and the parish in respect of the application. The long term strategy was to provide 3,000 new homes in the Island through the regeneration of brown field sites. 3,400 dwellings had to be delivered between 2021 and 2025, and the development ensured the provision of affordable housing via the housing gateway, without impact on the countryside. The development would support those in need of a home and relieve pressure on the need for one bedroom homes, creating a more stable housing market. The development would also support the town centre economy. First occupation would be in May 2026, and residents would be able to walk and cycle in a car-free environment. Mr. [REDACTED] concluded by stating that this was a comprehensive scheme which focused on placemaking.

The Committee, having considered the scheme, unanimously approved the application, subject to the conditions set out in the officer report and on the basis of a Planning Obligation Agreement to secure the creation of a link between Simon Place and Tunnel Street to facilitate access from the development to the Millennium Park.

Field No. 770,  
St. Mary:  
proposed LPG  
compound.

A3. The Committee considered a report in connexion with an application which proposed the construction of a liquid petroleum gas (LPG) compound to the north-west of Field No. 770, La Rue de la Prairie, St. Mary. The Committee had visited the site on 21st February 2023.

P/2022/1022

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP2, 3, 4, 7, PL5, GD1, 6, NE1, NE3, TT1, 2, WER4, ERE2 and 5 of the 2022 Bridging Island Plan were relevant to the

application.

Deputy A. Howell of St. Lawrence, St. John and Trinity, did not participate in the determination of this application.

The Committee noted the details of the planning history of the site, which included the approval of an application for the demolition of the existing glasshouses and the construction of a new glasshouse with a 2.4 metre high security fence.

The current application proposed the construction of a compound to house tanks for the storage of natural gas used in connexion with the heating of the existing buildings on the wider site. Although the tanks were in situ, they had not been connected to the gas heaters/boilers within the site. They were to be located on an existing concrete surfaced area adjacent to the north-west site boundary. There would be a total of 8 tanks, all of which would be mounted above ground with a maximum overall height of 1.65 metres. There would be a 2 metre high block wall separating the tanks into 2 separate blocks of 4 with a perimeter security fence measuring 2.4 metres high on the western boundary of the site. The gas would then be piped via new pipework to the existing heating boilers within the site. The gas would be distributed through underground piping along the northern boundary of the site towards existing plant rooms located on the eastern boundary.

The Committee noted that there was no objection to the principle of the development and that the gas tanks would replace existing inefficient gas cylinders and would support the approved agricultural use of the site. Detailed matters relating to the landscape impact and residential amenity had been considered and, if permission was granted, detailed landscaping proposals could be required by condition. With regard to the impact on the amenities of neighbouring residential development, it was noted that there would be no noise or odour and that the number of vehicular movements would be less than at present as the existing tanks were much smaller. The Health and Safety Inspectorate had no objections and had confirmed that the proposal complied with best practice guidelines. With regard to ecology, the installation of biodiversity enhancement features such as a bat or nesting boxes on the existing building could be secured by way of a planning condition. Finally, with regard to transportation, visitors to the site would continue to use the main entrance and car park. Delivery lorries would access the site via La Rue de la Frontière, with fewer trips being made, as detailed above. It was understood that, based on current usage, gas tanks were delivered twice per week and a small 5 tonne vehicle was used for this purpose. Deliveries to other residential and commercial customers in the area were made at the same time. In conclusion, the proposal was not considered to result in any harm to residential amenity and was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

In response to a question from the Committee, the case officer advised that the retrospective nature of the application had only become apparent during the site visit on 21st February 2023.

11 representations had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] who considered that there was a lack of detail in relation to the purpose of the LPG compound. He described the site as 'becoming industrial in nature' and believed that this should be prevented, in accordance with Policy GD1 of the Bridging Island Plan. LPG was a hazardous substance which could cause asphyxia and was flammable. There had been fires on the site in the past and if there was a leakage, vapour from the compound could migrate onto Rue de la Fontière and adjacent land. Mr. [REDACTED] expressed concern that vapour might also penetrate bore holes and asked whether details

concerning the maintenance, safety and security of the site had been provided and considered. The site was in the Green Zone and Mr. [REDACTED] considered that it should be protected in accordance with Policy NE7 of the Bridging Island Plan and that consideration should be given to the provisions of the Jersey Integrated Landscape and Seascape Character Assessment (Area E6).

The Committee heard from Ms. [REDACTED] representing Willin Limited. Ms. [REDACTED] stated that the establishment of the LPG compound would allow the site to operate fully from that particular power source but she noted that the site also had 2 oil-fired boilers and air source heat pumps. Ms. [REDACTED] expressed concern regarding the company's safety record and noted the proximity of the application site to residential development. She asked whether a propane gas licence was required in association with the proposal and whether the States of Jersey Fire and Rescue Service had been consulted. 2 glass houses on the site had previously been demolished to facilitate the construction of structures which appeared not to be required and which had not been built. On 27th May 2021, Ms. [REDACTED] had requested details of noise and air pollution emanating from the site and a study had been undertaken but the results had not been shared. Ms. [REDACTED] stated that the company's future plans should be shared and she expressed concern about a means of access which was currently restricted by fencing.

The Committee heard from Ms. [REDACTED] who expressed concern that another retrospective application had been submitted in respect of the site. Ms. [REDACTED] referred to meetings of the Committee as previously constituted in connexion with the site, during which she stated that Deputy S.G. Luce had been concerned with the impact of the development of the site on neighbouring amenities and had advised the applicant that there would be implications if they did not consult with neighbours. There had been 4 fires on the site in the past and Ms. [REDACTED] advised that there was no fire access to her property due to a locked security gate. She observed that work had started on the LPG compound at the weekend prior to formal approval. She advised that she had been forced to vacate her home for the duration of the summer of 2022, due to noise emanating from the facility which made it impossible for residents to enjoy their gardens.

The Chair advised that access did not form part of the application under consideration and the Committee was solely charged with determining whether to approve the installation of the LGP compound.

The Committee heard from Mr. [REDACTED] advised of injuries [REDACTED] suffered in the past due to a comparatively small gas explosion and he was concerned about the capacity of the tanks and the risks associated with the use. He stated that the top of the chimney of an adjacent property was level with the LPG compound and he believed that sparks from the chimney could pose a fire risk. Mr. [REDACTED] suggested that the piecemeal approach to the development of the site meant that permission had been secured for works which might otherwise have been refused had a holistic approach been adopted.

The Committee heard from Mr. [REDACTED] representing the applicant company, Northern Leaf. It was noted that the wider site was owned by Northern Leaf and there was byway access for the neighbouring cottages. There were 2 security gates and 24-hour on site security. Dialogue with Island Energy in relation to the proposals had taken place and as part of the same the States of Jersey Fire and Rescue Service (who had emergency access to the site) had been consulted. It had not been envisaged that the application would be considered by the Committee for some considerable time and it had taken 8 months for the containers to arrive in the Island and be placed on site. Island Energy had suggested that the containers be interlinked so that they would not be exposed to the elements but they had not been connected or commissioned. [REDACTED]

[REDACTED] The LPG compound would be used to provide energy security for the site for the provision of heat and hot water. At present, there were between 8 and 12 deliveries per month of LPG, which would reduce to between 2 and 3 deliveries if the compound was approved. Consultations had been undertaken with Island Energy, the States of Jersey Fire and Rescue Service and the Health and Safety Inspectorate and the compound would be constructed on a concrete slab at a safe distance from residential and commercial property with good emergency access. It would be well screened and had been designed in accordance with best practice guidelines. Mr. [REDACTED] contended that it would have no impact on residents or the wider community.

The Committee noted that the positioning of the tanks on the site did not accord with that shown on the submitted application plans.

The Committee decided to defer consideration of the application on the basis that the position of the tanks did not accord with that shown on the submitted plans. The applicant was invited to consider positioning the tanks in accordance with the plans or submit a revised application.

Elmwood  
Farm, Le Mont  
Cambrai, St.  
Lawrence:  
proposed  
change of use  
of shed.  
  
P/2022/0790

A5. The Committee, with reference to Minute No. A15 of 5th May 2021, of the Committee as previously constituted, considered a report in connexion with an application which proposed the change of use of the western portion of an agricultural shed at Elmwood Farm, Le Mont Cambrai, St. Lawrence to facilitate a dry storage use. The Committee had visited the site on 21st February 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP2, 6, PL5, GD1, ERE2 and 4 and TT1 of the 2022 Bridging Island Plan were relevant to the application.

Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this item.

The Committee noted that the site comprised a pair of adjoining metal-clad agricultural sheds (with a split-level internal arrangement), each with its own concrete area of hardstanding alongside. The sheds occupied a footprint of approximately 7,000 square feet. Both sheds had been vacant until December 2021, when the upper/eastern shed had been leased to a horticultural tenant. However, the lower/western shed, which was the subject of the application, had remained vacant and unoccupied.

A previous application (P/2020/0558) for the change of use of the entire site had been rejected by the Planning Committee in May 2021, on the grounds that the applicant had not satisfactorily demonstrated agricultural redundancy of the premises. Since then, the applicant had undertaken further marketing of the site to seek an agricultural tenant or user. However, this had been unsuccessful with no further interest in the building for agricultural purposes having been received. By contrast, strong demand was understood to exist for (and a lack of supply of) premises for alternative forms of employment use – for example, light industrial and commercial dry storage.

The Committee was advised that there would be no personnel or staff based permanently at the site and the Department was satisfied that the proposed use represented a reduction in intensity when compared with the established/authorised agricultural use. There had been no objections from the highway authority to the change of use.

A number of objections had been received from residents, with particular concern having been raised regarding the issue of agricultural redundancy and it had been



claimed that there was interest in the continued use of the shed for agricultural purposes (including an offer to purchase the shed which had not been followed up). The applicant rejected this argument, maintaining the view that there was no genuine or credible evidence of any demand for the continued use of the building for agricultural purposes. In particular, attention had been drawn to the fact that the offer to purchase the premises has not come from a recognised agriculturalist and there had been no indication as to who the end-user might be. Also, the price offered was not considered to represent a fair market value.

The matter of agricultural redundancy remained the primary issue. The fact that a specific agricultural end-user had not been identified during the marketing exercise, and that there had been no objection from the Government's agricultural advisor, meant that the change of use to an alternative form of employment use, for which there was a recognised demand, was supported. Appropriate conditions were recommended to control operations at the site and these were detailed in the Department report. On this basis, the application was recommended for approval. The Committee was also asked to consider whether it would wish the permission to be time-limited to allow for the matter of agricultural redundancy to be revisited in the future.

A total of 14 letters of representation from 11 individuals had been received.

The Committee heard from Mr. [REDACTED] who expressed concern that a change of use would result in increased traffic movements between the hours of 8.00 a.m. and 6.00 p.m. and that this would give rise to safety issues as there was an entranceway from Mr. [REDACTED]'s garden into an area described as 'the avenue'. He added that the site notice in respect of the application had been placed at the furthest point from the public highway in the least visible position.

The Committee heard from Mr. [REDACTED] of MS Planning, representing interested parties and neighbours. Attention was drawn to Policy ERE4 of the Bridging Island Plan, which required the marketing of agricultural buildings to demonstrate redundancy before a change of use could be permitted. Mr. [REDACTED] advised that the marketing information provided failed to mention an offer to purchase the shed and it was understood that this offer had not been followed up. Mr. [REDACTED] read from correspondence from the commercial agent charged with marketing the building for lease or sale, which stated that terms were being discussed with 2 parties in relation to the lease of the premises. Mr. [REDACTED] considered that this demonstrated a genuine demand for the use of the shed for agricultural purposes. The proposed change of use of the shed would result in its permanent loss from agriculture and the rural economy when demand for the use of the shed for agricultural purposes existed. Mr. [REDACTED] concluded by stating that the interest in purchasing the shed remained.

In response to questions from the Committee, Mr. [REDACTED] advised that if his client was able to purchase the shed, he would take on the risk of securing an agricultural tenant through open marketing of the property. An offer had been made by his client to purchase the shed, which had included a suggestion that it be valued independently but this had been rejected.

The Committee heard from Mr. [REDACTED] of KE Planning, representing the applicant, who advised that the unit had been previously occupied by the Jersey Royal Company, who vacated the shed in November 2016. The owner had incurred costs for the upkeep of the shed in the interim and had worked with commercial estate agents to seek an agricultural user but no interest had been forthcoming on this basis. Interest had, however, been received from companies seeking commercial storage and an application had been made and refused under planning application reference P/2020/0558 for the change of use of the entire site. In 2021, a horticulture company had expressed an

interest in the larger unit on site and advice from the Department had confirmed that this use was considered acceptable. Marketing of the smaller unit had continued but no end user had been secured. An offer had been made to purchase the shed but the sum offered was below the market value of the property and no information had been provided as to how the unit would be used. The interested parties had objected to the present application on the basis of increased traffic. The leasehold had been marketed [REDACTED] and there was no policy requirement to sell a property because it was vacant. It was considered that the offer to purchase the unit was not genuine as it had not been followed up and no information on a proposed occupier had been provided. Mr. [REDACTED] noted that the policies of the Bridging Island Plan promoted a productive and diverse Island and the maintenance and diversification of the rural economy. It was unsustainable to leave the unit vacant and the proposed warehouse use was viewed as benign. Conditions were proposed to restrict usage to between 8.00 a.m. and 6.00 p.m. from Monday to Saturday and not on bank holidays. No agricultural user had been found and there was significant policy support for bringing the unit back into use. Mr. [REDACTED] stated that there was a shortage of storage units for the proposed purpose, which was damaging to the economy and the proposed change of use would not preclude agricultural use.

The Committee heard from the applicant, Mr. [REDACTED] who advised that the property had been marketed for agricultural purposes for a period of 6 years and there had been no genuine interest. He had continued to maintain and repair the shed in the hope of finding long-term tenants. Every effort had been made to take the concerns of neighbours into account and they had been consulted about appropriate users. Mr. [REDACTED] considered that the application should be supported as local businesses did not have enough space to store goods, which was resulting in disruption in the supply chain.

Having considered the application, the Committee decided to grant permission, subject to the imposition of conditions outlined in the Department report, and on the basis of revised usage times between the hours of 8.00 a.m. and 5.00 p.m. from Monday to Friday and 8.00 a.m. to 1.00 p.m. on a Saturday (with no use on bank holidays). It was agreed that a condition should also be imposed to prevent the unit from being used for the purpose of self-storage.

The Pastures,  
La Rue de la  
Prairie, St.  
Mary:  
proposed  
agricultural  
worker  
dwelling.

A6. The Committee considered a report in connexion with an application which proposed the construction of a new dwelling for a fisheries worker at The Pastures, La Rue de la Prairie, St. Mary. The Committee had visited the site on 21st February 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1 – SP6, PL5, GD1, GD6, NE1, NE3, ERE8, H1 – H4, H9, H10, TT4 and WER6 of the 2022 Bridging Island Plan were relevant to the application.

P/2022/0840

The Committee noted that, at present a building used as a hay store occupied the application site, together with other buildings to the south and south-east being used for the storage of fisheries equipment and the stabling of horses. Permission was being sought for the demolition of the hay store and its replacement with a new 4 bedroom dwelling for a worker employed within the fisheries industry.

The Committee was advised of the high level of protection afforded to the Green Zone and noted that whilst the applicant's case was compelling, the submitted information did not provide sufficient justification for making an exception to the Green Zone Policy. The core business activity was not recognised as agriculture or aquaculture and, as such, the principle of the proposed development failed to accord with the relevant policy context. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies SP1, SP2, ERE8, PL5, H9, H10 PL5, NE3, SP3, SP4, H1, GD1 and GD6 of the 2022 Island Plan.

21 letters of support had been received in connexion with the application.

The Committee heard from the applicant, Mr. [REDACTED] of Wheelhouse Limited,

[REDACTED]

The proposed staff accommodation was needed to support the operation of the business as staff were required to work unsociable hours. Staff had been given notice from existing accommodation at Woodside Farms and there would be a detrimental impact on the business if staff accommodation could not be provided.

The Committee heard from Mr. [REDACTED] of Battricks Seafood, who advised that the fishing sector was in crises and the industry was obliged to employ staff from overseas, making staff accommodation a crucial requirement. Jersey had a long history of fishing but the number of boats had significantly decreased in recent years and Government support for the sector was vital.

The Committee heard from Ms. [REDACTED] of KE Planning, who advised that the applicant supplied local eateries and shops as well as exporting to the UK and Asia. Staff accommodation was an integral part of the employment package offered to agricultural workers and the shed used by the applicant had been approved in 2006, on the basis that he was considered to be an agriculturalist. There had, however, been a reduction in the provision of staff accommodation within the sector and there was no agricultural accommodation in the Built-Up Area. Whilst Policy H10 appeared to be silent with regard to fisheries, the wider policy context seemed to suggest that there was support for the industry. The preamble to the Bridging Island Plan recognised the 'significant role' played by fishing and Policy SP6 prioritised the creation and maintenance of a diverse economy. It was essential to have staff accommodation on site to support the business and the proposed replacement building would be situated within a small group of buildings and would not harm the landscape. Occupation of the accommodation would be restricted to those employed in the fishing industry and the opportunity existed to review this if that need fell away.

The Committee, having considered the application, was of the view that it was an omission not to have included fisheries alongside agriculture and aquaculture in the Bridging Island Plan in connexion with the provision of staff accommodation. Consequently, the Committee expressed support for the application and decided to grant permission, contrary to the Department recommendation. Permission was granted on the basis that the accommodation would only be permitted to remain if the on-site shed was used for the purposes of fisheries, agriculture, or aquaculture. If this use ceased, or there was an application for the change of use of the shed, the retention or removal of the staff accommodation would be considered as part of the same.

The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Le Petit Jardin,  
La Rue St.  
Thomas, St.  
Saviour:  
proposed  
installation of  
rooflight/

A7. The Committee considered a report in connexion with an application which proposed the installation of a rooflight to the north elevation of the property known as Le Petit Jardin, La Rue St. Thomas, St. Saviour. Minor internal alternations were also proposed. The Committee had visited the site on 21st February 2023.

The Committee noted that whilst the application was not considered to be contentious, it had been referred to the Committee for determination due to the fact that the applicant

internal  
alterations.

was a staff member.

P/2022/1470

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was on the Eastern Cycle Route Corridor. Le Petit Jardin was also a Listed Building. Policies GD1, GD6, HE1, SP4 and NE1 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted that the application sought approval for the installation of a rooflight to the north elevation of the property together with minor internal alterations. The Historic Environment Team had been consulted on the proposed works and did not object. Therefore, the proposed development was not considered to harm the character or setting of the Listed Building and was recommended for approval.

Having noted that no persons present wished to speak for or against the application, the Committee proceeded to determination and decided to grant permission.

The Hideout,  
La Montée du  
Sud access  
road, La Route  
de la Pulente,  
St. Brelade:

A8. The Committee considered a report in connexion with a retrospective application which sought to regularise the siting of a mobile food kiosk (known as the Hideout) with roof lights, external flue and vents, associated seating on La Montée du Sud access road, La Route de la Pulente, St. Brelade. The Committee had visited the site on 21st February 2023.

proposed  
mobile food  
kiosk  
(RETRO-  
SPECTIVE).

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park, the Protected Coastal Area and was within La Pulente Artefact Scatter Area (a Grade 3 Listed Place). Policies SP2 – SP6, PL5, GD1, GD6, NE3, HE1, HE5, ER4 and WER1 of the 2022 Bridging Island Plan were relevant to the application.

MS/2022/1028

The Committee noted the planning history of the site, which included the retrospective approval of the mobile food kiosk in June 2021, for a 12 month period, or until such time as the neighbouring café (currently under construction) was operational.

Whilst the Department was aware that a number of previous temporary permissions had been granted, the Environmental Health Department had raised concerns regarding the lack of supporting infrastructure for the facility, e.g. toilets and running water. The addition of a large extraction flue was also considered to be an unattractive addition within the Coastal National Park and the Coastal Protected Area.

The Committee was advised that Policy ER4 of the Bridging Island Plan supported proposals for beach and other kiosks where they made use of existing buildings or structures and the use of the same was time limited. The Parish of St. Brelade had not objected to the continued operation of The Hideout on the understanding that once the adjacent café was operational the kiosk would be removed within 28 days. Therefore, notwithstanding the concerns raised in representations, on balance the Department considered that a further extension to the permission until 24th June 2023, was acceptable and approval was recommended on this basis. Upon expiration of the permission, the applicant would be required to cease operations, remove the kiosk and seating from the site and leave the site in a neat and tidy condition. If the applicant wished to apply for a further extension to the permit an application should be submitted well in advance (at least 8 weeks prior to expiration) and there was no guarantee that a further permission would be forthcoming. The Committee noted that the continued operation of the café beyond 24th June 2023, without the necessary permission constituted an offence under the Planning and Building (Jersey) Law 2002.

26 representations had been received in connexion with the application, 19 of which raised objections to the proposal.

In response to a question from the Vice Chair, it was confirmed that references in the Department report in relation to the removal of the café within 28 days of the adjacent café being operational originated from a requirement of the Parish of St. Brelade. The Vice Chair emphasised that the decision of the Parish of St. Brelade in relation to the lease of the premises was separate to the determination of the application under consideration.

The Committee heard from Connétable M.K. Jackson of St. Brelade, who advised that the approval of the lease for the new café by the Parish of St. Brelade had been conditional upon the closure of the existing café. The new café would be much larger than the existing café and would generate additional traffic. Consequently, the Connétable advised that the Parish was willing to support the continued operation of the Hideout until the end of April 2023, when the new café was operational and not June 2023, as recommended by the Department.

The Committee heard from the applicant's agent, Mr. [REDACTED] of MAC Architecture, who explained that the retrospective nature of the application had arisen as a result of the time period which had elapsed since the submission of the application and its consideration by the Committee.

Having considered the application, the Committee endorsed the recommendation to grant permission, subject to the imposition of the conditions detailed within the Department report.

Field No. 293,  
La Rue de la  
Commune, St.  
Peter:  
proposed  
change of  
use/reprofiling  
of land.

P/2022/1204

A9. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the change of use and reprofiling of Field No. 293, La Rue de la Commune, St. Peter in preparation for its use as a secure vehicle storage area. Boundary fencing, gates and lighting would also be installed. The Committee had visited the site on 21st February 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Airport Noise Zone 3. Policies SP1, 2, 4, 5, PL5, GD1, 6, NE1, 2, 3, ERE1, TT2, WER1, 5 and 10 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted the planning history of the site, which related to the change of use of the field to facilitate its use as a football training ground.

The proposed development sought to utilise the playing fields, which were formerly agricultural land, within the Green Zone for vehicle storage. The application failed to demonstrate that the character of the area would be protected or improved and the policy exceptions under Policy NE3 had not been met. Recreational facilities were protected under the 2022 Bridging Island Plan and it had not been demonstrated that the playing fields were no longer required to meet the wider community need. Finally, the proposal would result in a substantial volume of waste being removed from the site and a Waste Management Plan had not been submitted. For all of the aforementioned reasons the application had been refused and it was recommended that the Committee maintain refusal.

2 letters of representation had been received in connexion with the application, together with responses from statutory consultees.

The Committee heard from Mrs. [REDACTED] of KE Planning and Mr. [REDACTED] of Jacksons Limited, representing the applicant company. Mr. [REDACTED] provided the Committee with comprehensive details of the Jacksons Limited operation, to include

the number of staff employed at the application site and the financial contribution the company made to the exchequer. The logistical challenges encountered on a day to day basis on the application site in terms of vehicle parking were also highlighted and reference was made to the impact of Brexit on the motor trade in terms of securing parts (which often resulted in vehicles being stored on site for much longer periods). If approved, the application would allow the applicant company to consolidate vehicle storage and reduce the number of vehicle trips to and from the site. There was also a need to future proof the site in the context of the transition towards carbon neutrality and this would mean that even more space would be required for the charging of electric vehicles and it was noted that manufacturers required a one metre exclusion zone. There were very few suitable available sites in the parish of St. Peter and the application site had been identified for the proposed use in 2021. Mr. [REDACTED] advised that it had last been used as a waste management depot during the construction of a care home. He did not believe that there was any interest in the site as a playing field and that this had been demonstrated by the applicant company. Nurture Ecology had been involved in the formulation of the scheme and an open meadow area was proposed for protected species. The Infrastructure, Housing and Environment (IHE) Department had been consulted in relation to the proposed access arrangements, which were considered to represent an improvement over the current access. The current owner of the site and a neighbouring site owner supported the application and believed that the scheme would enhance the appearance of site and the wider area. In responding to questions from members regarding the hours of operation of the vehicle storage facility, Mr. [REDACTED] advised that Monday – Friday and Saturdays mornings were proposed.

Mrs. [REDACTED] addressed the Committee and referred members to the Employment Study which accompanied the Bridging Island Plan and comments made by the Fiscal Policy Panel regarding the economy. She also pointed out that no land had been rezoned for commercial development in the Bridging Island Plan. She went on to refer to the need to provide storage for businesses and the aims and objectives of the Carbon Neutral Strategy. At present vehicles were stored in a number of different locations and the existing site was full. The applicant company wished to secure a site close to its existing site and it was understood that the application site had most recently been used as waste management depot in association with the Barchester care home development. Mrs. [REDACTED] failed to see how it could be viewed as a playing field and she added that if such a use was re-established biodiversity would be lost and the use would generate additional vehicle trips. The applicant company had worked closely with IHE to demonstrate that the proposed access arrangements could be achieved and that the number of vehicles trips would reduce. Mrs. [REDACTED] believed that the consolidation of vehicle storage aligned with the Carbon Neutral Strategy and that this should be viewed as a material consideration. The application site was enclosed on one side obscuring public views and landscape enhancements were proposed on the eastern side. There had been no objections from Ports of Jersey, the Rural Economy Team, the Natural Environment Team or the Land Controls and Agricultural Development Section. The applicant was willing to accept a condition requiring a species protection plan, details of the lighting scheme and the submission of a waste management plan. In concluding, Mrs. Steedman reminded the Committee of its power under article 9 (3) of the Planning and Building (Jersey) Law 2002, to grant permission.

The Committee heard from Connétable R. Vibert of St. Peter, who confirmed that the site had been used for the storage of waste associated with the development of a nursing home and this use had continued long after the completion of the facility. The Connétable added that a construction vehicle had been parked on the site for a number of years. The Parish of St. Peter welcomed the proposal and believed that it would have a positive effect on traffic on La Rue des Vignes and L'Avenue de la Reine Elizabeth II.

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

Pine Farm, La  
Rue des  
Landes, St.  
Mary:  
proposed  
change of use  
of garage/store  
to residential.

P/2022/0341

A10. The Committee, with reference to Minute No. A8 of 29th September 2021, of the Committee as previously constituted, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the change of use of a garage/store to form a new residential unit at Pine Farm, La Rue des Landes, St. Mary. The Committee had visited the site on 21st February 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Pine Farm was a Listed Building. Policies SP1, 2, 3, PL5, GD1, 6, NE1, 3, HE1, H1, 4, 9 and WER5 of the 2022 Bridging Island Plan were relevant to the application. Since the submission of the application Supplementary Planning Guidance (SPG) relating to housing outside the Built Up Area had been produced and was currently out for consultation. Whilst it could not be given the same weight as the policies of the Bridging Island Plan, it was nevertheless a material consideration.

The Committee noted that the proposal involved the conversion of the first floor storage area of the existing domestic garage to create a 2 bedroom unit of accommodation [REDACTED]

[REDACTED] he conversion included a glazed extension and balconies to the west. Photovoltaic panels were proposed to the south facing roof and both of the gable ends would be largely glazed at first floor level.

The Committee noted the high level of protection which was afforded to sites within the Green Zone and it was recalled that the Bridging Island Plan set out the exceptions to the presumption against development. In this particular case, as with previous attempts to create a residential unit on the site, the proposal failed the fundamental policy test. When considered against the policies of the Bridging Island Plan it was clear that the development was not supported by any of the exceptions to the presumption against development. Consequently, the application had been refused on the grounds that it was contrary to Policies H9, SP4, HE1, GD1, NE3 and PL5 of the 2022 Bridging Island Plan and it was recommended that the Committee maintain refusal.

2 letters of representation had been received in connexion with the application, one of which was from the Chief Minister, who had taken the opportunity to remind the Committee of her successful amendment (No. 26) to the 2022 Bridging Island Plan and, in doing so, had queried the footnotes associated with the preamble to Policies PL5 and H9. The footnotes stated that – *‘the provision relates to dwelling houses and does not embrace the conversion of detached ancillary or incidental residential buildings that are in, or were originally designated for, some form of domestic use’*.

The Committee heard from Mr. [REDACTED] representing the National Trust for Jersey, who expressed concern at comments made in a letter from the applicant’s agent which appeared to allege that the aforementioned footnotes sought to undo the amendments adopted by the States Assembly. Mr. [REDACTED] noted that whilst the applicant’s agent had referred specifically to Policies SP2 and PL5, no reference had been made to Policy H9 and he reminded the Committee of the specific policy tests set out therein, which he did not believe had been met. Mr. [REDACTED] was also disappointed to note that the applicant’s agent also claimed that the objections of the Historic Environment Team had been manufactured to assist with the refusal of the application, which Mr. [REDACTED] considered to be extraordinary statement. In concluding, he reminded the Committee that the previously refused application had

been assessed under the 2011 Island Plan and he suggested that the applicant should have submitted a historic impact assessment.

The Committee heard from Deputy K. L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister and Mr. [REDACTED] of MS Planning, the applicant's agent. Mr. [REDACTED] addressed the Committee advising that the previous application had been refused on the basis of Policy NE7 of the 2011 Island Plan and that the Committee had been unable to reach a majority decision. Turning to the former Senator Moore's successful amendment to the Bridging Island Plan, Mr. [REDACTED] believed that this had been adopted without restriction and applied to all buildings in the countryside in order to go some way to addressing the shortage of housing in the Island. Mr. [REDACTED] believed that this was also the understanding of the former Deputy J.H. Young of St. Brelade, Minister for the Environment and the current Chair and Vice Chair of the Planning Committee. As a result of the adoption of the amendment, Mr. [REDACTED] had contacted the applicants advising them to resubmit the application as he believed it now complied with the relevant policy context. However, when the Bridging Island Plan had been published it had included the aforementioned footnotes. Mr. [REDACTED] believed that these footnotes did not accurately reflect the decision of the States and had been introduced by Government officers. He informed the Committee that King's Counsel advice had been sought and it had been determined that the footnotes nullified the policy amendments and were illegal. Therefore, it was believed that the adopted amendment should apply to all existing buildings in the countryside and that the application was in accordance with the Bridging Island Plan as approved by the States Assembly. Mr. [REDACTED] also stated that the reasons for refusal of the most recent application included a reference to Policy HE1, which had not been given as a reason for the refusal of the previous application and this was considered to be unwarranted. In concluding, Mr. [REDACTED] advised that the proposed development would provide a new house [REDACTED] in accordance with the aims of the Chief Minister's amendment.

The Committee heard from Deputy Moore, who stated that the provision of housing remained a key focus for States members and she believed that this was the reason her amendment to the Bridging Island Plan had been adopted. The application presented the perfect opportunity to achieve one more unit of accommodation [REDACTED] with no impact on the natural environment. Deputy Moore was pleased to note that the Committee had approved a residential development at Ann Street, St. Helier during the course of the meeting but she also recognised that there was a feeling that St. Helier was reaching capacity in terms of how much more development could be accommodated. Therefore, alternatives had to be considered and the Deputy believed that the proposal aligned with the adopted amendment to the Island Plan. The application proposed a modest unit of accommodation and there would be no real impact on traffic. In concluding, the Chief Minister advised that she had been unaware of the footnotes associated with the aforementioned policies and she had made her disquiet known and was grateful for the legal advice which had been received in relation to the same.

The Committee heard from Mr. [REDACTED] Head of Place and Spatial Planning, Strategic Policy, Planning and Performance Department who confirmed that the wording within the Bridging Island Plan was as agreed by the States Assembly and that the footnotes referred to were consequential. Mr. [REDACTED] asked the Committee to consider the application in the context of the tests set out in Policy H9, which was the key policy in this case. He added that the Bridging Island Plan set out a bold response to meeting the housing needs with the Spatial Strategy focussing the majority of development in the town (as set out in Policy PL1), Les Quennevais being identified as the Island's secondary urban area and a range of local centres in the Built-Up Area also being identified as suitable for new residential development. A different approach was adopted in respect of the countryside, where the aim was to manage the expansion of



housing. Attention was drawn to the tests set out in Policy H9, which supported the optimal use of homes outside of the Built-Up Area, to include the sub-division or extension of existing dwellings. The strategic context was set out in Policies SP2 and PL5 but Policy H9 was the critical policy against which the application had to be assessed. In concluding, Mr. [REDACTED] advised that the Committee had the power to depart from the policies of the Bridging Island Plan if it was considered that sufficient justification existed to do so.

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

Le Chalet  
Rose,  
Bagatelle  
Road, St.  
Saviour:  
proposed  
demolition of  
garage/  
construction of  
dwelling.  
P/2022/1161

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of a garage at the property known as Le Chalet Rose, Bagatelle Road, St. Saviour and its replacement with 2 new apartments. The Committee had visited the site on 21st February 2023.

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. Policies SP1 – SP5, PL3, GD1, 6, H1 – H4, TT1, 2, 4, WER1, 6 and 7 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to Supplementary Planning Guidance (SPG) relating to specifications for new housing developments (PPN6) and car parking (PPN3).

The Committee noted the planning history of the site, which included the refusal of an application in May 2022, for the construction of 2 x 2 storey one bedroom apartments on the grounds that it was contrary to Policies GD5, GD6, NE3 and WER7.

The current application also proposed the creation of 2 new apartments, together with alterations to the existing car parking area and vehicular access. Whilst this latter element of the scheme was considered to be beneficial for Le Chalet Rose, the location of the car parking spaces for the proposed new residential units meant that vehicles would be unable to exit onto the public highway in a forward gear, giving rise to highway safety issues. The design and orientation of the building with the gable facing Bagatelle Road was also considered to be dominant and incongruous in the street scene and was poorly related to the existing building, resulting in harm to the character of the area. In addition, the proposed ground floor relationship to the street on the new south elevation facing Clos Paumelle was not considered to respond positively to the street. The submitted information in relation to waste arising from demolition and construction activity was also considered to be insufficient. Whilst it was recognised that the scheme would yield 2 new residential units which would meet the lifetime home standards in terms of size, amenity space and car parking, the application did not meet the requirements of the relevant Policies of the Bridging Island Plan and had been refused on the grounds that it was contrary to Policies GD6, 6, NE3 and WER7. It was recommended that the Committee maintain refusal.

18 representations had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] representing the applicant, who referenced the planning history of the site and, in particular, comments made by the case officer following the refusal of a previous application, to the effect that the development was acceptable in principle and would provide a high standard of living without detriment to neighbouring amenities or the surrounding road network. Mr. [REDACTED] advised that design changes had been made in consultation with the case officer and a revised application submitted in September 2022. However, the application had been allocated to another officer and had been refused under delegated

powers. Mr. [REDACTED] drew the Committee's attention to the reasons for the refusal of the most recent application and stated that there appeared to be inconsistencies between the original reasons for refusal and the most recent ones. He was particularly concerned because many of the issues raised had been addressed with the original case officer and the scheme had been revised in line with these discussions. He noted that one of the reasons for refusal related to a gable which faced the road and he pointed out that there was a gable in very proximity which was identical to that which was proposed. He was also puzzled at the suggestion that the gable should be hipped and considered this to be a very subjective view which was not based on policy. In terms of the second reason for refusal, Mr. [REDACTED] could not see how the proposed development could be viewed as harmful to neighbouring amenities as the building had been lowered and there were no windows to the rear. This was further evidenced by the fact that no persons present wished to speak against the application. Access to the highway had also been cited as a reason for refusal, albeit that the access arrangements had been deemed acceptable in the previous application and had received the support of the Parish Roads Committee. The proposed access arrangements complied with sight lines and visibility splays and Mr. [REDACTED] suggested that some of the reasons for refusal had been 'manufactured'. Proximity to neighbours had also been cited and it was noted that the proposed development would be 500 metres lower than the principal dwelling and lower than the building to the east. Mr. [REDACTED] also noted that the private amenity space for the principal dwelling was located to the rear so there would be no impact from the proposed balconies on the front elevation. He added that the proposed relationship between the buildings would be no different to that of terraced or semi-detached dwellings. The Committee was advised that the applicant also owned the principal dwelling. A waste management report had been submitted, contrary to the decision refusal notice. In concluding, Mr. [REDACTED] stated that a traditional design approach had been adopted and the suggestion that windows should be located next to a footpath was considered illogical for privacy reasons.

In response to the suggestion that some of the reasons for refusal had been manufactured, Ms. G. Duffell, Planning Applications Manager, drew the Committee's attention to the objection from the highway authority with regard to the proposed access arrangements. She also reminded the Committee that each application was determined on its own merits and that, with regard to the waste management report, this had been submitted in connexion with the previously refused application and could not be relied upon.

The Committee heard from the applicant, [REDACTED]. He understood that the previous owner had applied to construct 4 houses on the application site in 2016, and he believed that the refusal was a 'hangover' from this application. He [REDACTED] alleged that social media platforms had been used to generate objections [REDACTED]. He also referenced [REDACTED] a newspaper article which had been published in relation to the application [REDACTED]. The applicant believed that he had complied with the requirements of the Department throughout the process and had been led down a particular path only to find that the application was no longer supported. [REDACTED]

The Committee heard from Mr. [REDACTED]. He stated that the current scheme compared favourably with the 2016 scheme, which would have had a significant impact on [REDACTED] property in terms of overlooking and over shadowing. The applicant had also consulted neighbours about the proposed development and Mr. [REDACTED] advised that he supported the application.

In response to a question from the Committee with regard to the impact on a conservatory to the north, Mr. [REDACTED] advised that this was used as a utility room. At the request of a member, the habitable space measurements were also provided (32.4 square metres). Mr. [REDACTED] advised that it was standard practice to include other rooms such as bathrooms in the measurements.

Having considered the application, the Committee, with the exception of the Vice Chair, decided to endorse the recommendation to refuse permission for the reasons set out above. In doing so members suggested, without prejudice, that the applicant consider the submission of a revised scheme.

Faldouet Lodge, La Rue du Bouillon, St. Martin: proposed conversion of outbuilding to habitable space.

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the conversion of an existing outbuilding to habitable space at Faldouet Lodge, La Rue du Bouillon, St. Martin. The Committee had visited the site on 21st February 2023.

Deputy S.G. Luce of Grouville and St. Martin, Vice Chair did not participate in the determination of this application. Deputy M.R. Le Hegarat of St. Helier North acted as Chair for the duration of this item.

P/2022/1209

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was on the Eastern Cycle Route. Policies GD1, GD7, HE1, BE6, H9 and NE3 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to the fact that the site included a Grade 4 Listed archway to the north but that the proposed works fell outside of the extent of the Listing.

The Committee recalled that the aim of Policy NE3 (Green Zone) was to protect the landscape and seascape character. Similarly, the Jersey Integrated Landscape and Seascape Character Assessment (JILSCA) also sought to ensure that development proposals made a positive contribution to the landscape and seascape character of the site and/or surrounding area. The application site was also located within the Interior Agricultural Plateau (depicted by historic farmsteads and small rural hamlets) of the JILSCA. Whilst Policy H9 of the Bridging Island Plan made provision for the creation of new homes outside the Built-Up Area, which included the sub-division and/or extension of existing dwellings, the Policy provision did not extend to buildings which were ancillary or incidental to primary dwelling houses. Therefore, the proposal to convert the ancillary, detached coach house outbuilding to provide a separate unit of accommodation was contrary to Policies H9 and NE3 of the Bridging Island Plan and the application had been refused on this basis. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Ms. [REDACTED] and her agent, Mrs. [REDACTED] of KEP Planning. Mrs. [REDACTED] referenced an application considered by the Committee for works at the property known as Pine Farm (Minute No. A10 of the meeting refers) and stated that the difference between that application and the application under consideration was the scheme proposed additional accommodation in the form of an annexe and not as a separate dwelling. The proposed development would be ancillary to the main house with shared services, car parking, access and storage. Reference was made to a pedestrian access and the point was made that if this was considered to be an issue it could be extinguished. The applicant was also willing to accept the removal of Permitted Development Rights to prevent the sub-division of the garden.

[REDACTED] Mrs. [REDACTED] argued that the application was supported by Policies H9, SP1, SP2 and SP7

of the Bridging Island Plan. The proposals would repurpose and maintain the character of the existing traditional building without harm to the Green Zone. Sufficient space for car parking also existed.

In response to a question from a member as to whether the application sought consent for a change of use to self-catering accommodation, Ms. G. Duffell, Planning Applications Manager advised that the application proposed the conversion of the existing outbuilding to habitable space and this was classified as a dwelling. Whilst Mrs. [REDACTED] disagreed with this advice, the Committee noted that the proposed accommodation included a bedroom, bathroom and kitchen.

The applicant advised that the outbuilding was currently used for the storage of garden furniture and logs.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing so, one member expressed frustration about the particular policy context which prevented the Committee from granting permission.

No. 43 Great  
Union Road,  
St. Helier:  
proposed  
extension.

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a 2 storey extension to the west elevation of No. 43 Great Union Road, St. Helier. It was also proposed to demolish a ground floor conservatory and replace the entrance door to the north elevation. The Committee had visited the site on 21st February 2023.

P/2022/0847

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that No. 43 Great Union Road was a Grade 3 Listed Building. Policies GD1, GD6 and HE1 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted the planning history of the site, which included the refusal of 2 previous applications for the construction of extensions.

The Committee was advised that whilst the Department acknowledged that the proposed development would not be prejudicial to the privacy of neighbouring properties, concerns existed regarding the design quality and heritage impacts of the proposals. The proposed extension was considered to be harmful to the character of the existing building and that of the surrounding area, whilst simultaneously restricting the amenities of those occupying flat Nos 1 - 4. Whilst expansion in the Built-Up Area was not uncommon, the excessive nature of the proposals was considered to lead to a development which was out of character with the area and which would dominate the plot, thereby reducing the significance and distinctive character of the historic building. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD6 and HE1 of the Bridging Island Plan and it was recommended that the Committee maintain refusal.

It was recalled that reference had been made on the site visit to No. 19 Journeaux Street and it was confirmed that permission had been granted for its change of use to residential accommodation, with one of the units relying on existing windows and a new balcony as a source of light.

The Committee heard from Mr. [REDACTED] the applicant and his agent, Mr. [REDACTED]. Mr. [REDACTED] advised that the proposed development would improve the accommodation by increasing the living space and adding a bedroom. The development would be in-keeping with the existing building and would repair and improve the Listed Building by removing a UPVC conservatory and replacing the entrance door. Painted

timber sash windows and timber external doors were also proposed and joinery details had been submitted. A natural slate roof covering and white rendered walls with painted timber fascias and aluminium down pipes and gutters were also proposed. It was pointed out that other residential apartments did not share the existing amenity space and that the Listing scheduled referred to the front of the building as being the main area of interest.

The applicant advised that an existing yard area was not used recreationally.

Having considered the application, the Committee expressed concerns about the relationship between the proposed development and neighbouring properties and it was suggested that the applicant might wish to consider a smaller extension. Consequently, permission was refused for the reasons set out above.

Planning and  
Building  
(Jersey) Law  
2002:  
recommendat-  
ions in  
accordance  
with Article  
9A.  
410/99(1)

A14. The Committee decided to make the following recommendation to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

that the Minister consider policy revisions to include fisheries alongside agriculture and aquaculture in the Bridging Island Plan in connexion with the provision of staff accommodation (Minute No. A6 refers).