

KML/SC/285

PLANNING COMMITTEE

(18th Meeting)

22nd September 2016PART A

All members were present, with the exception of the Connétable J. Gallichan of St. Mary, Chairman and Deputy J.M. Maçon of St Saviour.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman  
 (not present for item Nos. A2, A3 and A4)  
 Deputy R.J. Rondel of St. Helier  
 (not present for item No. A4)  
 Deputy G.J. Truscott of St. Brelade  
 Deputy R. Labey of St. Helier  
 (not present for item No. A3)  
 Deputy S.M. Wickenden of St. Helier  
 (not present for item Nos. A3 – A8)

In attendance -

P. Le Gresley, Director, Development Control  
 J. Nicholson, Principal Planner  
 L. Davies, Planner  
 M. Jones, Planner  
 ██████████ Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meeting held on 25th August 2016, having been previously circulated, were taken as read and were confirmed.

Field No. 790,  
 l'Avenue de la  
 Reine  
 Elizabeth II,  
 St. Peter:  
 proposed  
 sports training  
 facility/change  
 of use of part  
 field/alteration  
 of vehicular  
 access/con-  
 struction of  
 retaining  
 walls/installat-  
 ion of  
 lighting/bike  
 racks.  
 477/5/3(969)

A2. The Committee, with reference to its Minute No. A8 of 25th August 2016, considered a report in connexion with an application which proposed the change of use of Field No. 790, l'Avenue de la Reine Elizabeth II, St. Peter to facilitate the creation of a sports academy and permanent car parking. Alterations to the vehicular access on to l'Avenue de la Reine Elizabeth II were also proposed, together with the construction of various retaining walls, the installation of 8 lamp posts, 4 chiller units and 2 bike racks. The Committee had visited the site on 23rd August 2016.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman did not participate in the determination of this application.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval, the application was represented.

The Committee noted that 8 separate conditions were to be attached to the permit, as detailed in the officer report. In addition, the entering into of a Planning Obligation Agreement was proposed, on the following basis –

*the operator will commit to making the identified community space and training*

P/2016/0520

*timetable slots available and provide the specified level of training; the community groups, sports clubs and other community users will commit to using the space, slots and training; and, the arrangements set out above are precise and enforceable, with compensatory measures having been put in place in the event that either the operator or the community groups default on their agreed commitments.*

In the event that a suitable POA could not be agreed within 6 months of the date of approval, it was recommended that the Director, Development Control be authorised to refuse the grant of planning permission.

Deputy R.J. Rondel of St. Helier invited the applicant's agent, Mrs. S. Steedman to comment on the conditions and the POA. Mrs. Steedman confirmed that the applicant was content with both.

The Committee, with the exception of Deputy G.J. Truscott of St. Brelade, confirmed approval of the application, subject to the imposition of the conditions set out in the officer report and on the basis of the entering into of the POA. The Committee also endorsed the recommendation that the Director, Development Control be authorised to refuse permission if the POA was not agreed within 6 months of the date of approval.

The Sail Loft,  
Old South Pier,  
South Pier, St.  
Helier:  
proposed  
change of use  
of workshop  
and store to  
office  
accommodat-  
ion.  
477/5/1(605)

A3. The Committee, with reference to its Minute No. A5 of 25th August 2016, considered a report in connexion with an application which proposed the change of use to office accommodation of a workshop and store at The Old Sail Loft, South Pier, St. Helier. The Committee had visited the application site on 23rd August 2016.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman and Deputies R. Labey and S.M. Wickenden, both of St. Helier, did not participate in the determination of this application.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was represented. However, as the Committee was in quorate for this item, it was deferred for consideration at the meeting on 20th October 2016.

P/2016/0273

Pine Grove, Le  
Vieux Mont  
Cochon, St.  
Helier:  
proposed  
demolition and  
redevelopment.  
477/5/1(606)

A4. The Committee, with reference to its Minute No. A9 of 25th August 2016, considered a report in connexion with an application which proposed the demolition of the property known as Pine Grove, Le Vieux Mont Cochon, St. Helier and its replacement with a new 5 bedroom dwelling with associated car parking and landscaping. The Committee had visited the site on 23rd August 2016.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman and Deputy R.J. Rondel of St. Helier did not participate in the determination of this item.

P/2016/0595

The Committee recalled that it had been minded to refuse the above application, 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 within the officer report, the Committee confirmed refusal of the application and requested that a refusal notice be issued on this basis.

La Pepiniere  
Farm and Field

A5. The Committee considered a report in connexion with an application which proposed the change of use of Field No. 344, La Pepiniere Farm, La Rue de Crabbé,

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No. 344, La  
Rue de Crabbé,  
St. Mary:  
proposed  
change of use  
of field/  
conversion of  
sheds.  
477/5/3(744)

PP/2014/0114

St. Mary, the conversion of 2 barns (to include external alterations) to create dog kennels and associated facilities and the removal of an agricultural occupancy condition from an existing unit. It was also proposed to alter site levels to the north of Field No. 344, construct bunds and erect fences and construct plant areas to the west of the site. The Panel had visited the application site on 20th September 2016.

A site plan, drawings and a 3 dimensional model were displayed. The Panel noted that the application site was located in the Green Zone and Policies SP1, 2, and 6, NE7, GD1 and 7 E1, ERE1 and 5, GD1, 2 and 7, NR7, LWM1, 2 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that La Pepiniere was a former dairy farm located in rural St Mary, largely surrounded by open agricultural land. The case officer advised that the site had been redundant to the dairy industry for a number of years since the previous owner had disposed of his dairy herd as part of a States of Jersey initiative to reduce levels of milk production in the Island.

The Committee noted that the site contained a series of agricultural barns and other structures, together with two residential dwellings (the main house and an agricultural worker's dwelling). The application site also included the two northernmost barns. Vehicular access was from the north onto Rue des Touettes.

The Committee was informed that, since the farm had come out of the agricultural industry, there had been three unsuccessful applications to redevelop the site for housing. The current application had been submitted by the Jersey Society for the Prevention of Cruelty to Animals (JSPCA). The JSPCA wished to change the use of the site to create a new dog kennelling facility. It was understood that the JSPCA had been looking to relocate away from its existing base on St Saviour's Road for quite some time. The town facilities were considered to be outdated and no longer fit for purpose. With increasing levels of residential development on its doorstep, the JSPCA recognised the potential tensions which existed in this context. Its aim was to re-establish in a modern, purpose-built, facility. The two large barns on the site would be adapted and converted to this new use which would include the kennels and associated functions, such as storage areas, veterinary and quarantine facilities, administration and staff facilities, grooming and agility areas. The JSPCA operated an animal shelter, taking in homeless or unwanted dogs, but it was also a commercial kennel for day and long-term boarding of pet dogs. The plan was to convert the two barns, whilst retaining the existing steel frames and concrete bases and modifying the roof of the larger barn to the south. Broadly speaking, the overall scale and appearance of these two structures would be very similar to what existed. Externally, the barns would be clad in vertical timber. New standing seam metal roofs would be formed with additional fixtures providing light and ventilation. A total of 88 new kennels were proposed across the two buildings and the maximum number of dogs which could be accommodated would be approximately 100. At the northern end of the site an open area of land would become an exercise area and would be fenced in. An earth bank, which would also serve as an acoustic bund, was to be formed along the western and northern perimeters of the site. This would be planted with native species hedging and would include a timber acoustic fence. An agricultural occupancy condition had been attached to the existing bungalow on the site and the application sought to remove this restriction, in order to enable the dwelling to be occupied by an on-site warden.

It was noted that whilst acoustic insulation would be fitted in the barns, they were some distance from the nearest neighbouring properties and the Environmental Health officer was satisfied with the scheme in this regard. There were, however, some concerns with regard to noise emanating from the outside exercise yard if dogs

were not properly supervised. This was, however, considered to be an on-site management issue. From comments received, the issue of traffic was the principal concern for local residents and the Parish. In this connexion the applicants had submitted a Traffic Management Plan which had been amended to take account of responses. The submitted figures estimated vehicle movements to and from the site on a daily basis and were based on past experience at the St Saviour's Road site and assumptions relating to the operation of the new facility. If the figures were to be accepted, then the volume of predicted traffic appeared to be low. During the week the estimate for the total number of single vehicle movements per day was 48, excluding staff travel times at the beginning and end of the day (there would be up to 20 staff in total). This estimate was based on an average of 3 cars per hour during the working day (the figure was less at weekends). Also, most vehicles accessing the site would be private cars or medium sized vans. No heavy goods vehicles were anticipated. In summary, notwithstanding the significant number of objections to the application, the Department did not believe that the proposed use would cause unreasonable harm to neighbouring amenities and considered that it could be justified under the provisions of the Island Plan as the re-use of a redundant employment site. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

In response to questions from members, the case officer confirmed that –

- the existing barns had been constructed in 1999/2000 and the applicant had ceased farming in 2008/09;
- an application which had been submitted to develop the remainder of the site for use as a therapeutic care farm had been returned to the applicant as it was incomplete.

60 letters of objection to the application had been received. In its capacity as the highway authority, the Parish of St Mary had also objected to the application. 9 letters of support had been received. A number of additional representations had been received after the Committee's agenda had been issued. These had been sent to members under separate cover.

The Committee heard from Mr. D. Maltwood, [REDACTED], Parish of St. Mary. Mr. Maltwood stated that whilst the work on the JSPCA was supported, the application effectively proposed the establishment of a commercial venture in the Green Zone.

Mr. Maltwood asked whether an Ecological Assessment had been submitted. The Director, Development Control advised that, if the Committee approved the application, a condition would be attached to the permit requiring the submission of an Ecological Assessment prior to the commencement of development. Mr. Maltwood also pointed out that the applicant had acknowledged that a Traffic Management Plan, previously submitted, was unworkable. Mr. Maltwood went on to describe the nature of the surrounding predominantly rural Green Lane network and the likely impact the scheme would have on the same. Rue des Touettes was a long, narrow lane which was popular with walkers, cyclists and horse riders. The majority of the road was only wide enough to accommodate one vehicle, with no passing place and no refuge for other road users. Mr. Maltwood [REDACTED] to ensure that similar damage to verges, which had been caused by vehicles when the composting site had been relocated to St. Mary, did not reoccur. He also reminded the Committee of the numerous existing activities which took place at Crabbé and the traffic generated by those facilities. He believed that the application had to be assessed in this context and in conjunction with the therapeutic care farm proposals. Mr. Maltwood felt that the number of traffic movements had been somewhat downplayed by the applicant. In terms of noise, Mr. Maltwood was not convinced

that barking would not be audible from the application site and he asked what action could be taken if this became an issue. He advised that [REDACTED] the kennels used to house the drag hunt dogs and he could clearly hear them. There were only about 24 hunt dogs, they were accustomed to each other and were well trained. In concluding, Mr. Maltwood urged the Committee to consider the parishioners of St. Mary and the range of activities which took place in the area already.

The Committee heard from Mr. I. Macleod, [REDACTED]. Mr. Macleod advised that he was concerned about animal welfare and, in particular the transportation of dogs between the St. Saviour's Road site and the application site. He was of the view that this would cause many dogs unnecessary distress and he did not believe that dog owners would wish to expose their pets to this. He was also of the view that dog owners would wish to view the new facility before leaving their pets there. This would ultimately lead to traffic intensification on the surrounding roads. Mr. Macleod concluded by stating that this was not the right site for the proposed new facility and suggested that the JSPCA might wish to consider the reclamation site.

The Committee heard from Mr. J. Drew, [REDACTED]. Mr. Drew advised that [REDACTED]. His main concern regarding the scheme was the potential increase in traffic on the surrounding road network and the challenges this would present. He advised that when the Chief Executive of the JSPCA had been questioned about traffic numbers at a recent Parish meeting these had been revised during the course of that meeting. This lack of precision had made it extremely difficult to gain a full understanding of the numbers involved. The Chief Executive had also suggested that there could be mandatory car sharing for staff and that members of the public would not be permitted to visit the site. Mr. Drew considered these suggestions to be unrealistic. He estimated that there were currently 3 – 5,000 vehicle movements on the proposed access road. He believed that this figure could increase to between 15 and 25,000. Mr. Drew concluded by expressing concerns regarding highway safety.

The Committee heard from Deputy D. Johnson of St. Mary, who referred to written representations submitted by the Parish Connétable and expressed support for the same. The Deputy believed that, given the context and the potential for traffic intensification, the Committee should take the proposals for the remainder of the site into account when assessing the current application. The Deputy also stressed that the concerns expressed by parishioners should be recognised and not viewed as individuals merely objecting to the siting of something perceived as unpleasant or hazardous in their own neighbourhood, whilst raising no such objections to similar developments elsewhere (known colloquially as NIMBYISM).

The Committee heard from Mrs. S. Baudains, [REDACTED]. Mrs. Baudains understood that the application had been assessed by the Department and recommended for approval prior to the Parish meeting. Consequently, she felt that little weight had been given to the concerns expressed by objectors. She referred to a statement in the submitted traffic management plan to the effect that the scheme would have a positive impact in that it would reduce traffic in and around St. Saviour's Road. Mrs. Baudains reminded the Committee that St. Saviour's Road was a main road with the added benefit of a footpath. She also stated that –

- the validity of the acoustic survey had been questioned;
- the sheds had been used for agricultural purposes since the cessation of the dairy farming activity;

- in 2014, the Planning Applications Panel, as previously constituted and chaired by former Deputy S. Power of St. Brellade, had refused permission for the demolition of 4 agricultural sheds at La Pepiniere Farm and their replacement with 3 new dwellings. In doing so the former Deputy Power had commented that any development would have to involve a significant part of the site being returned to agriculture and had accepted that identifying an alternative use might be difficult. He had concluded that he would wish to see further evidence of the redundancy of the site to agriculture as a whole, in accordance with the supplementary planning guidance (SPG) relating to the Protection of Employment Land and Policies E1 and ERE5. The Panel as a whole had agreed that further evidence of the redundancy of the site was required, in accordance with the aforementioned Policies/SPG (Minute No. A5 of 26th June 2014 refers); and,
- the report prepared by the Department was biased/naive and lacked proper scrutiny.

The Committee heard from Mrs. L. Hefford, [REDACTED]. She repeated a view expressed previously that the application effectively sought permission for the establishment of a commercial venture in the Green Zone. Mrs. Hefford indicated that, [REDACTED], she had struggled for many years to gain permission for a change of use. She had had been surprised at the lack of information in relation to traffic volumes and the absence of an Environmental Impact Assessment. Like other speakers, Mrs. Hefford was also concerned about noise from barking dogs and the potential for damage to the surrounding roads as a result of vehicles accessing the application site. Mrs. Hefford suggested that the proposed development should be located in the Built-Up Area and she listed a number of sites in St. Helier, St. Clement and St. Saviour which she considered to be eminently more suitable for the proposed use than the application site. She likened the area surrounding the application site to Plémont in terms of its natural beauty and rural character. At present tourists and locals enjoyed cycling, walking and horse riding on the Green Lanes and small roads in the Parish. Mrs. Hefford urged the Panel to refuse the application.

The Committee heard from Mr. N. Beddoe, who expressed the view that approval of the application would run contrary to the considerable investment which the States had made in traffic calming in the village.

The Committee heard from Mr. I. Mackenzie, who was also concerned about traffic intensification and the impact of the same on the surrounding road network. Mr. Mackenzie concerns related not only to the application under consideration but also proposals for the remainder of the site.

The Committee heard from Mrs. M. Baudains, [REDACTED], who stated that she could not understand the Department's recommendation to approve proposals of this nature in this particular location. She also believed that corpus fundi and disuse and disrepair conditions had been attached to the original permit for the dairy farm. She asked how it was now possible to disregard these conditions. Mrs. Baudains felt that the parish of St. Mary had more than its fair share of bad neighbours. She described St. Mary as a very special place in terms of its rural character, biodiversity and natural beauty. Mrs. Baudains referred to a recent report in the Jersey Evening Post in which it had been alleged that there was a lack of political support for protecting the natural environment. She urged the Committee to refuse the application.

The Committee heard from Miss L. Baudains, [REDACTED]. Miss Baudains repeated comments made by Mrs. M. Baudains to the effect that the parish of St.

Mary already had a number of “bad neighbours”. She also stated that –

- there had been a lack of communication on the applicant’s part and described the information which had been received as “opaque”;
- it was easy for the JSPCA to get the public on side;
- homeless dogs were being imported from Spain;
- people who bequeathed money to the JSPCA would not wish their money to be spent in this way;
- concerns had been expressed by 2 veterinarians with regard to the proposals to transport dogs from the St. Saviour’s Road site to the application site;
- the application should be considered in conjunction with proposals for the remainder of the site;
- it was inappropriate to locate the proposed new facility next to a therapeutic care farm;
- the application had caused [REDACTED] considerable stress;
- if the application was approved despite the considerable number of objections received Miss Baudains would lose faith in the political process.

The Committee heard from Mr. T. Johnson, [REDACTED]. Mr. Johnson expressed concerns regarding the impact of the development on the surrounding Green Lanes and the environment in general. He also reminded the Committee that, dependent on breed and age, the hearing range of dogs differed from that of humans. As dogs heard higher frequency sounds than humans, they had a different acoustic perception of the sound. High frequency tones could frighten dogs and cause anxiety. In this context Mr. Johnson reminded the Committee of the proximity of the application site to the shooting club at Crabbé.

The Committee heard from Ms. S. Heppolette. Ms. Heppolette commented as follows –

- traffic movements did not include those for JSPCA volunteers;
- no account had been taken of existing traffic volumes, particularly during the summer months;
- it would be impossible and quite dangerous to walk groups of dogs on the narrow cliff paths;
- there could be no comparison between the Green Lane setting of La Mare Vineyards and the application site;
- considerable investment had been made in creating safe routes for walking/cycling/horse riding in the Parish and the scheme would have a detrimental impact on this.

The Committee heard from Mr. A. Baudains, who referred the Committee to his comprehensive written submission dated 4th September 2016. Mr. Baudains explained how the information pertaining to the application had varied throughout, with the access route having been revised. Mr. Baudains felt that this inconsistent piecemeal approach demonstrated the difficulties associated with accessing the site. He went on to express concerns with regard to the impact of the scheme on highway safety and believed that the application should be determined in conjunction with proposals for the remainder of the site. Mr. Baudains refuted claims that the former dairy farm had been redundant for the period of time stated and he believed that communication and consultation had been poor. He asked the Committee to carefully assess the impact of the application and the enforceability of the proposed conditions. Mr. Baudains believed that the potential existed for the JSPCA to create additional facilities/expand on the remainder of the site in the future and he asked how this would be resisted. He went on to state that it had originally been intended



S. Coleman had been put under considerable pressure to answer a wide range of questions in difficult circumstances. He advised that, initially, there would be 9 full-time staff plus volunteers directly involved with the proposed new facility. Not all staff members held driving licences, or owned vehicles, and arrival and departure times at the site would be staggered. Mr. Power advised that, at present, staff walked dogs from the existing St. Saviour's Road site through busy areas of the town and they had never received any complaints. Although every effort was made to avoid causing any disturbance this was extremely challenging at the kennelling facilities as St. Saviour's Road were outdated. Mr. Power warned that the existing facilities at St. Saviour's Road would not be sufficient to cope with an outbreak of rabies in the Island. He advised that Mr. Darvill had considerable experience in his field and was responsible for designing new facilities for television [REDACTED]. It was confirmed that the JSPCA hoped to secure a long lease for the site (possibly in excess of 99 years) and the cost was estimated at between [REDACTED] and [REDACTED] million. In response to comments regarding the part he had played in refusing previous applications for development on the site, Mr. Power reminded the Committee that these schemes had involved the demolition of the existing buildings and their replacement with new residential dwellings in the Green Zone. Mr. Power recalled that these applications had been recommended for refusal by the Department on policy grounds.

The Committee heard from Mr. J. Baker, who expressed support for the application and the work of the JSPCA. Mr. Baker advised that [REDACTED] where alternative uses had been identified for the disused buildings. He felt that this was preferable to demolition and redevelopment. Having regard to some of the comments made regarding the narrowness of the Green Lanes surrounding the application site, Mr. Baker suggested that the Parish of St. Mary might wish to consider creating passing places/refuge points for the many pedestrians who used them. He concluded by stating that it had taken 4 decades for the JSPCA to find a suitable site and he urged the Committee not to be swayed by the objections.

The Committee heard from Mr. D. de la Haye, who stated that he felt that the application could be supported as long as appropriate measures were taken to mitigate against noise.

Having withdrawn to deliberate, the Committee reconvened and, whilst affirming its support for the work of the JSPCA, unanimously refused the application on the grounds of intensification of use and the impact this would have on the surrounding narrow country lanes. The Committee concluded that the absence of a base line survey for existing and proposed traffic movements was a significant issue, as were the unenforceable arrangements proposed for transporting animals to the site. Concerns also existed regarding the cumulative effect of the proposals for the application site and for the remainder of the site. Finally, members remained to be convinced that noise would not be an issue. Having recognised that its decision was contrary to the officer recommendation for approval, the Committee noted that the application would be re-presented at the next meeting for the purpose of formally setting out the reasons for refusal.

On a related matter, the Committee noted a suggestion that members should perhaps visit one of Mr. Darvill's projects.

Nos. 1 – 2  
Minden Place  
(former Scope  
Furnishings  
Store), St.  
Helier:  
proposed  
demolition and  
redevelopment.  
477/5/1(609)  
P/2016/0171

A6. The Committee considered a report in connexion with an application which proposed the demolition of Nos. 1 – 2 Minden Place (former Scope Furnishings Store), St. Helier and their replacement with 3 new retail units, 26 one bedroom and 5 x 2 bedroom residential units. It was also proposed to extend the site edge to include part of the public highway. Various public realm improvements to the highway were proposed. The Committee had visited the application site on 20th September 2016.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located in the Built-Up Area and Policies SP1 – SP7, GD1, 3, 4, 7 and 8, BE1, E1, H4, H6, TT4, WM1, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the application site comprised a 2-3 storey retail building which was located prominently in Minden Place in central St Helier. A multi-storey car park was located to the immediate east of the site; otherwise, the area was characterised by a range of commercial and residential properties of varying scales. The site formed part of the Built-Up Area, and was also within the area covered by the North of St Helier Masterplan which established a framework for urban regeneration. The application proposed the demolition of the existing building and the construction of a mixed-use retail/residential development. The scheme would provide 31 social housing units in a mix of one and two bedroom apartments, together with three new commercial/retail units at ground level. A series of pedestrian public realm improvements – including a widened pavement and new planting – were also proposed at street level. However, no car parking was to be provided.

The Committee was advised that the applicant was a social housing provider whose aim was to provide housing for marginalised people within society. The new accommodation at Minden Place was intended for occupation primarily by young and/or single people, and it had been designed with this particular demographic in mind. The Department was satisfied with the overall proposed schedule of accommodation as well as the internal space standards achieved. The proposal was for a new 5-storey building, with brickwork as the predominant external material. If permission was granted, the applicant had requested that the final choice of the brickwork be reserved for future agreement, following the construction of different sample panels on the site. At street level a public colonnade was proposed, whilst at the upper levels the units would benefit from private balconies. This was considered to be a well-designed scheme which would assist with the regeneration of the area.

The Committee noted concern from the Parish of St. Helier regarding the lack of car parking. However, in view of the nature of the proposed use (including the demographic of the intended future occupants), the Department was satisfied that a requirement to provide parking would render the scheme unviable. The Committee was reminded that the development was located within walking distance of all of the town's facilities. The Department had concluded that the redevelopment of the existing site provided an opportunity for new, much-needed, social housing in a highly sustainable town-centre location. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of a Planning Obligation Agreement, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following –

- the use of the 31 no. new residential units, delivered by this planning application, as affordable rented or assisted ownership housing in perpetuity, to be occupied by eligible persons referred through the affordable Housing Gateway register or otherwise certified by the Minister for Housing;
- a financial contribution of £10,000 (payable to the Department for Infrastructure) towards the development/enhancement of relevant off-site measures, necessitated by the Development, relating to signage and road marking within the vicinity of the site.

It was recommended that the Director, Development Control be authorised to grant planning permission under the powers delegated to him, subject to the conditions and reasons set out in the officer report and also subject to the completion of the planning obligation agreement referred to above. In the event that a suitable planning obligation was not agreed within three months of approval by the Committee, the application would be re-presented for further consideration.

2 letters of representation had been received in connexion with the application. Additional representations which had been received had been sent to members under separate cover.

The Committee heard from Deputy A.E. Pryke of Trinity, Minister for Housing, who expressed support for the application. The Deputy informed the Committee that there was considerable demand for this type of housing and the applicant had an excellent track record in the provision of social housing. The proposed development would contribute to the regeneration of the area and was located centrally in close proximity to support agencies.

The Committee received Messrs. M. Waddington, B. Miguel Francisco of Waddington Architects and D. Lynes, Chairman, Christians Together Housing Trust. Mr. Lynes addressed the Committee advising that the organisation wished to focus on providing housing for marginalised people within society who often found it difficult to secure accommodation. It was hoped that, in the future, it might be possible to sell some of the apartments on the basis of a shared ownership arrangement. Mr. Lynes referred to correspondence from the Department for Infrastructure in which a further £10,000 towards "*off-site measures*" had been requested. Mr. Lynes advised that, in consultation with the Environment Department, the Department for Infrastructure and the Parish of St Helier, the applicant had agreed to carry out certain public realm improvements. Therefore, it was considered to be wholly unreasonable to expect a charity to fund works which extended beyond the site boundary. Notwithstanding this, the applicant had voluntarily offered to provide a Percentage for Art contribution in the sum of £18,454.

The Committee heard from Mr. Miguel Francisco, who discussed the details of the scheme. He referred to the fact that no car parking had been included and stressed that the nature of the proposed use, the demographic of the intended future occupants and the town centre location meant that it was unlikely that this would be an issue. It was pointed out that there were unloading bays in the vicinity of the site and it was proposed to create an additional unloading bay. The scheme complied with the requirement to concentrate development within the Built-Up Area as well as retaining a retail element on the site.

The Committee heard from Mr. Waddington who reminded members that the site was once the old Cattle Market and, as such, was an important and vibrant hub for the town. Its redevelopment would provide an opportunity to once again reinvigorate this central site. Mr. Waddington discussed the design approach and the materials which were to be used. It was noted that the Architecture Commission had supported the concept of a brick building and it was intended to incorporate a brick carving which referenced the Minden Roses worn by the Royal Jersey Militia during the Battle of Minden in 1759. Mr. Waddington went on to discuss the balcony detail and other architectural features of the scheme. The Committee's attention was drawn to a brick sample and it was noted that, if approved, the final choice of the brickwork could be reserved for future agreement, following the construction of different sample panels on the site.

Mr. Waddington responded to questions from members in relation to the use of brick, refuse collection and the number of unloading bays which existed at present.

Having withdrawn to deliberate the Committee reconvened and, with the exception of Deputy G.J. Truscott of St. Brelade, concluded that it could not support the scheme. Consequently, the application was refused. The Committee expressed concerns with regard to the design and, in particular, the use of brickwork as the predominant external material. The Committee was also concerned about the scale of the development, its impact on the street scene and the absence of any car parking. Deputy R. Labey of St. Helier reminded the Committee that the North of Town Masterplan proposed the redevelopment of Minden Place car park in the future with a new commercial/residential development with retail on the ground floor opening onto a small square facing Minden Place. He suggested that the applicant might wish to take cues from the scheme prepared by Hopkins Architects for Minden Place car park.

Tamba Park,  
La Rue de la  
Frontiere, St.  
Mary: change  
of use of land  
to form car  
park to  
west/construct-  
ion of various  
other  
structures/  
Sculptures/  
children's play  
area/air  
conditioning  
units/boundary  
fencing  
(RETRO-  
SPECTIVE).  
477/5/3(973)

A7. The Committee considered a report in connexion with a retrospective application which sought permission for the change of use to facilitate the creation of a car park on an area of land at Tamba Park, La Rue de la Frontiere, St. Mary. Permission was also being sought for various structures, to including aviaries, storage buildings, a café and seating area, the installation of a number of animatronic sculptures, the creation of a children's play area and the erection of acoustic boundary fencing. The Committee noted that 6 air conditioning units had also been installed to the north elevation of the café seating area. The Committee had visited the application site on 20th September 2016.

Prior to commencing its determination of the application, Connétable P.B. Le Sueur of Trinity, Vice-Chairman advised that a request to defer consideration of the application had been denied. The request had been made on the basis of the Committee's belated consideration of the item as a result of the considerable number of oral representations received on another application.

A site plan, drawings were displayed. The Panel noted that the application site was located in the Green Zone and Policies EVE1, NE7, SP1, 2 and 5, GD1 of the 2011 Island Plan were of particular relevance.

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The Committee noted that the application site had an established and lawful history as a tourist attraction. The application under consideration related to various operational structures added to the site following its re-opening as Tamba Park, plus the change of use of the former staff car park to visitor parking. The Committee was advised that the key questions related to whether the changes were acceptable in the Green Zone context and whether they had resulted in an intensification of use which would unreasonably harm the amenities of neighbouring uses.

The Committee was informed that the baseline of the previous attraction was an important consideration. In assessing the application, the Department had concluded that, with conditions to deal with some elements of the operation (specifically the retention of an acoustic fence, improving an access point, controlling hours of ancillary working and ensuring there were no live music events) the scheme was acceptable. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within a revised schedule of conditions which had been circulated on 21st September 2016. In addition, it was also recommended that the applicant be required to enter into a Planning Obligation Agreement (POA) pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended) to secure the delivery of a financial contribution of £5,500 towards off-site advance signage. In the event that a suitable POA could not be agreed within 2 months of the date of approval, the Committee was requested to authorise the Director, Development Control to refuse the grant of planning permission.

The Committee noted that 8 letters of representation had been received from 7 different parties. One letter of support had also been received. Additional representations received after the distribution of the agenda for the meeting had been sent to members under separate cover.

The Committee heard from Mrs. V. de la Haye, who made the following points –

- the applicant should not have carried out work without permission;
- the former Lion Park had been a much more low key attraction;
- the applicant should have been required to submit an Environmental Impact Assessment;
- the development of parcels of land in the Green Zone gradually eroded the countryside;
- noise assessments had not been carried out at peak times;
- if approved, restrictions should be placed on the type of events which were permitted;
- amplified sounds/music should be restricted;
- consideration should be given to relocating the play area to the staff car parking area as neighbours experienced considerable noise from this area;
- the applicant's plans for 3 consecutive nights of fireworks in November 2016, required review. Mrs. de la Haye advised that animal welfare issues had to be considered.

Mrs. de la Haye made the following points on behalf of other residents of the area who were not present –

- drainage problems had been experienced, with raw sewage being evident at surface level;
- noise and general disruption were significant problems;
- ponds had been polluted as the existing pumping station could not cope with the intensification of use;
- the acoustic fencing was ineffective;
- traffic volumes had caused problems on the surrounding roads;
- rubbish was being disposed of in the surrounding area and this was attracting rats;
- the use of birds of prey on the application site was inappropriate;
- future proposals for the site, as featured in a recent article in the Jersey Evening Post, were causing concern. The Committee was asked to consider the current application in the context of these proposals, albeit that a formal

application had yet to be submitted.

The Committee heard from Mr. M. Vallum, who expressed concerns regarding the increase in traffic on the surrounding roads and the impact on highway safety. Mr. Vallum stated that there had been occasions when a number of vehicles owned by patrons of Tamba Park had used [REDACTED] field for car parking. He had also experienced difficulty accessing his property.

The Committee heard from Mr. D. de la Haye, who also expressed concerns regarding volumes of traffic, noise and disturbance from the application site and the detrimental effect this had had on people's enjoyment of their properties.

The Committee received the applicant, Mr. J. Ruff, his agent Mr. M. Stein and Ms. F. de Gruchy of Aura (Sound and Air) Limited. Mr. Stein confirmed that a separate scheme detailing additional proposals for the site would be submitted for determination within the near future. However, the Committee had a statutory duty to determine the current application. He reminded the Committee that the existing use had been established by a permit granted in 1991, with no conditions attached. Consequently, the current use was lawful and the application under consideration merely sought permission for certain works which had been carried out on the site. With regard to noise issues, Mr. Stein contended that much of the noise came from children visiting and enjoying the facility.

Ms. de Gruchy confirmed that, based on initial assessments, noise levels were within limits set out in the revised schedule of conditions. Ms. de Gruchy advised that she had recorded equivalent continuous noise levels (Leq) of 51.2 (with the animatronics switched on), 57.3 (with the animatronics switched off) and 50.3 (with the animatronics switched on) on 26th and 29th February 2016 and 21st September 2016, respectively. (Leq was the preferred method of describing sound levels which varied over time, resulting in a single decibel value which took into account the total sound energy over the period of time of interest). Ms. de Gruchy advised the Committee that it was possible to reduce the volume on the animatronic sculptures.

Mr. Ruff addressed the Committee, conceding that he had made a mistake in terms of not seeking permission before carrying out certain works. However, he was endeavouring to reduce the impact of the attraction and believed that most of the noise could be directly attributed to children enjoying the Tamba Park experience. In terms of specific events, Mr. Ruff suggested that it might be prudent to refer the details of the event to the Bailiff's Chamber before proceeding. He was aware that concerns had been expressed about an African drumming event which had been held outside. As a result the event had been moved inside on the second day and it was not intended to organise any more events of this nature.

Mrs. de la Haye asked to speak for a second time, advising that she had recorded sound levels of 76 decibels with an application she had downloaded to her mobile telephone.

Mr. Stein referred the Committee to proposed condition No. 1, which restricted the operation of machinery to certain times. The condition did not permit the operation of machinery on Sundays, Bank or Public Holidays. Mr. Stein asked that, if the application was approved, the Committee would be prepared to vary this condition to permit the operation of a leaf blowing machine at these times. Mrs. de la Haye interjected stating that if the Committee acceded to this request she would prefer the operation of the leaf blowing machine to be restricted to 10.00 am for one hour only on Sundays, Bank or Public Holidays.

Having considered the application, the Committee endorsed the officer

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recommendation to grant permission, subject to the imposition of the conditions detailed within the revised schedule and the entering into of a POA, as detailed above. The Committee also agreed that condition No. 1 could be varied to permit the operation of the leaf blowing machine at 10.00 am for one hour only on Sundays, Bank or Public Holidays.

Nos. 1 & 2  
Victoria Road,  
St. Saviour:  
proposed  
demolition and  
redevelopment.  
File  
P/2016/0457

A8. 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 2 flats at Nos. 1 and 2 Victoria Road, St. Saviour and their replacement with 3 x 3 bedroom dwellings. The Committee had visited the application site on 20th September 2016.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route. Policies SP1, GD1, GD3, GD7 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application had been refused on the following grounds

—

- the proposed location of the new designated parking spaces (on a parcel of land to the south/west corner of the application site) would result in the loss of mature landscaping to those boundaries. In addition, the car parking area would result in a detriment to the residential amenities of the occupants of those properties by virtue of increased noise, pollution and general disturbance, contrary to Policies, GD1, GD3 and H6 of the 2011 Island Plan;
- the provision of car parking was insufficient, contrary to Parking Guidelines - Planning Policy Note No. 3 - 1988, and Policies, GD1, GD3 and H6 of the 2011 Island Plan;
- the location of the visitor car parking space which was located on the access road into the car parking area and proposed tandem car parking arrangements would be restrictive in terms of suitable vehicular manoeuvrability within the site, contrary to Policies GD1, GD3 and H6 of the 2011 Island Plan;
- the positioning of the allocated storage units to the rear of the designated tandem parking spaces would make it difficult for residents to utilise their storage units contrary to Policies GD1, GD3 and H6 of the 2011 Island Plan.

It was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr. A. Baylee [REDACTED]. Mr. Bailey advised that his main concern related to the potential for unauthorised overspill car parking at Victoria Court from the application site. This had been an issue in the past and steps had been taken to resolve the problem. He was not convinced that the level of car parking proposed would be sufficient. Furthermore, concerns were noted regarding an access gate which lead to the rear garden of one of the properties. It was feared that residents of the proposed new development might park by this gate to unload shopping etcetera, thereby causing an obstruction.

The Committee heard from Mrs. K. Jacques [REDACTED]. Mrs. Jacques also expressed concerns regarding the potential for unauthorised overspill car parking at Victoria Court from the application site. She was also concerned about loss of privacy and disturbance from vehicles parking on the application site as she understood that an existing hedge was to be removed.

The Committee heard from Mr. S. Breese [REDACTED]. Mr. Breese was also concerned about the provision of car parking on the application site and the potential for unauthorised parking on the highway. He too felt that the position of a gate which lead to the rear garden area would encourage people to park near to the gate to unload their vehicles.

The Committee heard from Messrs. M. Dennis of Design Plus Architects and S. Hutton, representing the applicant company. Mr. Dennis advised that –

- the provision of car parking was sufficient and in accordance with Andium Homes standards for other sites;
- the proposed design of the development followed the pattern of existing development;
- the gate to the rear garden of one of the properties could be removed from the scheme;
- the principle of demolition was deemed to be acceptable by the Department;
- Permitted Development Rights afforded under the Planning and Building (General Development) (Jersey) Order 2011, part 2 allowed for the hard surfacing of the garden without the need for planning permission;
- the application was supported by Policy SP6, sections 8.136 and 8.137;
- the scheme would provide much needed housing.

The Committee heard from Mr. Hutton, who advised that this was a small development of 3 affordable homes. The existing property was not fit for purpose and refurbishment was financially prohibitive. Mr. Hutton advised that there was considerable demand for affordable housing and this was evidenced by the fact that 50 per cent of the houses at Grasset Park had been sold. Mr. Hutton expressed a willingness to retain the existing hedge, should the Committee consider this necessary.

Having considered the application the Committee endorsed the officer recommendation to refuse the same for the reasons set out above.