

Planning Committee

(9th Meeting)

16th March 2023Part A (Non-Exempt)

All members were present.

Connétable P. B. Le Sueur of Trinity, Chair
 Connétable D. W. Mezbourian of St. Lawrence
 Connétable M. O'D. Troy of St. Clement
 Connétable K.C. Lewis of St. Saviour
 Connétable R. A. K. Honeycombe of St. Ouen
 Deputy S.G. Luce of Grouville and St. Martin, Vice Chair
 Deputy M. R. Le Hegarat of St. Helier North
 Deputy T.A. Coles of St. Helier South
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy A. F. Curtis of St. Clement

In attendance -

G. Duffel, Planning Applications Manager
 C. Jones, Senior Planner
 L. Davies, Planner
 S. de Gouveia, Planner
 J. Durban, Planner
 G. Vasselin, Planner
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1, A7 – A10)
 A.C. Goodyear, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A2 – A6)

Note: The Minutes of this meeting comprise Part A only

- Minutes. A1. The Minutes of the meeting held on 23rd February 2023, were taken as read and were confirmed.
- The Pastures, La Rue de la Prairie, St. Mary: proposed agricultural worker dwelling. A2. The Committee, with reference to its Minute No. A6 of 23rd February 2023, considered a report in connexion with an application which proposed the construction of a new dwelling for a fisheries worker at the property known as The Pastures, La Rue de la Prairie, St. Mary. The Committee had visited the site on 21st February 2023.
- P/2022/0840 Those members who were not present for the consideration of the application at the Committee meeting on 23rd February 2023, did not participate in the consideration of this item.
- The Committee recalled that it had been minded to approve the above application, contrary to the Department recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for approval and conditions which were to be attached to the permit.

The Committee confirmed approval of the application for the reasons set out in the

Department report and on the basis of the conditions set out therein.

Energy from Waste Plant, La Collette, La Route de Veulle, St. Helier:
proposed formation of landscaped headland for hazardous waste deposits.
P/2016/1647

A3. The Committee, with reference to Minute No. A4 of 5th May 2022, of the Committee as previously constituted, considered a report in connexion with a part retrospective application which proposed the formation of landscaped headland for the deposit of hazardous waste at La Collette Reclamation site, La Route de Veulle, St. Helier. The Committee had visited the site on 14th March 2023.

Deputies K.C. Lewis of St. Saviour and T.A. Coles of St. Helier South did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built Up Area of the Shoreline Zone and was a designated Waste Management Site. The site was also in close proximity to a Marine Protection and Regeneration Zone and a Ramsar Site. Policies SP1, 2, 3, 4 and 6, PL5, GD1, GD6, HE1, NE1, 2, 3, GD9, WER2, MW2 and TT2 of the 2022 Bridging Island Plan were relevant to the application.

The Committee recalled that consideration of the application had previously been deferred pending the receipt of up-to-date drawings; details of the proposed landscaping for the site, which should be of a high quality; and confirmation of which elements would require retrospective applications. Due to the length of time since the original submission of the application, the Committee had also requested that it be re-advertised with a description which accurately reflected the retrospective elements of the development.

The Committee noted that, in adopting a proposition of the former Planning and Environment Committee (P.96/2000 - La Collette Development Framework), the States Assembly had agreed to the continued disposal of inert non-combustible waste at La Collette, for as long as possible into the future through the creation of areas of super fill to be used subsequently for the purposes of creating public open space and to serve as a landscaped buffer for the site.

The Committee was advised that the application site was a man-made reclaimed area of land, which had been filled with inert aggregate waste. The application proposed the creation of a headland around the coastal waters of La Collette, which would be formed by filling the surrounding areas with engineered waste cells in a series of layers which would contain residual inert construction and demolition waste which was unsuitable for use as recycled aggregate. At the time of the application submission in November 2016, the primary source of controlled waste had been incinerator bottom ash generated by the Energy from Waste Plant. As such, this had formed the basis of the rationale for the headland development. Since then, the controlled waste generation profile had developed to include contaminated soils excavated from sites historically used for the disposal of incinerator bottom ash and asbestos containing materials exposed through Island-wide demolition and development. This had led to the application being held in abeyance at the request of the applicant whilst a full review of the submitted documents was undertaken. Following this, amended statements had been submitted.

The Committee was informed that the proposed headland would comprise of northern and southern landforms. The main northern landform would be aligned in a north-north-east to south-south-west orientation and be approximately 380 metres long by 200 metres across at its widest point. The eastern facing slopes would be at an approximate gradient of one in 2, rising to a maximum height of 27 metres, or 40 metres above existing ground level. Slopes would have a gradient of approximately one in 3. At the southern end of the northern landform a tight valley would accommodate the emergency evacuation route with a gradient of one in 3. The southern landform would be orientated in a west north-west to east south-east alignment, being 250 metres wide by 75 metres

wide. All side slopes would have a gradient of approximately one in 3, creating a maximum height of 16 metres, or 20 metres above existing ground level. The height of the headland was based on safe and stable slope gradients for waste and restoration soils and with the intention of creating the appearance of a naturally formed headland.

The applicant had advised that the headland would be constructed in a series of individual engineered waste containment cells, each of which would form a building block of the proposed headland. These cells would be constructed under strict Construction Quality Assurance (CQA) controls to ensure they met the requirements for hazardous waste containment, as set out in the European Landfill Directive. This ensured that their structural integrity and chemical stability would not be compromised over the lifetime of the cell and hazardous waste released into the environment. Since the original submission of the planning application, new cells had been constructed to house hazardous waste and other landfill engineering construction works had been completed or started. It was noted that the hazardous waste cell which had been constructed (Cell 38) had been required for large volumes of waste generated primarily by developments on the St. Helier Waterfront and that the capping and restoration of areas of the headland greatly reduced leachate generation and environmental risk.

The Committee noted that the amended drawings showed the headland with a series of levels indicated at 'Above Admiralty Chart Datum' (AAD). This translated to 5.88 metres below local Ordnance Datum. The 2000 Framework for La Collette had not provided anticipated finished heights for the headland and the highest level formed to date was 31.58 metres AAD. The latest submitted drawings indicated that the finished height of the headland would be 41.00 AAD. However, the application did not confirm how long this finished height/level would take to complete and crucially did not provide information on capacity. It was understood that, given the finite resources at La Collette, alternative solutions were being explored, but until that time the headland would need to remain an operational waste management facility. It was anticipated that once completed, sections of the headland could be opened for public use (subject to approval from the Health and Safety Inspectorate). When completed, the headland would enhance the character and appearance of the area by screening the industrial facility, especially from the coastal side.

Having assessed the scheme against the relevant policies of the Bridging Island Plan, the Department was recommending that permission be granted, subject to the imposition of a condition detailed within the Department report.

One representation had been received in connexion with the application.

The Committee discussed the application with the Departmental officer and noted that La Collette Development Framework (P.96/2000) allowed for an area to be super-filled and a landscaped mound to be established without stipulating the permissible height. The only permission granted since the adoption of the Framework related to the construction of a landfill cell for the storage of asbestos waste (P/2015/1461 refers).

The Committee heard from Mr. [REDACTED] Principal Engineer, Infrastructure, Housing and Environment Department, who advised that the current mound was approximately 30 metres AAD and had been completed, capped, and landscaped. The content of both mounds were similar and the October 1995 planning permit allowed for the north mound to be built up to a height of 24 metres AAD. The Committee noted that the capped height of the mound exceeded the level permitted by the planning permit by 6 metres. Mr. [REDACTED] advised that the risk of contamination was mitigated using cells, which formed a barrier between the source of risk and the receptor, being the ground waters around La Collette. Monitoring revealed that no further leachate had been generated by the north mound, which had been capped approximately 10 years ago.

Opening the site to the public would be an incremental process. It was noted that whilst ash and incineration waste were presently exported, on occasion, small quantities were disposed of in cells. Going forward a solution which targeted waste minimisation would be pursued.

The Committee recalled that the development Framework had anticipated that the site would include public open space and marine harbour use and had not specified the permissible height of the mound. The application sought to regularise the status quo and proposed an increase in height of the mound as the facility was reaching capacity. Having noted that the application site was in close proximity to a Ramsar site, and that approval of the application would impact the Island's land and seascapes, the Committee expressed the view that a comprehensive, long-term plan should be established. The Committee stressed that its comments should not be perceived as a criticism of officers; with successive Governments having failed to address the issue.

The Committee, having considered the application, decided to refuse permission, on the basis that it was contrary to Policies GD9, NE3 and NW3 of the 2022 Bridging Island Plan. The Committee's decision to refuse permission was also based on the fact that a comprehensive plan had not yet been formulated. In arriving at this decision, the Committee requested that no further height should be added to the super fill until an agreement had been reached as to the way forward. The Committee concluded that a States Assembly debate on the whole issue of waste disposal was required.

Having recognised that its decision was contrary to the Department recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

South Hill
offices, South
Hill, St. Helier:
proposed
demolition and
redevelopment.

P/2022/1619

A4. The Committee, with reference to Minute No. A6 of 5th May 2022, of the Committee as previously constituted, considered a report in connexion with an application which proposed the demolition of the former Government offices at South Hill, St. Helier (excluding the former Grade 4 Listed military barracks) and their replacement with a residential development comprising 139 apartments spread across 3 blocks, with associated basement car parking and landscaping. The scheme also included rock stabilisation works and the upgrading of a nearby children's play area. The Committee had visited the site on 14th March 2023.

Deputy T.A. Coles of St. Helier South did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built Up Area and was on the Eastern Cycle Route Corridor. Policies SP2, 3, 4, 5, 6, 7, PL1, GD1, 2, 3, 5, 6, 7, 9, 10, NE1, NE2, NE3, HE1, ER4, EO1, H1, H2, H3, H4, H5, ME1, C14, C16, C18, TT1, TT2, TT3, TT4, WER1, 6, 7, 8, UI3, of the 2022 Bridging Island Plan were relevant to the application. In addition to the relevant policies of the Bridging Island Plan, the Minister for the Environment had also published detailed supplementary planning guidance for the site and a development brief had been adopted in October 2020. The Committee had sight of a full copy of the brief. Finally, it was noted that South Hill had been identified as a 'Key Opportunity Site' within the Southwest St. Helier Planning Framework - Supplementary Planning Guidance, which had been adopted in December 2019. Within this document, it was stated that the site would lend itself to a high-quality residential development or possibly a hotel, which responded to the topography and considered the prominence of the site in the context of views from the harbours and beyond.

The Committee noted that a previous application for the redevelopment of the site had been refused on the grounds that it had failed to satisfy the requirements of Policies SP3, SP4, SP5, GD6, GD7, and GD9. The overall scale and form of the development

had been considered problematic, specifically the height of the eastern/rear block (the 'rear terrace', the largest of the 3 blocks), which had been of particular concern to the Committee. At 8 storeys high (not including the car park level), this would have exceeded the height of the surrounding landform and breached the skyline, resulting in an unacceptable landscape impact in the Committee's view. As a result, the applicant had amended the scheme to reduce the height of the rear terrace from 8 to 6 storeys, and it now sat below the height of the surrounding landform and contained 91 units (reduced from 111).

The Committee was advised that the scheme also proposed 2 smaller blocks situated further forward towards the roadside edge of the site. The 'north pavilion' was a 5 storey block containing 24 apartments. Within the original scheme, this had been a 6 storey building comprising 22 apartments with a ground level café (now removed). The 'south pavilion' was a 5 storey block containing 24 apartments (originally 20 apartments). The new units would comply with the Department's residential standards and included individual balconies/terraces for all units. The overall design concept and site layout remained largely unchanged and excavation works would be required to level the site (39,443 cubic metres of excavated materials would be removed – this represented a 20 per cent reduction when compared with the previously refused scheme). A programme of stabilisation works to areas of the rockface (the final details of which were to be agreed with the Parish of St. Helier) also formed part of the proposal. The Committee was advised that the original scheme had been considered by the Jersey Architecture Commission in January and March of 2021, and the Commission's comments were generally positive. The application retained a single vehicle entrance into the site in the existing location and a new residents car park would provide 63 car parking spaces (to be specifically allocated), together with 7 spaces for use by 'car club' vehicles. No visitor car parking had been included. It was noted that the development brief for the site specifically required a reduced level of on-site car parking. 2 new pedestrian crossings along South Hill were proposed to improve access to Pier Road and towards the town centre. These formed part of the application site and would be delivered by the applicant in conjunction with the relevant highway authority. The Committee noted the details of the landscaping scheme, which was integral to the development and the proposals for the remodelled children's play area, which included public toilets.

In conclusion, the Department was of the view that the scheme demonstrated a high quality of architectural design and would provide a bold, imaginative, and highly contextual development, establishing a new landmark building in a prominent location towards the southern edge of St. Helier. The scheme made good use of the site and would deliver high quality homes. The application was recommended for approval, subject to the imposition of certain conditions detailed with the report and on the basis of the entering into of a Planning Obligation Agreement (POA), in accordance with Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), to secure the following –

- (1) that a minimum of 15 per cent of the new residential units (equating to a minimum of 21 units) should be classed as 'Affordable Housing';
- (2) a direct developer contribution [REDACTED] the Infrastructure Housing and Environment Department - Transport, to improve the provision of off-road walking routes;
- (3) the developer to undertake a programme of road improvement works to Parish-owned roads within the immediate vicinity of the site [REDACTED]
- (4) direct provision of 7 electric 'car club' vehicles [REDACTED] to be made available for the use of new residents, prior to the first

- occupation of the development;
- (5) prior to first occupation of the development, a mechanism to ensure the following should be provided and agreed in writing by the Development Control Section - Regulation: that the new car parking spaces being provided as part of the development should not be sold or otherwise occupied by non-residents of the site; and
 - (6) the ceding of an area of land along the South Hill roadside boundary (where a new public footpath was to be established) to the Parish of St. Helier, following completion of the development, and prior to its first occupation. The precise extent of the area to be ceded should be determined in due course by all parties.

In the event that a suitable POA could not be agreed within 3 months of the date of approval, the application would be returned to the Committee for further consideration.

One representation had been received in connexion with the application.

The Committee noted that amendments to the scheme which sought to resolve issues relating to the size of some of the units would not be considered as these had been received after the submission deadline.

In response to a query from the Committee, it was noted that the amount of excavated materials would reduce to 40,000 cubic metres (the previously refused scheme had involved the excavation of 50,000 cubic metres of waste material). It was further noted that responsibility for the public toilets would be transferred to the Parish of St. Helier.

The Committee heard from Mr. [REDACTED] a geologist whose concerns related to rising sea levels and recent geological history. Mr. [REDACTED] stated that South Hill was one of the most important geological sites in Jersey. He did not believe that the proposed 2 storey reduction in the height of the development would address the visual impact of the development. Mr. [REDACTED] discussed the history of the site, which had included a cobble beach at 42 metres which was estimated to be 500,000 years old. South Hill had previously been an Island and was unique in the Channel Islands and adjacent coastal areas. The proposed development would compromise this setting at a time when Jersey Heritage was considering the establishment of the Island as a Geopark.

The Committee heard from Mr. [REDACTED], architect, and member of the Architecture Section of La Société Jersiaise. Mr. [REDACTED] believed that the scheme sought to construct a 7 storey building on a site where 5 storeys was more acceptable. This would have an unacceptable impact on the skyline and public views. He noted the timeline in terms of the submission of the application and its consideration by the Committee (9 weeks) and he considered this to be somewhat rushed. He added that some of the documents submitted by the applicant related to the previously refused application, which had included South Hill park, which was owned by the Parish of St. Helier. Mr. [REDACTED] stated that the building was considered too large for the site, with one of the balconies being situated one metre away from the South Hill park steps. Some drawings showed the demolition of the steps or restricted access to the same. Many of the proposed apartments were single aspect and would look into the ravine, which would have a significant effect on the amount of natural light into those apartments. The building would be above current vantage points, and the Fort would no longer read as a defensive structure. In 1973, proposals for Pier Road car park had been redesigned and reduced by 2 storeys so that the escarpment would still be visible.

The Committee heard from Mr. [REDACTED] of La Société Jersiaise. who endorsed the comments made by Mr. [REDACTED]. He considered that a balance had to be struck between the provision of housing and the protection of unique parts of Jersey's landscape. South Hill was an ancient feature of Jersey and the view from the French Harbour was important to the cultural identity of the Island. He described the existing site as a

landmark and did not believe that the proposed building should be much more subservient to the natural context. If approved, the development would compromise all major views to and from the site permanently. Mr. [REDACTED] urged the Committee to consider the long-term significance of the decision, as approval would reduce the quality and tourism benefit of South Hill as a feature of the Island.

The Committee heard from Mr. [REDACTED] of MS Planning, who noted the recommendation for approval from the Department. He advised that the volumetric approach which had been adopted had led to non-typical layouts and following the Committee's site visit on 14th March 2023, it had been noted that some of the proposed units were on the cusp of meeting internal storage requirements. An addendum had accordingly been submitted the following day and Mr. [REDACTED] advised that the applicant would be content to defer consideration of the application so that the amendments could be assessed. With reference to the comments of Mr. [REDACTED] [REDACTED] stated that the geological Site of Special Interest was far removed from the site boundary and the views from the top of South Hill would not be impacted by the development. In response to Mr. [REDACTED] comments, it was noted that the plans had been submitted at the end of November 2022. Mr. [REDACTED] considered that the building sat comfortably within its setting and noted that the Historic Environment Team was content that there would be no adverse impact, with the buildings sitting comfortably within the quarried landform. Waste had been reduced by 20 per cent from the previous application and a package of travel improvements had been included, as well as the remodelling of the playpark and the provision of public toilets. A minimum of 15 per cent of the development would be affordable housing and the proposed development delivered optimal density levels in accordance with agreed policy. The greatest need was for open market housing and the Island Plan required the delivery of high quality, long-term, sustainable housing. The proposed development aligned with the Southwest St. Helier Planning Framework and delivered strategically, aesthetically, and socially in accordance with the provisions of the Island Plan.

The Committee heard from Mr. [REDACTED], who stated that the proposed development would 'live within the natural landscape' and he advised that 3 different landscaped areas were proposed within the development. A residents' gym would be provided and space for a seasonal café had been allocated. Each apartment would have a private balcony and the lower floors would benefit from continuous landscape planters. 85 per cent of those who had participated in the public consultation exercise supported the scheme. Passivhaus principals had been adopted to reduce energy bills and the resultant proposal was for a high-quality, sustainable development.

The Committee heard from Mr. [REDACTED] Chief Executive Officer, States of Jersey Development Company (SoJDC), who advised that the development would contribute towards the supply of much needed housing in the Island. If the application was approved, construction would commence in 2024, with completion scheduled for 2026. A minimum of 15 per cent of the proposed apartments would be for first time buyers. All SoJDC developments focused on owner occupied homes, including first-time buyers and right sizers. There was a continuing need for one and 2 bedroom units for smaller households. Energy efficiency and wellbeing were central to design considerations.

In response to questions from the Committee, Mr. [REDACTED] advised that the steps down from South Hill Park were heavily overgrown, were not in use and were outside the site boundary. There would be no mechanical plant on the roof and the south-east elevation embankment and retaining wall would be transformed to create a biodiverse green habitat. Affordable homes would be allocated through the housing Gateway. Of the 70 car parking spaces, 63 would be sold to residents and there would also be a car club.

The Committee expressed concern about the daylight and sunlight levels available to the units and the proportion of single aspect units. The reduction in the number of 3 bedroom apartments was noted and the Committee considered that the Island should seek to provide high quality internal spaces that would be adaptable for growing families. The failure of 18 of the units to meet gross internal space requirements under the submitted plans was of considerable concern, and there had been insufficient time to assess recently submitted amendments proposed by the applicant. The scale and mass of the proposed development, as well as the loss of views were also noted.

The Committee, with the exception of Deputies S.G. Luce of Grouville and St. Martin and M.R. Le Hegerat of St. Helier North and Connétable M. O'D Troy of St. Clement, refused the application, contrary to the recommendation of the Department, on the grounds of the size of the proposed development, the number of single aspect units, the insufficient views through the site, and the low daylight and sunlight levels. The scheme was considered to be contrary to the provisions of Policies GD1, GD7, GD9, H1 and H2 of the 2022 Bridging Island Plan.

The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Fauvic Nurseries, La Rue au Long, Grouville: proposed demolition and redevelopment.

A5. The Committee considered a report in connexion with an application which proposed the demolition of some glasshouses and various other structures at Fauvic Nurseries, La Rue au Long, Grouville and the change of use of the site to facilitate a care home and fund raising shop. It was also proposed to create an additional car park and a woodland amenity area on part of Field No. 503 and alter the vehicular access. The Committee had visited the site on 14th March 2023.

P/2021/1952

Deputies A.F. Curtis of St. Clement and S.G. Luce of Grouville and St. Martin did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, 2, 3, 4, 5, 6, 7, PL5, GD1, 2, 3, 5, 6, 10, HE1, H7, NE1, 2, 3, TT1, 2, 3, ER2, ERE1, 2, 6, ME1, 2, 3, WER1, 2, 6, 7, C12, 16 and 19 of the 2022 Bridging Island Plan were relevant to the application. It was also noted that the application site had been considered by an Independent Planning Inspector during the examination in public of the Bridging Island Plan and that no specific land use need had been identified.

The Committee noted the planning history of the site, which included an application which had yet to be determined for the demolition of some glasshouses on another part of the site and the construction of an energy centre. It was noted that the energy centre application and the application under consideration were wholly independent and that the implementation of one proposal did not depend upon the other.

The Committee was advised that the scheme under consideration sought permission for the demolition of a range of existing buildings, principally comprising 3 dilapidated glasshouses, and the construction of a 50 bed residential care home and a charity fundraising shop for Jersey Hospice Care. A range of ancillary elements also formed part of the proposals, as detailed within the Department report. Whilst having clear economic benefits, the Department had concluded that the scheme would, nonetheless, result in significant harm to the character and appearance of the countryside in this locality and would have a detrimental impact on highway safety. It had been concluded that the harm which would arise outweighed the benefits of the proposal. In particular, it was not considered that there was a land-use planning need for the care home or the fundraising shop or that if such a need existed it could not be met elsewhere on the Island.

In summary, there was a fundamental objection to the principle of the key components of the proposed development (the care home and the shop) in this countryside location. The scheme would introduce significant urbanisation with associated activity, including vehicle movements both outside and inside the site. Consequently, it was recommended that the application be refused on the grounds that it was contrary to Policies SP1, SP2, SP3, SP4, SP5, PL5, ERE6, TT1, TT2, ER2, HE1, WER1 and NE3 of the 2022 Bridging Island Plan.

53 representations had been received in connexion with the application.

In response to a question from the Committee, it was noted that the first 10 metres of the car parking area would be tarmacked.

The Committee heard from Mr. [REDACTED]. Mr. [REDACTED] stated that the area was prone to flooding and the drainage infrastructure was outdated. He considered that rising sea levels over the next 30 years would further impact the existing aging infrastructure and he believed that the site was unsuitable for the intended purpose. The proposals would result in an increase in footfall, noise and traffic in the area. He advised that the area had been farmland for centuries and approval of the application would set an undesirable precedent.

The Committee heard from Mr. [REDACTED] who advised that he had expressed an interest in purchasing the southern glasshouse site for agricultural use when the glasshouses had been marketed for sale or lease. He advised that this interest remained and the proposed use would comply with the provisions of the Bridging Island Plan Policy ERE6, which related to derelict and redundant glasshouses.

The Committee heard from Ms. [REDACTED] who was concerned that the proposals would result in increased traffic on Rue du Fauvel and the surrounding area.

The Committee heard from Mr. [REDACTED] who advised that traffic in the area had increased in recent years. He noted that the application was supported by vehicle movements calculated during the pandemic and he suggested that the exercise should be repeated to reflect the current position. Mr. [REDACTED] was supportive of the proposed farm shop and the demolition and redevelopment of part of the site for agricultural uses, as proposed under application reference P/2021/1952, but considered the proposals for the care home unreasonable. Insufficient car parking was proposed and the development constituted a major extension into the countryside and would result in increased traffic.

The Committee heard from Connétable M.A. Labey of Grouville, who expressed support for the application. He believed that a community hub would be created on the site and noted that a new pétanque pitch would be created for the club. It was also intended to locate the parish polling station on the application site as it was more accessible than the parish hall. The scheme would also link Green Lanes in St. Clement.

The Committee heard from Mr. [REDACTED] Chief Executive, Jersey Hospice Care, who advised that Jersey Hospice Care was working with the Government on the formulation of an end of life strategy. Funding was required to support the Island's ageing population and, whilst there had been some increase in the financial contribution from the Government, Jersey Hospice Care needed more than the £4 million currently raised annually. Hospice charity shops contributed to this and the provision of another retail outlet would help raise much needed income. The benefits of having a charity shop in the east of the Island were recognised and the facility would be within walking

and cycling distance of many Islanders, resulting in fewer trips to the charity shop in St. Ouen. The proposed new shop would also facilitate greater exposure for Jersey Hospice Care services and would create paid and voluntary opportunities, with the aim of attracting younger employees and apprentices. The Fauvic Nurseries site was the first site which Jersey Hospice Care had identified which matched its requirements.

The Committee heard from Mr. [REDACTED] Managing Director, Axis Mason, who stated that the proposals would transform the dilapidated glasshouse site into a sustainable community hub. There would be benefits for Jersey Hospice Care and elderly care would be provided within a familiar local environment. There were currently no nursing care beds in the east of the Island. The removal of the dilapidated glasshouses would result in a reduction in built footprint and the proposed fundraising shop would be 40 per cent smaller than the extant garden centre. Landscaping and planting would enhance the site and the community assets would create a sense of place and identity. Access to the cycle network, paths to bus routes and recreation were also included. In conclusion, the proposed development would result in the creation of a vibrant, mixed use community hub.

The Committee heard from Mrs. [REDACTED] of KE Planning, who stated that the proposed development aligned with the sustainable communities concept, as set out in the Bridging Island Plan. In 2009 changes in the horticultural industry had led to the establishment of Holme Grown, along with a pétanque pitch and the parish depot. The scheme improved connectivity for walkers and cyclists and provided opportunities to connect St. Clement and Grouville. Built up areas were a 4 minute cycle ride away and Gorey Village was 10 minutes by bicycle, providing Islanders with an opportunity to choose alternative modes of transport. Mrs. [REDACTED] reminded members of the adoption of the Carbon Neutral Strategy and she highlighted the reduction in private vehicle trips as a contributor to its success. With regard to the proposal to establish a charity shop on the site, it was noted that other charities, including Acorn and Durrell, had received permission for the establishment of such shops in rural areas. Acorn had repurposed a glasshouse site and Durrell a carparking area. The proposal was supported by the provisions of the Bridging Island Plan under Policies SP3 and SP7. Mrs. [REDACTED] advised the Committee that Article 19(3) of the Planning and Building (Jersey) Law 2002, provided that planning permission could be granted where the proposed development was inconsistent with the Island Plan, if the Planning Committee was satisfied that there was sufficient justification for doing so.

The Committee noted that the Highway Authority had objected to the proposed development and was advised that changes to the crossroads were proposed to include a stop junction, together with a further proposal to reduce the speed limit on the road. The Committee was informed of the existence of an extant consent for a garden centre on the site and Mr. [REDACTED] noted that no conditions had been included on the permit to require measures to address increased traffic generation. With regard to Mr. [REDACTED] offer to purchase one of the glasshouses, Mr. [REDACTED] advised that this had not been received in writing and that any offer would need to be commercially viable. Turning to flood risk issues, an assessment had been submitted with the application which detailed how this would be addressed.

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

Fauvic
Nurseries, La
Rue au Long,
Grouville:
proposed
demolition and

A6. The Committee, with reference to its Minute No. A5 of 16th March 2023, considered a report in connexion with an application which proposed the construction of a new building for agricultural use at Fauvic Nurseries, La Rue au Long, Grouville. The demolition of some existing glasshouses (and the construction of extensions to link retained glasshouses to the proposed new building) were also proposed together with a perimeter fence and security infrastructure. The Committee had visited the site on 14th

redevelopment. March 2023.

P/2021/1952 Deputies A.F. Curtis of St. Clement and S.G. Luce of Grouville and St. Martin did not participate in the determination of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, 2, 3, 4, 5, 6, 7, PL5, GD1, 5, 6, HE1, NE1, 3, TT1, 2, ER2, 5, ME1, 3, WER1, 2, 6, 7 of the 2022 Bridging Island Plan were relevant to the application. It was also noted that the application site had been considered by an Independent Planning Inspector during the examination in public of the Bridging Island Plan and that no specific land use need had been identified.

The Committee noted the planning history of the site, which included planning application reference P/2021/1952, recorded under Minute No. A5. It was noted that the aforementioned application and the application under consideration were wholly independent and that the implementation of one proposal did not depend upon the other.

The Committee was advised that the scheme under consideration sought permission for the demolition of the easterly glasshouses and their replacement with a new agricultural building with associated car parking. The partial demolition of a glasshouse to the south-west corner of the site and the construction of an energy centre for growing crops was also proposed. Extensions to link the retained glasshouse to the proposed new building were included in the scheme, together with further linked extensions between the northern and southern glasshouses. The scheme also proposed the installation of water storage tanks, air handling equipment, a perimeter fence and security infrastructure together with landscaping alterations to provide screening.

Whilst the proposed development was required for the growing of a non-traditional crop, under present legislation the growing of this crop did not in itself require planning permission. Therefore, the only matter under consideration was the physical development. Having assessed the application, the Department had concluded that the proposed use was acceptable in this context and would not be harmful to residential amenities. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a Planning Obligation Agreement to secure the provision of 2 new bus shelters (one eastbound and the other westbound) in close proximity to the access to the site on La Rue au Long, both which would be installed prior to the commencement of development and would be ceded to the Public of the Island.

In the event that a suitable POA could not be agreed within 3 months of the date of approval, the application would be returned to the Committee for further consideration.

18 representations had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] [REDACTED] Mr. [REDACTED] expressed concerns about the potential for flooding and noted that the area was an important wetland, with newts and Jersey toads, breeding Chiffchaff Firecrests and Little Buntings. Flooding would constitute a tort (an act of omission which gave rise to injury or harm to another and which amounted to a civil wrong for which courts could impose liability) [REDACTED]

[REDACTED] In this connexion, reference was made to the case of Rylands versus Fletcher (1868), which established this area of tort law.

The Committee heard from Deputy A.F. Curtis of St. Clement, who referred the Committee to the plans for the site and noted that the proposed demolition was outside

the red line boundary.

The Committee heard from Mr. [REDACTED] who advised that the application followed 26 months of work with Government and stakeholders, to include screening and analysis of suitability and gaining a licence to cultivate the crop. Mr. [REDACTED] expressed gratitude for the support and advice received from Government during a robust process of due diligence. Mr. [REDACTED] stated the application represented a long-term commitment to Jersey and advised that all sites over one-hectare had been considered and selection of the proposed location had included the mapping of energy infrastructure. The site would operate on a low-carbon model and would meet and exceed all statutory requirements. Public consultation had been carried out in respect of the proposal. The site would feature leading glasshouse design and security, with attention being paid to detail and technology, including odour, light, agricultural runoff, rainwater and security. The proposal would generate jobs and investment in suppliers, services and infrastructure.

The Committee heard from Mr. [REDACTED] Group Director, Department for the Economy who advised that the application was important in the context of the Government's strategic ambitions and the desire to diversify the economy. The National Food Agency had identified cannabis as a good option for the Island's geographic location. The success of a field trial crop reinforced the potential and in 2020, the Island had agreed with the United Kingdom Home Office that it could create its own licencing authority. In 2021, proceeds of crime legislation had been amended to ensure legitimate investment and allow financial services to support businesses in the sector. Following a report by the Economic Affairs Scrutiny Panel the regulatory framework had been refined and to date £50 million in inward investment had been generated. Mr. [REDACTED] encouraged the Committee to support the application, noting the socio-economic and environmental benefits. The proposals were consistent with the economic framework and would provide opportunities for higher skilled jobs and greater resilience in the rural economy. The applicant company had a reputation for good quality, low carbon solutions [REDACTED] grew cannabis in Portugal. There was a strong policy background to support the application.

The Committee heard from Mrs. [REDACTED] of KE Planning who thanked the Planning Department for its open communication in respect of the application and the recommendation for approval under the provisions of the Planning and Building (Jersey) Law 2002. Mrs. [REDACTED] considered that the application made better use of land that was already developed to support the rural economy and stated that the application accorded with specific policies through environmental impact strategies. There was a low risk of inbound flooding on the location of the glasshouses and the reedbed was a medium flood risk area. The design included a large soakaway under the carpark, the surface of the latter being permeable. An urban drainage system and the repurposing of the reservoir would also assist. There had been no objection from the drainage authority. With regard to landscape impact, the proposed security approach, the hedging and potentially the roofs of the buildings would be the most visible elements. There would be an improvement in surface water quality as it was likely that the previous use of fertilisers and pesticides on crops in the glasshouses could have had an adverse impact on Grouville Bay. [REDACTED]

In response to questions from the Committee, it was noted that a centralised computer system would operate the blinds in the glasshouses, and these could be operated by hydraulics should the computer system fail. Regarding the impact on residents, Mr. [REDACTED] advised that the site provided a green buffer, that the impact of light could be mitigated and that a vent system would be used to address odour. The prevailing winds were west to east and the nearest receptors to the east were over 100 metres away. Regarding the odour emitted by the plant, Mr. [REDACTED] advised that scent detectors

were not proposed, but he confirmed that the application [REDACTED] was willing to discuss options. Mrs. [REDACTED] advised that an assessment undertaken by acoustic consultants [REDACTED] had highlighted one particular issue with regard to a chiller, which could be managed by setting the equipment to night mode. The Committee noted that the Environmental Health Department required the imposition of a condition concerning noise suppression. Mr. [REDACTED] stated that the intention was to maintain a consistent temperature so that the heating would only turn on if there was a drop in levels. There would be staff on site 24 hours a day and hedging would create a visual and physical barrier, together with fencing, and motion triggered lighting.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of the entering into of a POA, as detailed above. An additional condition to require full details of the internal and external lighting was also imposed.

Field No.
1245, The
Farm House,
Palm Grove,
St. Helier:
proposed
change of use
of Field No
1245
(RETRO-
SPECTIVE).
P/2022/1600

A7. The Committee, with reference to Minute No. A11 of 5th May 2022, of the Committee as previously constituted, considered a report in connexion with a retrospective application which sought permission for the change the use of part of Field No. 1245, St. Helier to domestic curtilage. The north-west portion of the field would be used as a car parking area and the north-east portion as a garden for the properties known as The Farmhouse and The Cottage, Palm Grove, St. Helier. It was noted that as the works had already commenced the application was, therefore, retrospective. The Committee had visited the site on 14th March 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and the Green Zone and that The Farm House was a Grade 3 Listed Building. Policies SP1, 2, 3, 4, 5, 7, PL1, GD6, NE1, NE3, HE1, ERE1 and WER5, 6, 7 of the 2022 Bridging Island Plan were relevant to the application.

The Committee recalled that a previous application for the change of use of part of Field No. 1245 to domestic curtilage had been refused on the grounds that it was contrary to Policies NE3, ERE1, HE1 and GD6.

The Committee noted that the applicant believed that Field No. 1245 had long been used as a domestic garden and aerial photographs from 2008 (and other undated historic images) had been submitted in support of this. The 2008 aerial photograph depicted the land to the east having been divided by formal hedging and the earlier images showed the land to the west being used as a paddock. The applicant had purchased the property in 2019, and the Committee's attention was drawn to the details of a land transaction which stated that whilst no agricultural restrictions existed in relation to the use of the eastern portion of the field, planning permission would be required for a change of use to domestic curtilage. The Land Controls and Agricultural Development Section had confirmed that the western part of the field could only be used for agricultural/horticultural purposes and that there were no agricultural restrictions on the use of the eastern portion of the field. The Committee was advised that the Department had no record of planning permission having been granted for the change of use of the field. If members were satisfied that the use of the land as residential curtilage extended beyond an 8 year period, as was claimed, enforcement action could not be taken, in accordance with Article 40 of the Planning and Building (Jersey) Law 2002. However, the use would remain unauthorised, unless planning permission was granted.

In assessing the proposals, the Department had concluded that the application failed to demonstrate the exceptional circumstances required to justify the loss of agricultural land. The proposal was not considered to make a positive contribution to its rural location, thereby resulting in harm to the landscape character of the area. In addition, the design and materials to be used for the proposed parking area were considered to be

visually dominant and intrusive, causing harm to the setting of the Grade 3 Listed Building and to the landscape character of the area. The creation of additional car parking also discouraged the use of alternative sustainable methods of transport. Refusal was recommended on the basis that the application was contrary to Policies PL1, HE1, GD6, SP4, SP5, NE3, ERE1, TT4 and HE1 of the Bridging Island Plan 2022. The Committee was advised that one of the reasons for refusal (No. 4), which related to the impact of the development on the natural environment, was no longer applicable as this had been addressed in a response from the Natural Environment Team.

The Committee noted that 8 representations had been received in connexion with the application. Members had also been provided with further representations received after the publication of the agenda.

The Committee heard from [REDACTED] and [REDACTED] both of whom were members of the Parish of St. Helier Roads Committee. Mr [REDACTED] also represented the [REDACTED] and informed the Committee that she was unwilling to permit access across her land to facilitate works. It was noted that the application had recently been considered at a meeting of the Roads Committee and there had been some confusion as to whether a decision had actually been made. In any case, Mr [REDACTED] believed that the proposed car parking would exacerbate an already difficult situation. He added that a path intended for the sole use of the National Trust was frequently used by members of the public. Mr. Lagadu stated that it was also considered that the allocation of a car parking space for the National Trust would present challenges and he clarified that previous support from the Parish had related to the provision of a public footpath. The case officer was unaware of any arrangement of the nature described.

The Committee heard from Ms. [REDACTED] Principal Historic Environment Officer, who referenced a written representation which had been provided by the Historic Environment Team (HET). Ms. Ingle advised that the Farm House was Grade 3 Listed and that the agricultural context was key to the character of the wider setting of the farm group. It was considered that the extension of a retaining concrete structure which supported the car parking spaces (and had been constructed without planning permission) had an adverse impact on the character and setting of the Listed Buildings. Consequently, the application could not be supported from a heritage perspective.

The Committee heard from Mr. [REDACTED] representing the applicant, who stated that he had understood that the Roads Committee supported the application. With regard to the aforementioned concrete structure, Mr. [REDACTED] explained that this had been required to house essential drainage infrastructure which had replaced a faulty septic tank. The applicant had contacted the Department by telephone to seek advice on the construction of the same prior to the commencement of the work. Mr. [REDACTED] understood that 2 car parking spaces had already been approved so the principle of car parking on the site had already been established. He advised that the provision of car parking was insufficient and that it was proposed to extend the concrete structure to facilitate the creation of additional spaces, which complied with the parking guidelines. He informed the Committee that the land had long been used as garden and documentary evidence had been provided in this connexion. Positive legal advice had also been received and there had been no objections from statutory consultees in respect of the use of the field or the drainage arrangements. Mr. [REDACTED] described the remaining reasons for refusal as 'non-issues'. With reference to the concerns of the HET, Mr. [REDACTED] pointed to structures which existed in a neighbouring garden. The planting scheme would include the removal of invasive species. Finally, Mr. [REDACTED] highlighted the level of support which had been received for the proposals and stated that if the applicants were required to remove the concrete structure this would have significant implications for the dwellings which relied upon the drainage system.

The Committee heard from Mr. [REDACTED] a contractor who was involved in the

development of the site. Mr. [REDACTED] believed that planning consent for 2 car parking spaces and a retaining wall had already been granted and he advised that additional car parking was required. In seeking to explain the rationale for the retrospective works which had been carried out, Mr. [REDACTED] cited delays in the planning process which had arisen during the pandemic and the need to carry out certain works to facilitate the completion of other works. He, too, highlighted the significant problems which would arise if the application was refused in terms of the re-routing of services and the resultant disruption.

The case officer confirmed that planning permission had not been granted for the 2 car parking spaces referred to by [REDACTED] and [REDACTED]. Advice had been provided on what might be considered acceptable, but the submitted application did not align with that advice.

The Committee heard from Mrs. [REDACTED] who advised that whilst planning consent had not been sought for the concrete structure, permission had been granted for the creation of 2 car parking spaces on top of the structure and it was now proposed to extend the car parking area. Mrs. [REDACTED] did not believe that references to Policy ERE1 were relevant as she had been advised by the Jersey Farmers Union that the land was not considered to be of a high quality in agricultural terms. She concluded by stating that the garden area had previously been used by 3 separate properties and had been sub-divided in 2019.

Having considered the application, the Committee unanimously endorsed the recommendation to refuse permission for the reasons set out above and also on the basis that the application was contrary to Policy H9 of the 2022 Island Plan. In doing so, the Committee expressed considerable concern with regard to the unauthorised works and the impact of the same.

Makai
(formerly
known as La
Rousse), La
Route de la
Baie, St.
Brelade:
proposed new
dwelling.

P/2022/1454

A8. The Committee, with reference to Minute No. A3 of 15th October 2020, of the Committee as previously constituted, considered a report in connexion with an application which sought permission for the construction of a new 4 bedroom dwelling with associated car parking, amenity space and a new vehicular access on a vacant site known as Makai (formerly known as La Rousse), La Route de la Baie, St. Brelade. It was also proposed to construct a swimming pool to the west of the site. The Committee had visited the site on 14th March 2023.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area, the Shoreline Zone and was in a Tourist Destination Area. Policies SP 2, 3, 4, PL3, GD1, 6, NE1, NE3, H1, 3, ME1, TT1, WER2 and 3 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted the extensive planning history of the site, which included 3 extant permissions – 2 for residential and one for tourism accommodation, all granted under the auspices of the 2011 Island Plan. The most recent application for a 4 bedroom dwelling had been assessed against the Policies of the Bridging Island Plan and had been refused in June 2022, on the basis that it was considered to be contrary to Policies GD9 and NE1.

The current application responded to the previous reasons for refusal with a revised design and reductions in the size and scale of the development, which resulted in an overall reduction in the floor area and footprint of the development when compared with the approved schemes. The new dwelling would have a broadly similar visual impact. Accordingly, the Department was satisfied that the scale and design of the scheme was appropriate and acceptable in this context, having regard to the zoning constraints which applied to the site and the planning history. Furthermore, it was not

considered that the proposed development would result in unreasonable harm to neighbouring amenities. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

A total of 13 letters of representation had been received from 9 individuals in connexion with the application.

In response to a question from a member, the applicant's agent, Mr. [REDACTED] confirmed that the floorspace calculations did not include the proposed balconies. It was further confirmed that the floorspace had been measured in accordance with the methodology set out in the 2022 Bridging Island Plan.

The Committee heard from Deputy M.R. Scott of St. Brelade, who was also Chair of the St. Brelade's Bay Association. Deputy Scott believed that the application was contrary to Policy GD9 of the 2022 Bridging Island Plan, which policy replaced Policy BE4 of the 2011 Island Plan. The formulation of Policy GD9 was understood to have been based on a character assessment of the area which had formed part of the core evidence of the Bridging Island Plan review. Policy GD9 stated, among other things, that buildings with a larger floorspace, footprint or visual impact than the original building would not be supported. Consequently, Deputy Scott stated that the application should be considered without reference to schemes previously approved under the 2011 Island Plan.

The case officer confirmed that the extant permits were considered to be a material planning consideration and he reminded the Committee that these schemes could be implemented today. In response to a question from a member regarding how much weight the Committee should give to the planning history of the site, the case officer advised that this was a matter for members but the Department's assessment and recommendation took the extant permits into account. It was understood that the original structure had been demolished in 2018/2019.

The Committee heard from Mr. [REDACTED] [REDACTED] objected to the application and contended that it was contrary to Policies GD1 and GD9. He added that the proposed dwelling would be significantly larger and would have a greater visual mass. He referenced the original structure which had stood on the site, which had measured 45 square metres and stated that the proposed new building would be 10 times larger. Mr. [REDACTED] was of the view that the 'squaring off' of the pitched roof and the cantilevered balconies increased the visual mass. He was also concerned about overlooking to [REDACTED] and stated that the impact would be greater than that of the most recently approved scheme, causing harm to the amenities of [REDACTED]. He added that [REDACTED] was, at present, open to public view due to storm damage to the garden walls and that plans existed to rectify this. Mr. [REDACTED] suggested that if the application was approved the proposed conditions should be strengthened, particularly in relation to planting.

The Committee heard from Ms. [REDACTED] who believed that the original approval had been granted on the basis of a tourism related use. However, this was refuted and it was confirmed that the original consent had been for a residential dwelling.

The Committee heard from Mr. [REDACTED] who also drew the Committee's attention to Policy GD9, and argued that the proposed development would have a greater visual impact than that which had previously been approved. Mr. [REDACTED] noted that the scheme included a flat roof, which was higher than that which had previously been approved, and a number of projections. He believed that the proposed new structure would be much more conspicuous and would be visible from the promenade, the road and a footpath. He drew the Committee's attention to the brise soleil roof, the second floor on the northern side of the building and the multiplicity of materials which were proposed,

all of which he felt would draw attention to the building. Mr. [REDACTED] suggested that a simpler, more traditional design with a pitched roof and a lower eaves height would be more appropriate in this context. In concluding, Mr. [REDACTED] referred to the Department's assessment of the application and the assertion that the proposed development would have 'broadly the same impact' as the approved scheme and asked the Committee to consider this wording in the context of Policy GD9.

The Committee heard from Messrs. [REDACTED] and [REDACTED] representing the applicant. Mr. [REDACTED] referred to the extensive planning history of the site and the extant permits, which had been implemented by the commencement of certain works. He also noted that in upholding the decision to grant planning consent an Independent Planning Inspector had concluded that he was satisfied that the existing permissions represented 'a valid fall back'. In Mr. [REDACTED] view, there was no ambiguity and many of the issues raised had already been settled. The key issue was visual impact and Mr. [REDACTED] reminded the Committee that the application site was in the Built-Up Area. The inherent tensions between the Shoreline Zone Policy and the Built Up Area Policies were recognised, but it was noted that there was a presumption in favour of development in the Built-Up Area. The main change in the proposed scheme was the replacement of the pitched roof with a flat roof, which would be 620 millimetres lower on the roadside and 923 millimetres lower on the beach side (at the eaves).

The Committee heard from Mr. [REDACTED] who advised that an internal courtyard area had been removed resulting in 15 per cent less excavated materials; the number of bedrooms had been reduced from 5 to 4, giving rise to a slightly decreased footprint; and a 4.35 per cent increase in volume over and above that which had been approved was estimated. With regard to the increase in volume, this was, in part, attributed to the introduction of green roofs (to increase the scheme's bio-diversity credentials, in line with the aims of the Bridging Island Plan). On the south elevation the extrusion was equivalent to the approved scheme. The installation of solar panels was also proposed and the balconies and brise soleil roof would reduce solar gain. The building would be constructed above the level of the promenade as a flood mitigation measure. New plants would be 3 metres high on day one and saline resistant species had been selected. The plants would provide screening and would protect privacy. The impact of the building would be quite small when compared with the neighbouring L'Horizon Hotel and the proposed balconies were indicative of the character of L'Horizon. The applicants wished to achieve a more sustainable form of development and modern methods of construction would deliver a 20 per cent energy expenditure reduction. In conclusion, this focus on sustainability had altered the aesthetic of the proposed development.

In response to a question from a Member regarding the calculation of the footprint of the building and whether this included any protrusions, Mr. [REDACTED] advised that the footprint was defined as the gross external area. Mr. [REDACTED] added that the applicant was aware of the sensitivity of this Built-Up Area site and had sought to address issues raised by objectors.

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

Haut de la
Garenne and
Field No. 686,
La Rue de la
Pouclée et des
Quatre
Chemins, St.
Martin: change

A9. The Committee considered a report in connexion with an application which sought permission for the change of use of Field No. 686, La Rue de la Pouclée et des Quatre Chemins, St. Martin to permit camping. The Committee had visited the site on 14th March 2023.

Deputy S.G. Luce of Grouville and St. Martin, Vice Chair, did not participate in the determination of this application.

of use
(RETRO-
SPECTIVE).

P/2022/1444

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area, the Shoreline Zone and was in the Protected Coastal Area and the Green Zone. Policies SP 2, 4, 5, 6, PL5, NE3, ERE1, C15, EV1, HE1, TT1, 2, GD9, GD1 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted that the above field was situated to the south of the Grade 4 Listed Haut de la Garenne building, which was used on a seasonal basis as an accommodation and activity centre. No alterations to the land or buildings were proposed as facilities were provided within the main accommodation building. The Committee noted that a separate application (reference P/2022/1445) also proposed the change the use of the neighbouring Field No. 685 to permit camping (Minute No. A10 refers). The 2 proposed camping areas would accommodate 40 individuals and the use would be limited to visitors of the accommodation and activity centre and the fields would not be available for use as tourist accommodation. The primary users of the facility would be school groups from Jersey, the United Kingdom and France, as well as other local community groups, with family camping during the school holidays.

Whilst the site was located within the Green Zone and the Protected Coastal Area where a higher level of protection against development existed, the proposal strengthened the re-use of the Haut de la Garenne site and the accommodation and activity centre use without impacting on the setting of the Listed Building. The proposed use would not have a detrimental impact on the landscape given the temporary nature of the proposal with no permanent features proposed; nor would it lead to the loss of high-quality agricultural land. The field was located away from residential boundaries ensuring that the proposed use would not cause unreasonable harm to neighbouring amenities. Consequently, it was recommended that permission was granted, subject to the imposition of the conditions detailed within the Department report.

5 letters of representations had been received on behalf of 7 individuals.

In response to a question from a member, the Committee was advised that the site had previously been operated [REDACTED] with the lease being assigned to the applicant in 2022. It had come to light that whilst there had been camping on the fields for 12 years, planning permission had not been granted for this use. A member noted that the site was advertised on the Condor website as a caravan park and the Committee was informed that this probably related to the period when [REDACTED] had operated the site. The case officer advised that if permission was granted, it was for the Committee to consider whether it wished to preclude motor caravans.

The Committee heard from former Senator [REDACTED] who stated that he was generally concerned about the impact of the proposals on this tranquil area, but also felt that the application lacked clarity. The application did not appear to include information pertaining to the maximum capacity of the camp site, the traffic implications arising from the proposals, a noise assessment, sanitation and catering facility details or the provision of car parking. Mr. [REDACTED] referenced his written representation and was assured that the Committee was in receipt of the same.

The Committee heard from Advocate [REDACTED], representing Mr [REDACTED] and Ms. [REDACTED] who objected to the application. Advocate [REDACTED] highlighted the context of the site in an exposed part of the Protected Coastal Area, which was afforded the highest level of protection. He, too, referred to the absence of details and stated that the potential use of the site by motorised caravans had come as a surprise as there was no reference to this within the Department report. He asked how it was envisaged that such vehicles would access the fields and whether this would be via a larger field which bordered his clients' property. He also sought information on the maximum capacity of the site and asked whether the figure of 40 included adults and children. Advocate [REDACTED] noted that the application did not include traffic or

heritage assessments and the impact on the natural environment did not appear to have been addressed in the assessment. He contended that the proposed use was harmful to the landscape and seascape character and he drew the Committee's attention to a letter from Ogier, which set out the relevant policy context. Advocate [REDACTED] stated that the same rigour which was applied in respect of the assessment of applications relating [REDACTED] must also be applied to applications submitted in respect of publicly owned land. Advocate [REDACTED] suggested that if the Committee approved the application on the basis of the limited submitted information this would appear 'irrational and perverse'. In concluding, he urged the Committee to refuse permission on the grounds that the application was contrary to Policies SP2, 3, 4, 5, 6, PL5, GD1 and he emphasised the serious concerns which existed regarding the potential for future unauthorised uses. In response to a question from a Member, Advocate [REDACTED]

Ms. [REDACTED] advised that noise nuisance from the use had been an issue to the extent that the family had felt unable to use their garden during the summer months and she had raised this with the site operator in what she described as 'a neighbourly manner'. She informed the Committee she had also found an arrow from an archery activity in the garden. Ms. [REDACTED] concluded by stating that any increase in noise levels would be problematic and pointed out that visitors already benefited from the use of the Haut de la Garenne building as an accommodation and activity centre.

The Committee heard from the applicant, Mr. [REDACTED] who confirmed that the previous tenant had allowed camper vans to use the site in conjunction with a dog agility event. Since taking over the lease, Mr. [REDACTED] had removed the electrical infrastructure required to facilitate this as there was no intention of permitting motorised vehicles to use the site. He stated that the proposed camping areas would accommodate a maximum of 40 individuals and the use would be limited to visitors of the accommodation and activity centre and the fields would not be available for use as tourist accommodation. The primary users of the facility would be school groups from Jersey, the United Kingdom and France, as well as other local community groups, with family camping during the school holidays. There would be no music on the site and there had been no complaints in the past regarding anti-social behaviour. In addressing the fact that permission had not been sought for the established camping use, Mr. [REDACTED] advised that when the lease had been assigned to him at the beginning of 2022, he had received a visit from an officer of the Department the next day and had been advised that planning permission had not been granted for the camping use. As he had worked on the site for the previous operator for 10 years, Mr. [REDACTED] had assumed that all necessary consents were in place.

The case officer confirmed that statutory consultation had been undertaken and there had been no objections. The Transport Section of the Infrastructure, Housing and Environment Department had required the submission of a transport plan. No adverse comments had been received from the Parish of St. Martin. In response to a question from a Member regarding the specific use class under which the proposals fell, the Committee was advised that as the use did not fit neatly with any of the established use classes and that the conditions attached to the permit were considered to provide the necessary safeguards.

Having considered the application, the Committee, with the exception of Connétable R.A.K. Honeycombe of St. Ouen, endorsed the recommendation to grant permission, subject to the conditions detailed within the Department report and on the basis that the maximum occupancy did not exceed 40 persons and that no motorised caravans were to be permitted. In response to a question from a Member, the Committee noted that

security cameras had already been installed.

Haut de la
Garenne and
Field No. 685,
La Rue de la
Pouclée et des
Quatre
Chemins, St.
Martin: change
of use
(RETRO-
SPECTIVE).

A10. The Committee considered a report in connexion with an application which sought permission for the change of use of Field No. 685, La Rue de la Pouclée et des Quatre Chemins, St. Martin to regularise the use of the field for camping. The Committee had visited the site on 14th March 2023.

Deputy S.G. Luce of Grouville and St. Martin, Vice Chair, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area, the Shoreline Zone and was in the Protected Coastal Area and the Green Zone. Policies SP 2, 4, 5, 6, PL5, NE3, ERE1, C15, EV1, HE1, TT1, 2, GD9, GD1 of the 2022 Bridging Island Plan were relevant to the application.

P/2022/1445

The Committee noted that the above field was situated to the south of the Grade 4 Listed Haut de la Garenne building, which was used on a seasonal basis as an accommodation and activity centre. No alterations to the land or buildings were proposed as facilities were provided within the main accommodation building. The Committee noted that a separate application (reference P/2022/1444) also proposed the change the use of the neighbouring Field No. 686 to permit camping (Minute No. A9 refers). The 2 proposed camping areas would accommodate 40 individuals and the use would be limited to visitors to the accommodation and activity centre. The primary users of the facility would be school groups from Jersey, the UK and France, as well as other local community groups, with family camping during the school holidays.

Whilst the site was located within the Green Zone and the Protected Coastal Area where a higher level of protection against development existed, the proposal strengthened the re-use of the Haut de la Garenne site and the accommodation and activity centre use without impacting on the setting of the Listed Building. The proposal would not have a detrimental impact on the landscape given the temporary nature of the use with no permanent features proposed; nor would it lead to the loss of high-quality agricultural land. The field was located away from residential boundaries ensuring that the proposed use would not result in unreasonable harm to neighbouring amenities. Consequently, it was recommended that permission was granted, subject to the imposition of the conditions detailed within the Department report.

5 letters of representations had been received on behalf of 7 individuals.

Oral representations in connexion with the application were recorded under Minute No. 9 of this meeting.

Having considered the application, the Committee, with the exception of Connétable R.A.K. Honeycombe of St. Ouen, endorsed the recommendation to grant permission, subject to the conditions detailed within the Department report and on the basis that maximum occupancy did not exceed 40 persons; that only demountable tents were permitted and that no motor homes, caravans or trailers were to be permitted. In response to a question from a Member, the Committee noted that security cameras had already been installed.