

KML/SC/043

PLANNING COMMITTEE

(36th Meeting)

25th January 2018PART A

All members were present, with the exception of Connétables J. Gallichan of St. Mary, Chairman and P.B. Le Sueur of Trinity, Vice-Chairman and Deputy R. Labey of St. Helier, from whom apologies had been received.

Deputy J.M. Maçon of St Saviour, Acting Chairman
 Deputy R.J. Rondel of St. Helier
 Deputy G.J. Truscott of St. Brelade
 (not present for item Nos. A4, A7 and A13)
 Deputy S.M. Wickenden of St. Helier

In attendance -

P. Le Gresley, Director, Development Control
 (item Nos. A6 – A16)
 A. Townsend, Principal Planner
 (item Nos. A1 – A6 only)
 J. Nicholson, Principal Planner
 C. Jones, Senior Planner
 E. Stables, Senior Planner
 G. Urban, Planner
 L. Davies, Planner
 R. Hampson, Planner
 R. Greig, Planner
 S.H. Chang, Trainee Planner
 E. Phakathi, Planner
 T. Ingle, Principal Historic Environment Officer

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

Minutes.

A1. The Minutes of the meeting held on 21st December 2017, having been previously circulated, were taken as read and were confirmed.

Coast Road
 Stores, Nos. 1-
 4 Pres de la
 Mer, Nos. 1-2
 Sur la Côte,
 Ceol Na
 Mara, Nos. 1-3
 Prospect Place
 & Nos. 1-2
 Mon Caprice,
 La Grève
 d'Azette, St.

A2. The Committee, with reference to its Minute No. A4 of 21st December 2017, considered a report in connexion with an outline application which sought permission for the demolition and redevelopment of Coast Road Stores, Nos. 1 - 4 Pres de la Mer, Nos. 1 - 2 Sur la Côte, Ceol Na Mara, Nos. 1 - 3 Prospect Place and Nos. 1 - 2 Mon Caprice, La Grève d'Azette, St. Clement and the construction of a new residential development comprising 11 new residential units. It was also proposed to alter the vehicular access onto La Grève d'Azette. The application sought permission for the proposed means of access, siting, scale and mass of the development, with the external appearance, materials and landscaping being reserved. The Committee had visited both the site and the property known as La Maisonette on 19th December 2017.

The Committee recalled that it had been minded to refuse the above application,

Clement:
proposed
demolition and
redevelopment.
477/5/2(775)

contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was represented.

Having noted the reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

PP/2017/1269

Shambala, No.
41 Le Mont
Pelle, St.
Helier:
proposed
extension.
477/5/1(627)

A3. The Committee considered a report in connexion with an application which proposed the construction of a first floor extension above an existing garage at the property known as Shambala, No. 41 Le Mont Pelle, St. Helier. The Committee had visited the application site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Backdrop Zone of the Built-Up Area and that Policies GD1, GD7, H6 and BE3 of the 2011 Island Plan were of particular relevance.

P/2017/1413

The Committee noted that Shambala was a 1970s two storey semi-detached dwelling with a single storey detached garage on its eastern side. It was located within a densely developed residential area in the designated Built-Up Area of St. Helier. To the east of the property was an elongated triangular garden adjacent to the garage, which formed the corner of the vehicular access to other residential properties located along Mashobra Park to the rear. Vehicular access to the site was directly off Tower Road. The scheme proposed a first floor extension over the existing garage. On receipt of representations, the plans had been amended to remove a first floor terrace and a window on the south elevation of the proposed extension. The revised scheme was relatively modest and considered to be in keeping with the character of the dwelling and the wider setting. Furthermore, the proposal was not considered to cause unreasonable harm to the living conditions of neighbours by virtue of loss of light, privacy or overbearing. Consequently, the application was recommended for approval, subject to the imposition of the condition detailed within the officer report.

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

The Committee heard from Mr. A. Shaw, a resident of the area, who stated that the amended scheme was much more acceptable. Mr. Shaw completely understood the motivation for extending the property and noted that a number of other properties had been extended in the same manner. However, he questioned the need for the external steel staircase when it was clear from the drawings that the proposed extension could be accessed via an internal staircase. Aside from the obtrusive nature of the steel staircase, Mr. Short did not believe that it would provide the desired 'safe' access, especially in inclement weather conditions when the steps could become slippery. He added that the proposed staircase would be out of character with the area and would have a detrimental impact on Nos. 1 and 2 Mashobra Park. He urged the Committee not to permit the external staircase.

The Committee heard from Mr. M.N. de la Haye, O.B.E., also a resident of the area. Mr. de la Haye noted that the applicant had responded to concerns about elements of the scheme and submitted revised plans. Residents were grateful for this and there was absolutely no objection to the extension of the property. However, the purpose of the external staircase was unclear given the proposed internal staircase and the fact that the new accommodation was not to be used independently of the principal dwelling.

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The Committee heard from Mr. P. Davies, representing the applicants. Mr. Davies advised that the applicants wished to create a separate access from the garden to the proposed extension, which would accommodate a play room. Measures would be taken to ensure that the external steps did not become slippery. In any case, it was unlikely that access to the garden would be required during wet or inclement weather.

Whilst the Committee had no objection to the proposed extension, members concurred with the views expressed in relation to the appearance of the external staircase. Consequently, the application was refused for this reason alone.

As the Committee's decision was contrary to the officer recommendation, it was noted that the application would be re-presented at the next meeting so that the formal reasons for refusal could be set out.

Magnetic and
Printemps, La
Route des
Genets, St.
Brelade:
proposed new
dwelling.
477/5/3(1017)

A4. The Committee considered a report in connexion with an application which proposed the construction of a new one and a half storey dwelling in the gardens of the properties known as Magnetic and Printemps, La Route des Genets, St. Brelade. The Committee had visited the application site on 23rd January 2017.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Built-Up Area and that Policies GD1, GD7, H6 and BE3 of the 2011 Island Plan were of particular relevance.

P/2017/1233

The Committee was informed that the application site was located in a predominantly residential area and comprised the rear gardens of two adjacent properties known as Magnetic and Printemps. The buildings surrounding the site were mainly bungalows, with some two-storey buildings to the east and commercial properties to the north and west. The site was currently laid to lawn with a number of small wooden sheds and a brick garage to the rear of Printemps. There was also a swimming pool to the rear of Magnetic. It was proposed to demolish the brick garage and other structures, back-fill the swimming pool and construct a one and a half storey detached 3 bedroom residential dwelling. The rear gardens of the two existing properties would be shortened and the southern parts combined to create the site for the new dwelling. The new building would utilise the existing access track, which ran along the western boundary of Printemps from La Route des Genets. 3 car parking spaces were proposed in the area to the north of Printemps, adjacent to the public highway - 2 spaces on the northern site boundary (adjacent to the boundary with Magnetic) and 2 additional spaces on the east side of the proposed dwelling. The external walls of the building would be finished in a white painted smooth sand/cement render. Windows and glazed doors would be double glazed, with grey coloured powder coated aluminium frames. Fascias, eaves and rainwater goods would be white uPVC and the pitched roof would be laid in dark pantiles. The application was recommended for approval, subject to the imposition of certain conditions requiring the submission of a detailed site access design and the provision of obscure glazing in the south facing dormer windows.

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

The Committee heard from Mrs. O. Stewart, a resident of the area. Mrs. Stewart explained that her garden would be seriously overlooked by the proposed new development. She referred the Committee to her letter dated 18th January 2018, in which she discussed, among other things, the proximity of the access to the traffic

lights at Red Houses and the potential for disruption. She understood that a previous scheme had been refused because of concerns in this connexion. (The case officer confirmed that the Department had no record of this). The access road was also very narrow and Mrs. Stewart asked whether it was wide enough for emergency/construction vehicles. She described the proposed development as overbearing and noted that it would be 4 metres away from the boundary with her property. Mrs. Stewart also asked whether a soakaway was to be located at the northern boundary where her land was lower. There were a lot of hard surfaces proposed in the development and she was worried that surface water would drain on to her land.

The Committee heard from Ms. T. Carter, who advised that she was concerned about overlooking, loss of privacy and light and the overbearing impact of the development. The land on the application site was much higher than the neighbouring land. She concurred with the views expressed regarding potential problems with the access arrangements and disruption during the construction period.

The Committee heard from the applicant's agent, Mr. R. Kinnaird, who reminded the Committee that the application site was in the Built-Up Area and that the scheme met the relevant policy tests. The mass, scale and footprint were in keeping with the context and the design recognised the sensitivity of the site. The 3 plots were all a good size and with adequate amenity space and car parking. In response to representations received; amendments had been made to the fenestration details and a balcony to the north. Mr. Kinnaird believed that there would be no unreasonable overlooking issues. With regard to the access arrangements and visibility splays, the Department for Infrastructure had raised no objections. Mr. Kinnaird confirmed that the access road was, in fact, a private driveway and not a road. He added that it was sufficiently wide for emergency and construction vehicles. Finally, it was noted that the soakaway would be in the south-east corner.

Having considered the application, the Committee raised a number of concerns, such as the relationship between the proposed development and existing development to the north and the south and the potential overbearing impact. The Committee felt that the need to obscure glaze certain windows highlighted difficulties in the relationship in the context of privacy between the proposed development and neighbouring properties. The Committee also expressed reservations about the practicality of the narrow access road and the fact that vehicles would have to pass directly in front of the door of a residential property. Visibility splays were also a cause for concern (there appeared to be a suggestion that a boundary wall could be removed to improve visibility, but this proposal lacked clarity). For all of the reasons set out above, the Committee decided to refuse the application, contrary to the officer recommendation, and noted that the application would be re-presented at the next meeting for confirmation of the formal reasons for refusal.

The Atrium
(formerly
Rosevale
House), Le
Mont Gras
d'Eau, St.
Brelade:
proposed
awning on
balcony.
1070/2/1/3

A5. The Committee considered a report in connexion with an application which proposed the installation of an awning on a third floor balcony of a 3 storey apartment block, which was currently under construction and was known as The Atrium (formerly Rosevale House), Le Mont Gras d'Eau, St. Brelade. The Committee had visited the application site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Backdrop Zone of the Built-Up Area and was in a Tourist Destination Area. Policies GD1, GD7 and BE3 of the 2011 Island Plan were of particular relevance.

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(331)
RP/2017/1592

The Committee noted that Policy BE3 stated that, within the Green Backdrop Zone development would only be permitted where it was not visually prominent or obtrusive. Policy GD1 (2) (c) supported development which would not unreasonably affect the character and amenity of the area. The applicant had provided details of the proposed awning, which included the materials to be used and the colour scheme and it had been concluded that it would not have a harmful impact on the character of the area or the appearance of the new apartment block. Consequently, the application was recommended for approval, subject to the imposition of the condition detailed within the officer report.

4 letters of representation had been received in connexion with the application. A late representation submitted after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Ms. M. Scott, representing the St. Brelade's Bay Residents' Association. Ms. Scott advised that the Association was not opposed to the application per se but had submitted a representation in order to illicit further information. The Association was now content with the application, but Ms. Scott suggested that, if approved by the Committee, consideration might be given to designating the illustrations submitted by the agent as approved drawings. The Committee noted that the proposed condition merely stated –

the development hereby permitted shall be carried out in complete accordance with the approved plans and specifications received.

The Committee heard from the applicant's agent, Mr. R. Godel. Mr. Godel responded to questions from members and advised that a purchaser had been identified for the apartment and that individual wished to install an awning. Mr. Godel confirmed that the aluminium casing associated with the awning would match the colour of the wall of the building.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of the condition, revised as suggested above. Whilst Deputy S.M. Wickenden of St. Helier supported the decision to approve the application, he requested that it be noted that he was not in favour of conditioning the colour of the awning.

Sea Wyndes,
No. 1 White
Houses,
Noirmont
Lane, St.
Brelade:
extension of
balcony &
replacement
ballustrade
(RETRO-
SPECTIVE).
477/5/3(1018)
P/2017/1318

A6. The Committee considered a report in connexion with a retrospective application which proposed the extension of a balcony and the replacement of a balustrade to the west elevation of the property known as Sea Wyndes, No. 1 White Houses, Noirmont Lane, St. Brelade. The Committee had visited the application site on 23rd January 2017.

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

The Committee noted that although the above dwelling was situated in a generous sized plot, it was positioned close to a neighbouring property on its western side. Whilst the replacement balustrading was not of concern, the extension of the balcony onto the boundary with the neighbouring house on the west had resulted in an unacceptable impact on the amenities of the occupants of that house. The increased height of the boundary wall was now considered to be overbearing and there was increased potential for overlooking, contrary to Policy GD1 of the 2011 Island Plan. Consequently, the application was recommended for refusal.

The Committee heard from Mrs. L. Guzdar, who advised that the works which had been undertaken had a significant impact on her family's enjoyment of their property in terms of loss of sunlight and privacy. She was also concerned about the structural integrity of the wall which had been constructed and the potential for collapse. She concluded by stating that the application was contrary to Policy GD1 and urged the Committee to refuse permission.

The Committee heard from the applicants, Mrs. and Mrs. L. Hotton, who explained that they had carried out the works in good faith, based on professional advice received. The aim had been to increase privacy between the 2 properties. The applicants had lived at the property for 14 years and felt that the works were mutually beneficial.

Having considered the application, the Committee decided to refuse permission for the reasons set out in the officer report.

Deputy S.M. Wickenden requested that his dissent from the Committee's decision be recorded on the basis that he did not believe that the works had an overbearing impact on the neighbouring property.

La Rousse, Le
Mont Sohier,
St. Brelade:
proposed
demolition and
redevelopment.
477/5/3(719)

A7. The Committee, with reference to Minute No. A2 of 21st July 2016, considered a report in connexion with an application which proposed the demolition of the property known as La Rousse, Le Mont Sohier, St. Brelade and its replacement with a 5 bedroom tourist accommodation unit. The Committee had visited the application site on 23rd January 2017.

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

P/2017/1370
RC/2014/0908
PP/2010/1147
RM/2016/0670

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area, the Shoreline Zone and was in a Tourism Destination Area. Policies SP1, SP7, GD1, GD7, NE1, NE2, NE4, BE4, EVE2 and H11 of the 2011 Island Plan were of particular relevance.

The Committee recalled that permission for the demolition and redevelopment of La Rousse to provide a new 2 storey residential dwelling had previously been granted. This permit remained valid and could, therefore, be implemented. La Rousse was a small timber-boarded cottage located towards the centre of St. Brelade's Bay. The cottage bordered the public promenade and was located on a prominent site to the immediate west of l'Horizon Hotel and was under the same ownership as the hotel. The owners of the site had now decided to develop the site for tourist accommodation and the new use would effectively operate as an annexe to the existing hotel, benefitting from the services it offered.

The Committee was informed that as the site was within the Built Up Area, the development of new tourism accommodation was considered to be an appropriate form of development (St. Brelade's Bay was also a 'Tourist Destination Area'). Under the approved scheme, the new dwelling was to be constructed upon the western part of the site, broadly on the footprint of the existing building. The fundamental change between the new and approved applications was that the building was now to be constructed on the eastern half of the site. The main reason for this change was to enhance the privacy of guests using the new development (by better shielding the outside areas from overlooking from the hotel). The scheme also relocated the development further away from the neighbouring property, El Cobre, thereby improving this relationship. Essentially, the building would be 'flipped' or 'mirrored'. Otherwise, the scheme remained very similar in overall design, retaining

the essence of the original concept. In practice this meant that both the width and the height of the new building would be no greater than originally approved, but with the open area of the site now along its western side, rather than its eastern side. The overall length of the building was slightly greater as the proposed development was able to take advantage of the greater depth of the site front to back along its eastern side. Architecturally the design had not changed. Externally, the development was to be formed using granite and panels of stained horizontal cladding. The south-facing gable-end of the property would be entirely glazed to take advantage of the sea views. All fenestrations would be dark grey aluminium, with stainless steel/glazed balustrading. The pitched roof would be formed in pre-stained dark standing seam zinc and flat roof areas would have planted green-roofs. Essentially, this was a variation on a scheme which had already been approved and the Department was satisfied that it would not unreasonably harm the amenities of any neighbouring residents. In the view of the Department this would be an attractive, well-designed contemporary scheme, which would result in a significant improvement on the existing dilapidated site. Consequently, approval was recommended, subject to the imposition of certain conditions detailed within the officer report.

A total of 17 letters of representations had been received in connexion with the application. Late representations received after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Ms. M. Scott, representing the St. Brelade's Bay Residents' Association. Ms. Scott also represented Mesdames J. Makin and S. Tiboni. Ms. Scott suggested that, if the Committee was minded to approve the application, the use of the building should be restricted to that of a self-catering villa. The Director, Development Control advised that such a condition would be superfluous as the application sought permission for self-catering accommodation and any change to another use would require planning permission. In addition residents had expressed a preference for a shingle roof, as opposed to zinc. The re-siting of the property was considered to run contrary to the St. Brelade's Bay Plan. Ms. Scott added that the submitted landscaping details were insufficient and she felt that it would have been helpful to have been able to review the full landscaping scheme. She noted that hard surfacing was proposed in the sunken courtyard and felt that further consideration should be given to this. She also stated that the inclusion of a lift in the proposed new accommodation would have been helpful for those with limited mobility. In concluding she asked the Committee to consider whether proper thought had been given to the application.

The Committee heard from Messrs. S. Millar and C. Riva, representing Hotel l'Horizon. Mr. Riva stated there were 2 items under consideration – the relocation of the mass of the building from west to east and its use as self-catering accommodation. With regard to the former, there were a number of reasons for re-siting the building, not least that this would screen the west facing elevation of the hotel (which had a number of secondary roofs and ducts) from the public realm. It also distanced the building from the neighbouring property to the west which was considered to be more neighbourly and respectful. Further, this re-positioning would offer the new occupants a west facing garden. Architecturally the new position was considered to represent a better proposal for the site. It was acknowledged that some people would get a better view than others. The second matter was the use of the structure as a self-catering unit, which was considered appropriate and beneficial in this context. In terms of the provision of a lift, Mr. Riva stated that there was a significant cost associated with the same. Furthermore, a ground floor bedroom had been included and whilst there would be access to the basement area, the family accommodation was accessible. In terms of the suggestions regarding the roof

material, Mr. Riva argued that a shingle roof would not be appropriate in this setting. A high quality pre-patinated zinc roof was proposed.

Finally, Mr. Riva expressed considerable disappointment with the rigour with which the application had been opposed by the St. Brelade's Bay Residents' Association. He felt that divisive/guerrilla tactics had been deployed and it appeared that a political agenda was being pursued. This had caused the applicants to have to commit considerable time and resources to deal with the representations made.

Mr. Millar believed that the proposal would provide a secondary income stream and would be popular with long standing clients, some of whom travelled with large family groups. Visit Jersey had noted an increased demand for this kind of accommodation.

In response to a question from a member, the case officer advised that, when compared with the previously approved scheme, there would be a 5 per cent increase in the building floor area.

Having considered the application the Committee accordingly approved the same, subject to the imposition of the conditions detailed within the officer report.

La Tache, La Grande Route de St. Ouen: proposed construction of skip sorting and waste transfer station.
477/5/3(1000)

A8. The Committee, with reference to Minute No. A6 of 29th June 2017, considered a report in connexion with an application which proposed the construction of a skip sorting and waste transfer station at the property known as La Tache, La Grande Route de St. Ouen. The Committee had visited the site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, SP1, SP3, GD1, NR1, ERE1 and HE1 of the 2011 Island Plan were of particular relevance to the application.

P/2017/1395
P/2016/1649

The Committee was advised that the application site had a complex history and the existing skip sorting/storage use was unauthorised, with an Enforcement Notice having been issued in 2012. The current application did not seek retrospective permission to regularise the existing situation, but proposed a new building for the ongoing operation of the skip business.

The application under consideration sought to address the reasons for the refusal of a previous application. Alterations to the drainage solution would deal with previous concerns regarding water pollution and an enhanced landscaping scheme and a minor reduction in the height of the new building would preserve the setting of the Listed Buildings. However, 2 more fundamental issues remained outstanding. First of all, and most significantly, the site was located in the Green Zone and the construction of a new employment building was not supported by Policy NE7. The Spatial Strategy and Sequential Approach of the Island Plan also sought to direct such development to the Built-Up Area, unless a countryside location was essential to the running of the business. Significant concerns also existed in relation to vehicular visibility splays, which were insurmountable given that the land necessary to provide the required splays was not owned by the applicant. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies NE7, SP1 and SP3 of the 2011 Island Plan.

The planning history of the site recorded the approval of an agricultural outbuilding in 1976. The construction of a bungalow had subsequently been approved in 1981, with an agricultural occupancy condition attached. There had been several attempts

to remove this condition prior to the current owner purchasing the site in 2001. Other planning applications submitted related to equine uses: in 2003 permission had been granted to construct equine and storage stalls to the rear of the existing shed and in 2008, an application for the installation of lighting columns in a horse paddock had been refused.

The Committee was advised that the applicant was the principal of J.C. Pallot Limited (the parent company of A-B Skip Hire) and lived in the bungalow adjacent to the application site. Aside from A-B Skip hire, the business also had a refuse collection operation, with contracts for Parish household waste collection, which operated out of Gros Puits in St Saviour (also owned by the applicant). The Gros Puits site had previously been the location for the skip hire business, under the terms of a grant of planning permission in 1988 (application reference D/1988/0137). However, the applicant wished to redevelop the Gros Puits site for residential purposes and, since 2005, had been bringing skips to La Tache for storage and, more recently, for sorting. Applications for a residential use at Gros Puits had so far been unsuccessful and the applicant had previously presented pre-application proposals for an enlarged skip sorting scheme at La Tache, which had not been supported by the Department. In 2012 the requirement for a Waste Management Licence meant that the applicant had resumed discussions with the Department in respect of the skip sorting scheme at La Tache. The Committee was informed that, in order to obtain a Waste Management Licence, the use had to be lawful from a planning perspective. A lawful use comprised one which benefitted from a grant of planning permission or which pre-dated the Planning Law and this was not the case at La Tache. From these discussions it had become apparent that the skip business had continued to operate from La Tache and an Enforcement Notice had been issued in July 2012 requiring the cessation of the use of the land for skip storage, the storage and sorting of waste materials and the parking of commercial vehicles. Notwithstanding the Enforcement Notice, discussions had continued between the applicant and the Department in an attempt to regularise the situation without reverting to further compliance action. In these discussions the Department had made it clear that an alternative site should be found for the skip business and that even low-key operations at La Tache might present challenges and would require an Environmental Impact Assessment. No specific pre-application advice had been issued by the Department in respect of the application under consideration.

The Committee noted that objections had been received from the Department for Infrastructure and the Land Controls and Agricultural Development Section. The Committee's attention was also drawn to comments received from other statutory consultees.

In response to a question from a member regarding liability in the event of a road traffic accident in a situation where access arrangements had been deemed deficient, the Director, Development Control confirmed that legal advice received in the past suggested that the Committee could not be held responsible unless contrary advice given to the Committee had been so clear that no reasonable body could have granted permission for the use of a sub-standard access.

The Committee heard from the applicant, Mr. G. Pallot and his agent, Mr. P. Falla. Mr. Falla advised that the design of building had been improved and the drainage details clarified. Whilst Policy NE7 presumed against development it did not impose a moratorium. Mr. Falla felt that that Department had not properly assessed the application against other relevant Island Plan Policies and reminded the Committee that the Island Plan aimed to provide sufficient opportunities for new waste management facilities. The access arrangements were not new and had served an agricultural workshop, store, stables and a dwelling without incident. The visibility

splays had been analysed based on a normal car and visibility was in excess of 50 metres. There had been no representations from neighbours and there would be no unreasonable harm to amenities or the viability of the agricultural holding. The scheme would not affect Listed Buildings and, provided the measures set out in the Environmental Impact Assessment were implemented, the Natural Environment Team would not object. Mr. Falla added that dealing with solid waste was an ever increasing challenge and the applicant had demonstrated over a period of 13 years that he had the capacity to do this without impact on the landscape character. Mr. Falla concluded by asking where else the business could be located and suggested that if a site in the urban area was suggested there would be a large number of objections.

Mr. Pallot advised that he was a licenced HGV driver with considerable experience. He lived on the site and there had never been any accidents. He explained the manner in which skip lorries exited the site and had the ability to see clearly down the road in both directions.

Deputy G.J. Truscott asked whether the applicant had considered locating the business at St. Peter's Technical Park, but the applicant felt that there would be considerable opposition to this. The case officer added that it was believed that several opportunities existed in the Built-Up Area and whilst he agreed that Policy NE7 did not set a moratorium, the bar was high. Policy WM2 sought to ensure that all alternative sites had been considered.

Having considered the application, the Committee, with the exception of Deputy J.M. Maçon of St. Saviour, expressed support for the application on the basis that the applicant had been operating from the site for some considerable time without incident and the use was considered to be low impact. Consequently, the Committee felt that sufficient justification existed for making an exception to the Green Zone Policy.

Mimosa, Le
Mont Sohier,
St. Brelade:
proposed
conversion of
dwelling to
guest
accommodat-
ion.
477/5/3(1019)

A9. The Committee considered a report in connexion with an application which proposed the conversion of a 3 bedroom property known as Mimosa, Le Mont Sohier, St. Brelade to provide 2 x one bedroom units of guest accommodation. The Committee had visited the site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Backdrop Zone of the Built-Up Area and that Mimosa was a Grade 3 Listed Building. Policies SP1, SP2, SP4, SP6, SP7, GD1, GD7, HE1, BE3, BE6, H6, LWM2 and 3 of the 2011 Island Plan were of particular relevance to the application.

P/2017/0878

The Committee was advised that the proposal involved the conversion of an existing Listed Building into 2 one bed units. This work could be undertaken without impacting on the historic character or setting of the Listed Building. Whilst the site was within the Green Backdrop Zone, the conversion works would have no impact whatsoever as landscape was not currently the dominant element. The scheme involved the creation of guest accommodation in conjunction with the existing residential dwelling at Zanzibar and provided the required room size specifications. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

4 representations had been received in connexion with the application. A late representation submitted after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer. Ms. Ingle described the cottage as picturesque, with the principal elevation facing onto the street. The scheme, as proposed, meant that the hallway walls would be removed. The renovation works were considered to be beneficial, but sub-dividing the building whilst maintaining more of the original plan form was preferable. Ms. Ingle advised that there appeared to be alternatives to that which was proposed and, it was for this reason that the Historic Environment Team objected to the application. Ms. Ingle concluded by stating that, if the Committee was minded to approve the application, further details would be required in relation to how the scheme would comply with Building Bye Law Regulations.

The Committee heard from Ms. M. Scott, representing the St. Brelade's Bay Residents' Association. Ms. Scott expressed disappointment that full details of the landscaping scheme were not available to view at present. She stated that the scheme would result in the loss of a much needed residential unit, putting pressure on other areas within the Bay for new development. She understood that Zanzibar already benefitted from guest and staff accommodation. She urged the Committee to reject the application.

The Committee heard from Mr. D. McKinnon, representing the applicant. Mr. McKinnon advised that the applicant was keen to restore the property to its former glory and bring it back into use. He stated that there were very few remaining historic buildings of any note in the Bay. The applicant was looking forward to working with the Department to ensure that that all restoration works were carried out in an appropriate manner. In terms of alternative approaches, Mr. McKinnon confirmed that these had been fully explored, but the submitted scheme represented the preferred option. This would also mean that the living areas of both units would enjoy a southerly aspect.

Whilst Deputies G.J. Truscott of St. Brelade and J.M. Maçon of St. Saviour supported the officer recommendation for approval the remaining 2 members, Deputies R.J. Rondel and S.M. Wickenden, both of St. Helier, could not support the scheme on the basis of the objection of the Historic Environment Team. Consequently, the Committee could not reach a majority decision. It was recalled that, when a vote was tied, the item under consideration would be determined in the negative and the application would be refused (in the same manner established under Article 16(2) of the States of Jersey Law 2005). This allowed the applicant to pursue an appeal. Consequently, the application was refused on the basis of the objections of the Historic Environment Team which were that the proposals did not preserve or enhance the internal fabric of this Grade 3 Listed Building. Moreover, alterations to the plan form would be harmful and contrary to Policy HE1.

Field Nos. 519,
520, 521, 524,
525, 527 and
528, La Rue
Guerdain,
Trinity:
proposed new
dwelling/
agricultural
shed/
alterations to
ground level &
vehicular
access/increase

A10. The Committee considered a report in connexion with an application which proposed the construction of a 3 bedroom dwelling to the north of Field No. 519, La Rue Guerdain, Trinity, the construction of an agricultural shed and the alteration of the ground level in Field No. 521. It was also proposed to alter the vehicular access on to La Rue Guerdain and increase the size of an existing pond between Field Nos. 520 and 528. The Committee had visited the site on 23rd January 2017.

A site plan, drawings and a model were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, GD1, GD7, NE7, ERE1, ERE6 and H9 of the 2011 Island Plan were of particular relevance to the application.

The Committee was advised that Douet Farm currently comprised a block of 8 adjoining fields, which were owned by the applicants, a further 2 adjoining fields

pond size.
477/5/2(67)

P/2017/1026

were rented by the applicants, together with a field in Victoria Village. The land was currently grazed by the applicant's sheep and cows and sub-divided by a mixture of cattle fences and traditional hedgerows. Currently the site contained 2 field shelters.

The Committee was informed that the farm had 11 head of Angus Jersey Cattle and 36 ewes. The applicants had purchased the site in 2012, with their current status being that of a smallholder. Sales of produce had commenced in 2014. The Committee's attention was drawn to a business plan which detailed proposals to expand into the production of goat milk to enable the business to reach 'bona fide agricultural status' i.e. a business which generated a gross margin of over £40,000 per annum. The Rural Economic Strategy (RES) supported the development of new and diversified rural businesses, but limited the construction of staff accommodation outside the Built-Up Area to 'bona fide' agriculturists and even then it was considered on the basis of a proven economic need and evidenced business case. The Land Controls and Agricultural Development Section fully supported the concept, the venture and the diversity the project would bring to the rural economy. Whilst the construction of an agricultural shed was also supported, the staff accommodation was not, as the applicant would be required to reach bona fide status before support could be considered. Further, the proposed location of the shed and dwelling at the far end of the site, furthest from road access and the construction of a track/drive to connect the shed/dwelling to the road would result in the permanent loss of agricultural land. The relocation of the shed/dwelling at the end of the site adjoining the road would reduce the impact.

The Committee noted that the scheme proposed the following –

- the construction of a 3 bedroomed dwelling with attached farm office to the north of Field No. 519;
- the construction of an agricultural shed comprising livestock housing, milking parlour, processing rooms, cold stores and machinery/general farm store to the western boundary of Field No. 521;
- the alteration of the existing vehicular access to the north-eastern corner of Field No. 525 and La Rue Guerdain;
- the improvement/widening of the existing informal access track along the northern field boundaries of Field Nos. 525 and T529 to serve the new dwelling and shed;
- and,
- the increase in size of the existing dry ditch between Field Nos. 520 and 528 to form 3 separate ponds.

The Committee was reminded that the site lay within the Green Zone wherein there was a strong presumption against development. At the present time the applicant was not a *bona fide* agriculturist and as a consequence, no convincing case had been made for making an exception to policy. In addition, the development would have a harmful impact upon the character of the area. Therefore, in order to maintain the integrity of the Green Zone and Policy NE7 in particular, the Department was recommending that the application be refused.

The application had generated 7 letters of support. In addition, in her letter dated 11th December 2017, the former States Veterinary Officer had stated that 'on site accommodation for individuals caring for livestock is imperative to enable the stockperson in charge to safeguard the welfare of every individual animal.' Support had also been received from a number of other bodies, to include: Jersey Business, the Royal Jersey Agricultural and Horticultural Society, the Jersey Farmers Union as well as the Connétable and Deputy of Trinity. The scheme had also generated one letter of objection on the grounds of its Green Zone location. In addition, one local resident had stated that whilst there were no objections to the work undertaken by

the applicants to date on the improvement to the fields, there was a concern that the remodelling of the existing access would result in the loss of existing trees.

The Committee heard from Mr. S. Surcouf, Land Controls Officer, who confirmed that support for a dwelling could only be given to individuals who had achieved bona fide agriculturalist status. The applicant's business case was supported with the proposed shed, but not necessarily in the location selected.

The Committee received the applicant, Mrs. L. Agnès together with Messrs. M. Stein, M.S. Planning, N. Steel, Jersey Business, P. Le Maistre, Jersey Farmers Union and J. Le S Gallichan, former dairy farmer and Connetable of the Parish of Trinity.

Mr. Stein read verbatim from a comprehensive letter of support for the application from the Connétable of Trinity, who could not be present at the meeting. Members had not received a copy of this letter prior to the meeting in the usual manner and Mr. Stein undertook to provide a copy after the meeting. It was noted that the Parish Roads Committee supported the site access as proposed. Mr. Stein addressed the Committee stating that this was a 'classic chicken and egg scenario'. New entrants were encouraged into the industry, but need to grow their business to achieve bona fide agriculturalist status. This was difficult to achieve without the ability to live on site to look after livestock. Mr. Stein believed that with the proposed shed and dwelling the applicants would reach the required income margin very quickly. The applicants were totally committed to farming. Up until 2 years ago Mr. Agnès had operated a haulage business which he had sold to release capital for the farm. Not unlike Mr. L. Coenan, a young Jersey farmer who had recently received permission to construct staff/farm stay accommodation in St. Lawrence, the applicant had worked tirelessly to enter the industry. The level of support for the application was testament to their commitment. Mr. Stein stated that the Department's report did not make it clear that the applicant's land was, in fact, the infamous Trinity infill site, the permit for which had been revoked following a public enquiry. The land had lain fallow between 2004 and 2012, when the applicants had bought it and transformed it. Instead of landfill site the land was being used for agricultural purposes by a young farmer with excellent credentials. Mr. Stein addressed the reasons for recommending the application for refusal, as set out in the officer report. He argued that the small nook to the north west of site was the best place for the dwelling as the land was poorly drained and was the wrong shape for farming. The shed needed to be close by. Relocating it to the south east would result in complaints about noise and smell from the building. The more remote location was not visible from the public realm and far away from neighbours. Much of the farm track already existed and would remain in agricultural use. Mr. Stein discussed how the track would be formed, as illustrated in a photograph sent to the Department. He concluded by stating that he would be happy to bet against his professional integrity that the applicants would succeed and expressed the view that to refuse the application would have a detrimental impact on securing new entrants to the industry.

The Committee heard from Mrs. Agnès who advised that she and her husband were Jersey born and had spent much of their younger years as members of the Young Farmers Association. Mr. Agnès had been involved in agriculture for many years and was a member of the Royal Jersey Agricultural and Horticultural Committee. Mrs. Agnès had also worked there organising rural shows. Mr. Agnès had sold his business 18 months previously so that he had sufficient time and capital to invest in the farm. The applicants had not had the opportunity to take on a family farm so had started from scratch. They had bought the fields and initially worked around their day jobs. They had invested significant time and money in the farm over the last 6 years until it had eventually become a full time venture with their hard work and dedication meaning that it was now productive. The applicants looked forward to a

successful future in farming using no chemicals or pesticides. They planned to continue increasing their organic land, in accordance with the aims of the Rural Economy Strategy. As their business grew they wanted to farm 300 organic vergées, which would have a most positive ecological impact. The applicants had re-seeded the land, re-instated 400 metres of hedging and planted 1,500 trees. Mrs. Agnès advised the Committee that they would be the only people producing goat milk in the Island. Jersey Business had strong evidence to support the demand for goat milk and locally produced food as opposed to relying on imports. There was a growing need to diversify the agricultural economy and Jersey farmers were a dying breed, with few new entrants to the industry. The applicants wished to be part of the local agricultural economy and Mrs. Agnès urged the Committee to approve the application and help keep Jersey farming.

The Committee heard from Mr. Steel, who explained that Jersey Business supported the application from a business perspective. Goat products were very much on trend with all major supermarkets stocking produce. There were, however, no local producers. Research revealed that sales of imported products during 2016 had been significant. Demand for provenance was high and innovation was vital to the agricultural sector. Recent bad weather had meant that supplies to the Island had been severely affected emphasising just how important food security was. Mrs. Agnès had excellent business skills and Mr. Agnès had already successfully operated his own business. The applicants were the victims of a badly formulated rural economy policy which required urgent review. In concluding Mr. Steel stated that it was increasingly difficult to encourage young people into farming and much more work was required to secure local alternatives to imported goods, food security and diversification. He urged the Committee to support the applicant's robust business plan which would deliver a GVA which was well above the industry average.

Mr. Le Maistre addressed the Committee, reminding members that he had recently supported Mr. L. Coenan's application. He was thrilled that the applicants wished to work full time in the agriculture industry. With regard to the relevant policy framework, Mr. Le Maistre felt that this was open to individual interpretation. He directed the Committee to Policy ERE6 which referred to, among other things, the vitality of the agriculture industry. Mr. Le Maistre argued that encouraging young people to start out in the industry with new ideas was essential to its survival. The applicants had a small amount of land and a strong business case. He repeated comments made by Mr. Stein regarding previous proposals to use the land as an infill site and advised the Committee that the applicants had transformed the appearance of the land. The scheme would enhance the countryside and the wider environment.

The Committee heard from Mr. Gallichan, who stressed the importance of living on site for animal husbandry purposes. He understood the need for caution in terms of permitting houses in the Green Zone but he stated that anyone wishing to look after the amount of livestock detailed above was committing to a 24 hour, 7 days a week job. Mr. Gallichan stated that, in his experience, a house in close proximity to livestock was essential. He did not believe that the house or the shed would have a negative impact on the area as they would not be visible from the public realm. Keeping the land in agricultural would benefit the countryside.

The Committee heard from the applicant, Mr. L. Agnès, who stated that he and his wife were dedicated and passionate about the industry. Mono crop agriculture could not continue and Mr. Agnès referred to comments made by the UK Environment Secretary, Mr. M. Gove, at the launch of a parliamentary soil body, to the effect that the UK was 30 to 40 years away from the fundamental eradication of soil fertility in parts of the country. This was as a direct result of the encouragement of the type of

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farming which had damaged the earth. Farmers had to be incentivised to tackle the decline in biodiversity. This was recognised within Jersey's Rural Economy Strategy. Jersey Business was confident that the applicants' business plan was robust and bona fide status would be reached. In terms of the siting of the structures, Mr. Agnès felt that the scheme as proposed represented the best possible option in terms of impact. He and his wife had a unique skill set between them and an absolute conviction for agriculture. Mr. Agnès thanked everyone who had supported the scheme so enthusiastically, including neighbours, who had been advised of all aspects of the proposals. He urged the Committee to support the application and let the scheme lead the way in environmentally friendly farming.

The case officer reminded the Committee that whilst speakers had alluded to comparisons between the proposal and a previously proposed land fill use, ultimately the latter use had not been permitted. In addition, it was recalled that the applicant had delineated the location of the proposed shed with markers during the site visit and the case officer felt that this had demonstrated just how visually intrusive the shed would be in that location. By virtue of the fact that it was a new building in the Green Zone, the Department took the view that it would be harmful to the landscape character. Re-siting the shed might attract objections but this had not been tested. Policy ERE6 stated that agricultural sheds should be located close to existing groups of buildings. In terms of providing accommodation on site, the need to be on site at certain crucial times to oversee livestock was accepted. However, in the UK, prior to seeking approval for a new dwelling, a herdsman might initially camp down in a shed while the business was evolving or have a caravan on site at certain times. A new dwelling would not generally be expected for a business which was just starting. It was noted that there was already a house in close proximity to the site. In concluding, the case officer reminded the Committee that the Rural Economy Strategy had to be balanced against the need to protect the countryside. Finally, the point was made that the Department had been consistent in its approach to applications of this nature, with the recently approved application submitted by Mr. Coenan having been recommended for refusal on strict policy grounds.

Having considered the application, the Committee concluded that the applicants had made a compelling case and that sufficient justification existed for making an exception to the Green Policy in this instance. Further, the Committee was convinced of the need for and the location of the shed and dwelling. Consequently, the application was approved, contrary to the officer recommendation.

On a related matter, members concurred with the view that a review of the criteria by which a business reached 'bona fide agricultural status' was essential.

Chestnut
House, La
Grande Route
de St. Pierre,
St. Peter:
proposed
demolition and
redevelopment
(RFR).

477/5/3(1020)

P/2017/0728

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 authority and which sought permission for the demolition of the property known as Chestnut House, La Grande Route de St. Pierre, St. Peter and its replacement with one x 2, 5 x 3 and one x 4 bedroom dwellings with associated car parking and landscaping. The Committee had visited the application site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area. Policies SP1, 2, 3 and 7, GD1, 3, NE2, GD7, GD8 and H6 of the 2011 Island Plan were relevant to the application. In addition Planning Policy Note 6 – 'A Minimum Specification for New Housing Developments' (PPN6) and Planning Policy Note 3 – 'Parking Guidelines' (PPN3) were also relevant.

The Committee was advised that the application site was linear and the layout and form of the proposed new dwellings were not considered to be in keeping with the character of the area, which was predominantly terraced, or semi-detached housing. The regimented format and the design of the dwellings were also considered to be unacceptable and the gardens were mostly located to the side rather than to the rear. The approach into the development was uninviting, the access road was bordered by large 2 metre high walls and the development lacked landscaping, albeit that raised roadside planters were proposed. The proximity of the dwellings to each other was considered to be problematic and the design had been compromised in places to eliminate overlooking. In other areas there was direct overlooking from first floor windows into private gardens. The scheme did not provide car visitor parking and the parking layout was contrived whereby in some cases, parking spaces were located in areas adjacent to unrelated dwellings. Issues raised by the Department for Infrastructure (DFI) Highways concerning the validity of visibility splays and the risk of illegal use of a one way system, had not been addressed and remained outstanding. In the light of all of the above, the proposed development was not acceptable under Island Plan policies and had been refused. It was recommended that the Committee maintain refusal of the application.

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

The Committee heard from Mr. P. Davey of Evolution Design, who stated that the scheme would provide much needed housing in the Built-Up Area. The proposed new dwellings would exceed the minimum standards for internal space and amenity areas. The dwellings would be constructed with lifetime home use in mind and would benefit from solar gains which would reduce fuel consumption. There were no windows facing existing properties in the surrounding area and other windows would be obscure glazed. The semi-detached dwellings would have garages and the detached dwellings would have car ports. The 2 metre high road side walls referred to would be across the length of the gardens and timber planters would be installed to break up the height. If the Committee was concerned about the high level windows on the road side, these could be omitted. Mr. Davy advised that visitor parking, visibility splays and the one way system had been discussed with DFI but the relevant documentation did not appear to have been included with the submission. The applicant also owned St. Peter's Technical Park where there was scope to make visibility splays work and for visitor parking to be created. The scheme was supported by the Parish of St. Peter.

Whilst the Committee agreed that potential for the redevelopment of the site existed, the scheme as presented was not supported for all of the reasons set out above. Consequently, the Committee endorsed the officer recommendation to maintain refusal of the application.

Le Hurel Farm,
La Ruelle
Pinel, St.
Lawrence:
proposed
extension/
external
alterations
(RFR).
477/5/3(1021)

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 authority and which sought permission for the proposed extension and external alteration of the property known as Le Hurel Farm, La Ruelle Pinel, St. Lawrence. The Committee had visited the application site on 23rd January 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Le Hurel Farm was a Grade 3 Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were relevant to the application.

The Committee was advised that the scheme proposed the construction of a large orangery to the rear of a typical Jersey farmhouse, which formed part of a 19th Century historic farmstead. The addition of the orangery was not deemed acceptable, as an orangery would not traditionally have been found on a farmhouse building. In addition, the orangery would increase the footprint of the farmhouse by over 30 per cent and was incongruous to the existing linear arrangement. Whilst the orangery was located to the rear and would not be seen from the public domain, the principle of an orangery was not appropriate relative to existing buildings and its context and did not preserve the architectural and historic character and integrity of the Listed Building and its setting. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

No representations had been received in connexion with the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer. Ms. Ingle advised that the applicant had carried out a considerable amount of very sympathetic work on the property. The desire to extend was fully understood but it was a question of how that could be achieved appropriately. Ms. Ingle referred to a number of examples of 19th century vinery type buildings and stated that either a vernacular aesthetic or a contemporary approach could be adopted. Discussions with the applicant with regard to alternative approaches had taken place. Whilst it was recognised that the structure would be at the back of the property it was not considered to be an appropriate response and was not supported for this reason.

The Committee received the applicant, Mr. C. Twiston-Davies and his agent, Mr. J. Dodd. Mr. Dodd advised that the applicant wished to create a spacious and airy dining space which took advantage of views. He discussed a scheme he had previously produced for another almost identical property which had previously been approved. Mr. Dodd believed that the reason for refusal was unfair and unreasonable. He had spoken to Ms. Ingle about the application and she had confirmed that size and scale were not the issue. This was the best solution for this particular site and would not have a detrimental impact.

Mr. Twiston-Davies explained that the existing kitchen was extremely dark and the proposed new extension would provide a modern light filled kitchen. When the family had purchased the property in 1990 it was derelict and it had been restored and added to over the years. He felt that the work which had been carried out to date demonstrated his credentials. The extension would not be visible from the highway and would not affect the fabric of the Listed Building or the surrounding environment.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, expressed support for the application and agreed that there would be no harmful impact on the Listed Building. Consequently, permission was granted, contrary to the officer recommendation. The application would be re-presented for confirmation of approval and any conditions which were to be attached to the permit.

Quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade: demolition of sheds/

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 authority and which sought permission retrospectively for the demolition of some sheds at a quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade and their replacement with some shelters for storage and for staff. The Committee had visited the application site on 23rd January 2017.

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

replacement
with shelters
(RETRO-
SPECTIVE)
(RFR).
477/5/3(864)

P/2017/0482

application.

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

The Committee was advised that permission was being sought on a temporary 3 year basis for a freestanding container, intended to serve as a secure store for tools and equipment; and, for a second open fronted structure designed two-fold, to provide 5 workstations and a machinery store.

The planning history of the site had commenced with gravel quarrying operations, sometime prior to 1969. A change of use to granite storage had been permitted, retrospectively, in 1991. It was acknowledged that the provision of a secure store for tools and equipment and a store to house machinery was consistent with the permitted storage use of the site. However, there was a requirement to demonstrate compliance with the prescribed policy criteria, which included the need to deliver a high standard of design. The basic utilitarian form of the container and that of the scaffold profile, corrugated roofing and plastic sheeting to the machinery store were such that they could not be considered to deliver the required standard of design and, therefore, did not satisfy the requirements of Policies NE7 and GD7. Turning to the open fronted structure, the Department acknowledged that the working of granite on a limited, low key basis could be seen as incidental to the primary use of the site, as a storage operation only. Historically, the inability to work the granite during periods of inclement weather was likely to have helped to ensure that this was undertaken only on a limited and low key basis as an incidental activity to the primary storage use. However, the open fronted shelter now provided 5 dedicated workstations. As set out within the applicant's supporting statement, the workstations would provide shelter for employees from inclement weather when working and dressing the granite. Several parties had objected to the use and intensity of the existing and proposed operation. The introduction of workstations on this scale and the support which they provide for the more intensive operation of the working of granite was not considered to be consistent with the permitted use of the site, for the storage of granite only. In summary, the workstations were inconsistent with the permitted storage use of the site; they were not a permissible exception to Green Zone Policy; and, the operations/activities undertaken therein were considered likely to cause an unreasonable degree of harm to the amenities of neighbouring land users, contrary to Policy GD1. Moreover, to permit such development would represent a departure from the Island Plan for which there was not considered to be sufficient justification. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

10 letters of representation had been received from 5 individuals. Late representations received after the distribution of the agenda papers had been received by members under separate cover.

The Committee heard from Mr. J. Chinn and Mrs. C. Belcher. Mr. Chinn advised that he was also representing Mr. and Mrs. S. Fenton. Mr. Chinn advised that he had lived in the area for 23 years and that he had always enjoyed good relations with the applicant and his family. The objection was in no way personal and he had no desire to cause any difficulties for the business. His concern was that, as the business developed, operations on the site appeared to have intensified to the extent that they contravened condition No. 2 of the original permit which stipulated that permission was granted for granite storage only. Mr. Chinn added that condition No. 4 stated that no associated building works would be permitted. The site was in the Green Zone in close proximity to both the Coastal National Park and a residential area. Mr.

Chinn advised that had he been aware of the specific conditions which were attached to the permit he would have approached the Department much earlier about the work which was taking place on site. Mr. Chinn felt that noise levels had increased over the last 2 years. He advised the Committee that when Mrs. Belcher had purchased her property he had been asked if noise from the application site was an issue and had been happy to confirm that it was not at that particular time. Unfortunately, the current situation was affecting people's lives to the extent that they did not want to be at home. Mr. Chinn apologised if any comments he had made caused any upset for the applicant but he felt that the conditions of the permit had been breached. The area was beautiful and residents wanted things to go back to the way they were.

Mrs. Belcher addressed the Committee, advising that she also represented other residents of the area. Mrs. Belcher stated that recent activity on the site had made being at home 'a nightmare'. Over the past year there had been a sudden onset of activity on the site and this had affected residents' enjoyment of their properties. She too had been unaware of the conditions of the permit and had been advised by the applicant that the work on site was permissible under the terms of the permit. Consequently, she felt that the goodwill of neighbours had been abused. Recently, stone cutting had taken place within 15 metres of Mrs. Belcher's property by staff wearing ear defenders. Noise levels had been significant and Mrs. Belcher advised that she could hear noise on the Corbiere walk. She informed the Committee that her young son's sleep was being disturbed and that he had developed a rash. She worked part-time as a midwife on night shifts and was unable to sleep in the day because of the noise. Petrol fumes in the house were very strong and dust from the stone cutting covered cars and windows. Mrs. Belcher stated that she was proud of her home but she considered operations on the site to be harmful and this was causing a good deal of misery. She explained how stressed she felt when she heard the machinery start up. In concluding Mrs. Belcher stated that residents should not have to live like this and she urged the Committee to refuse the application and enforce the conditions of the permit.

The Committee heard from Mr. M. Stein, representing the applicant. Mr. Stein advised that stone had been stored, cut and dressed on site since 1991. In the majority of cases the stone was cut and dressed on construction sites on which the applicant company was working on. However, if weather conditions were inclement or there was a lack of space on a construction site, it was necessary to work on the application site. New employment legislation meant that employers had to provide reasonable shelter for staff and storage for equipment was also needed. Occasionally, 6 or 7 men would work on site during inclement weather conditions. The applicant was seeking a temporary 3 year permit with a view to ultimately constructing a bespoke sound insulated shed on the site. Mr. Stein advised that the applicant had previously applied to construct a dwelling on the application site but this had been refused by the Minister on the recommendation of an independent Planning Inspector on the basis that the land should remain in employment use. The application site was lower than surrounding land and was not, therefore, visible. The commercial use had existed prior to the construction of the residential properties so all residents would have been aware of the quarry before they had purchased their properties. The applicant was willing to have working hours restricted to 8.00 am – 4.00 pm during the week and no weekend working. Mr. Stein concluded by stating that if the Committee refused the application, staff would lose their jobs.

The Committee heard from the applicant, Mr. S. Boydens. Mr. Boydens advised that his father had constructed Mrs. Belcher's house and had dressing the stone for Mr. Chinn's property. The application site had originally been owned by Bisson Brothers (local builders) who had extracted gravel and made concrete blocks on the site going back to 1957. Mr. Boydens' father had rented the site in 1981 and bought it in 1990.

He had used it for storing and splitting granite by hand, which was a long and arduous process which generated much more noise than the present operation. He went on to explain the impact this kind of work had had on his father's physical health. Modern machinery meant that the process was much quicker and safer for employees. All staff received training and the company currently employed 5 apprentices who worked with tradesmen. No staff were employed on zero hour's contracts and Mr. Boydens was able to guarantee his workers 20 hours' work a week. Mr. Boydens confirmed that if staff were unable to work the stone on a construction site they worked from the application site using the sheltered areas. Mr. Boydens confirmed that during the summer of 2017 the application site had been particularly busy as there had been no room to cut granite on the site for the new Jersey Electricity sub-station on La Route de St. Aubin. In addition, Mr. Boydens informed the Committee that there was another stonemason working nearby and some of the dust and noise could be attributed to this activity. Consequently, staff had worked from the quarry site. Mr. Boydens urged the Committee to approve the application and not to penalise the business for one particularly busy period. Whilst Mr. Boydens fully understood the concerns expressed by residents, his staff were present and were waiting anxiously to hear the Committee's decision as their jobs were dependent upon this.

Having noted that those representing the applicant wished to distribute additional written submissions to the Committee, the Director, Development Control advised that this was not permissible during the course of the meeting.

On a related matter, Mr. Stein added that a Departmental Compliance Officer had visited the application site and had acknowledged that the cutting and dressing of stone had taken place on the site for a period in excess of 8 years. Mr. Stein had subsequently written to the Officer confirming the details of their conversation and had been advised that no enforcement action would be taken in respect of the current use of the site because of the period of time during which the activity had taken place. However, the Director, Development Control advised that if this position were to be accepted, the applicant would effectively have to admit to breaching the terms of the planning permit, potentially making him liable to prosecution (notwithstanding any enforcement action which might be taken) and he suggested that the Committee might wish to seek legal advice on this matter.

The Committee heard from the applicant's father, Mr. M. Boydens senior, who advised that he had cut stone on the site for a number of years prior to his son taking over the business and that he had secured the permit. The Director pointed out that the permit was very clear in terms of what was and was not permissible. He suggested that Mr. Boydens senior might have queried the conditions attached to the permit if they were not in line with on-site operations. Mr. Boydens senior stated that not all residents of the area had objected to the application and he felt that some people had 'ganged up' on them because they were worried that the existence of the business would de-value their properties.

The Committee decided to defer consideration of the application pending the receipt of legal advice. In the meantime it was suggested that the applicant company might wish to give some consideration to a more permanent solution to the problem and, ultimately, the submission of a fresh application which would address all of the concerns expressed. It was clear that, going forward, the business (in some form) and neighbours had to co-exist.

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Grouville:
proposed
demolition of
store/con-
struction of
extension
(RFR).
477/5/2(776)

P/2017/1256

delegated authority and which sought permission for the demolition of an existing store at Laurel House, La Rue Jutize, Grouville and the construction of an extension of an existing garage to the east elevation. The Committee had visited the application site on 23rd January 2017.

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. Laurel House was also a Grade 4 Listed Building and Policies NE7, HE1, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee was advised that Laurel House was located on the edge of a small settlement within the designated Green Zone. The site comprised a mid-late 19th century house with a later western wing and outbuilding to the roadside; a 20th century extension to the east and a garage and separate store building beyond. Permission was being sought for the construction of an extension to the east of the existing garage and the construction of an enlarged replacement pitched roof structure with central flat roofed expanse in order to create additional garaging and a workshop to the ground floor and a playroom/storage area to the first floor. To facilitate the proposed works the existing store building would be removed. Under Green Zone policy the development of an ancillary residential building had to be compliant with the following policy criteria:

- modest and proportionate to other buildings on the site;
- be well sited and designed relative to, amongst other factors, size and context; and,
- should not seriously harm landscape character

Similarly, in heritage terms, development proposals had to be sympathetic to their potential impact upon the setting and space around Listed Buildings. The existing garage and store buildings to the east of the site were of no particular architectural or historic value. However, they were modest and understated and sat quietly within the landscape and historic context. By contrast, the enlarged building occupied a footprint of approximately 119 square metres and a floor area of 164 square metres. The proposed footprint exceeded that of the original Laurel House, whilst the size and scale of the resultant building, set over two floors, was comparable in size to 2 x 2 storey dwellings. It was precisely this scale of outbuilding which the revised Green Zone policy sought to prevent. Moreover, the perceived visual impact of the additional bulk and massing and increase in height upon the setting of the Listed Building was exacerbated by its siting, set forward of the building line of the principal dwelling. The setting of Laurel House would be neither preserved nor enhanced as a result. In summary, the proposed scheme failed to deliver a development of a scale and size appropriate to its landscape and historic context, contrary to Policies NE7 and HE1 of the 2011 Island Plan. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

No representations had been received in connexion with the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer who advised that although the property had been altered it retained its historic character with a notable cast iron porch, contributing to the rural streetscape. Ms. Ingle confirmed that the proposals were outside the extent of the Listing and were, therefore, assessed on the basis of the impact on the setting. Replacement of the modern buildings with a new building was acceptable in principle. However the mass, height and scale should be reduced and cues in respect of proportion taken from the Listed Building.

The Committee heard from Mr. A. Davey, representing the applicant. Mr. Davey discussed the applicants' desire for more space. The scheme was considered to be respectful to the principal dwelling and the extension would barely be visible from the public realm. The scheme would see the removal of an unsightly dilapidated building and its replacement with a modest extension floor area. Mr. Davey referred the Committee to his letter dated 30th November 2017, which detailed the extent of the footprint of the new building. Mr. Davey felt that suggestions that the proposed extension was excessive were arguable, given that the additional floor area excluding non-habitable garaging was a mere 9 per cent of the existing floor space of the adjacent dwelling. Additionally, he did not agree that it would be harmful to the setting of the Listed Building. The extension to the single storey pitched roof would be screened by vegetation and, as such, could not be considered harmful. There were no objections to the application and Mr. Davey felt that this demonstrated that there would be no impact on setting or surroundings.

The Committee heard from the applicant, who advised that the existing garage was quite close to the house and space for car parking was limited.

Having considered the application the Committee decided to maintain refusal on the grounds detailed above.

Planning and Building (Jersey) Law 2002: recommendations for policy revision under Article 9(A). 410/99(1)

A15. The Committee recalled that, under Article 9A of the Planning and Building (Jersey) Law 2002, it was tasked with reporting to the States the Committee's assessment of planning policy and any recommendations it had for its revision.

The Committee further recalled its discussions in relation to an application for development on Field Nos. 519, 520, 521, 524, 525, 527 and 528, La Rue Guerdain, Trinity (Minute No. A10 refers) and decided to request a review of the criteria by which a business reached 'bona fide agricultural status' (in the context of the Rural Economy Strategy).

Decisions of the Planning Committee (2017): report to States. 410/99(1)

A16. The Committee considered a draft report, which had been prepared by the Department for presentation to the States in accordance with Article 9(6) of the Planning and Building (Jersey) Law 2002, as amended. The report detailed the following –

- the number of applications determined by the Committee;
- the number of appeals (under the planning appeals system) against decisions of the Committee, and,
- policy issues raised by the Committee and the response of the Minister for the Environment to the same.

The Committee noted that not all responses from the Minister in relation to policy issues raised had been received. Accordingly, the Committee approved the report, pending the receipt of the missing information, and noted that it would be considered by the Minister prior to it being presented to the States.