

KML/MH/007

CONFIDENTIALPLANNING COMMITTEE

(77th Meeting)

13th December 2018**PART B (Exempt)**

All members were present., with the exception of Deputy R. Labey of St. Helier, Chairman and Connétable K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy G.J. Truscott of St. Brelade, Deputy Chairman
(not present for item No. A12)
Deputy S.M. Wickenden of St. Helier
Deputy J.M. Maçon of St Saviour
(present for item Nos. A1 – A6 only)
Deputy R.E. Huelin of St. Peter
Connétable D.W. Mezbourian of St. Lawrence
(not present for item No. A4)
Connétable P. B. Le Sueur of Trinity

In attendance -

P. Le Gresley, Director, Development Control
J. Nicholson, Principal Planner
C. Jones, Senior Planner
J. Gladwin, Senior Planner
L. Davies, Planner
G. Duffell, Senior Planner
E. Stables, Senior Planner
S. de Gouveia, Trainee Planner
G. Urban, Planner
R. Hampson, Planner
R. Greig, Planner
T. Ingle, Principal Historic Environment Officer
K. M. LARBALÉSTIER, Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meeting held on 15th November 2018, having been previously circulated, were taken as read and were confirmed.

Caribbean
Vibz, Maison
Chaussey and
Drifters, Havre
des Pas, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(640)

A2. The Committee, with reference to its Minute No. A5 of 15th November 2018, considered a report in connexion with an application which sought permission for the demolition of the properties known as Caribbean Vibz, Maison Chaussey and Drifters, Havre des Pas, St. Helier and the construction of 19 x one bedroom and one x 2 bedroom residential units with associated car parking/garaging. It was also proposed to include a café with an alfresco seating area within the proposed development and alter the vehicular access on to Havre des Pas. The Committee had visited the application site on 13th November 2018.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation on the grounds of the size and height of the

- P/2018/1013 proposed development, its position on the site and its relationship with the Marina Metro Hotel. It had been concluded that the construction of the proposed development would result in an unreasonable loss of light and would have an overbearing impact on the Marina Metro Hotel, contrary to Policy GD1 of the Island Plan 2011.
- For the purpose of formally setting out the reason for refusal, the application was re-presented. The Committee confirmed its decision to refuse the application.
- Field No. 1534 & Claremont House, Tower Road, St. Helier: proposed demolition and redevelopment. 477/5/3(743) 477/5/1(618)
- P/2017/1808
- A3. The Committee, with reference to its Minute No. A4 of 15th November 2018, considered a report in connexion with an application which sought permission for the demolition of the property known as Claremont House (and Field No. 1534), Tower Road, St. Helier and the construction of a new 7 bedroom dwelling with associated car parking and landscaping and 2 apartment blocks comprising 16 apartments with parking. The Committee had visited the application site on 13th November 2018.
- The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation on the grounds of the height of the proposed single dwelling (which was to be located on the southernmost part of the site) and, in particular the lift shaft and stair access element on top of the second floor, was considered to be out of scale with the character and appearance of the area and harmful to the Green Backdrop Zone, contrary to Policies GD1 and BE3 of the 2011 Island Plan.
- For the purpose of formally setting out the reason for refusal, the application was re-presented. The Committee confirmed its decision to refuse the application.
- The Lodge, La Vallée de St. Pierre, St. Lawrence: proposed new dwelling. 477/5/3 (1042)
- P/2018/0743
- A4. The Committee, with reference to its Minute No. A4 of 19th September 2018, considered a report in connexion with an application which sought permission for the construction of a new 2 bedroom dwelling with car parking and landscaping to the west of the property known as The Lodge, La Vallée de St. Pierre, St. Lawrence. The Committee had visited the application site on 11th September and 11th December 2018.
- Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.
- A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Backdrop Zone of the Built-Up Area and that Policies SP1, 2, 3, 4, NE1, GD1, BE3, GD7 and H6 of the 2011 Island Plan were of particular relevance.
- The Committee recalled that the application site was formed from a triangular parcel of land which was part of the garden of the principal dwelling (The Lodge). The site sat within a small enclave of dwellings in a valley accessed from Sandybrook Lane. The Lodge was a 3 storey dwelling in an elevated position and to the north of the site were 3 granite faced dwellings.
- The Committee noted the planning history of the site, which included a previously refused scheme, which had been more ambitious in terms of size and mass. The application under consideration proposed the construction of a modest 2 bedroom dormer cottage. The proposal was in accordance with the relevant Island Plan Policies and satisfied amenity space, room size and car parking standards. The Department did not believe that the scheme would result in unreasonable harm to the amenities of neighbouring users; nor would it lead to an unacceptable increase in traffic generation and/or car parking problems. The application was, therefore,

recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

At its meeting on 19th September 2018, the Committee had considered the application and had noted concerns from residents regarding the potential for flooding. Members had concurred with the view that an independent engineering survey should be commissioned. In addition, the Committee had also expressed reservations about the mass of the building and had felt that a scaffold profile which demonstrated the uppermost height of the proposed dwelling should be erected. (It was recalled that a scaffold profile had already been erected, but it was felt that this did not fully illustrate the height of the dwelling). Consequently, consideration of the application had been deferred so that the applicant could respond to the issues raised.

The Committee was advised that the applicant had elected not to undertake a drainage survey and the original scaffold profile had now been disassembled. Accordingly the application was re-presented to the Committee for determination as submitted.

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

The Committee heard from Mrs. H. Ollivro of No. 2 Sandybrook Lane. Mrs. Ollivro explained that the absence of an independent engineering report which looked at the impact of the proposed development on the area in the context of the potential for flooding was concerning. The Committee was advised that the area was prone to flooding and there were underground water wells and a brook which ran below neighbouring properties. Mrs. Ollivro informed the Committee that her own property had been constructed on top of the brook and, in recent years, had been inspected by a structural engineer when the patio had broken up. It had been confirmed that whilst there was no structural damage to the property, there was a lot of standing water in the foundations. Mrs. Ollivro had subsequently put preventative measures in place in order to protect her property from future flooding, but these had been based on ground conditions at the time. She was concerned that any changes to ground conditions could have a detrimental impact. Mrs. Ollivro advised that the garden of No. 1 Sandybrook Lane was regularly waterlogged and she understood that within The Lodge there was a cellar which regularly flooded. She had noted that sandbags had been used in the past to protect the property from water damage. Mrs. Ollivro was not convinced that the proposed water dispersal system would provide a satisfactory solution and she stated that references to a grey water system were misleading as this related to waste water within the property. Mrs. Ollivro recalled that Jersey Trees for Life (formerly Men of the Trees), a charity which provided protection, care and education about trees, had been consulted in connexion with the previous application. This body had advised that the existing trees soaked up a significant amount of surface water. The loss of trees was, therefore, concerning and she believed that a significant number of trees would need to be removed to facilitate the development. She asked the Committee what recourse residents would have if the application was approved without an independent survey and their properties subsequently suffered flood damage due to changes to the water table. If the applicant chose to sell the site with the planning permission the problem would be passed on to a third party.

The Committee heard from the applicant, Ms. F. Hugh and her agent, Mr. M. Dennis. Mr. Dennis advised that it had not been possible to erect a fuller scaffold profile because of the constraints of the site. However, the height was illustrated on the submitted drawings. With regard to the commissioning of an independent engineering report, a meaningful test of ground water absorption could only be achieved by removing existing landscaping. The Department's Drainage Section had

accepted the proposed drainage solution and the scheme had been designed with certain mitigation measures – the existing planting and trees would be removed and relocated elsewhere on the site and planting would be supplemented. Hardstanding would be limited and most of the site would be laid to lawn. An eaves drop disposal system was proposed which allowed rainwater to drop freely to the ground and surface water would continue to be absorbed by the existing and proposed trees. The proposed development was modest, would be subservient to the principal dwelling, was in line with the character of the area and was in accordance with the relevant Island Plan Policies. If the Committee was minded to approve the application, the applicant was willing to accept a condition requiring the submission of a survey when the planting had been removed.

Ms. Hugh addressed the Committee, advising that whilst she owned the property, her parents lived in it. She refuted the suggestion that the cellar regularly flooded and advised that garden equipment was stored there and that there was also electrical equipment in the cellar. There was a light weight plastic chair which her father used to rest on when gardening and sand bags had been placed on it to weight it. She advised that she was unaware of any flooding at the property. The family were keen gardeners and wished to retain as much of the landscaping as possible. In fact, Ms. Hugh pointed out that she could have removed the trees at any time in the past if she had wished to do so as they were not covered by a tree protection order. It was intended that Ms. Hugh would occupy the proposed new dwelling so that she could be close to her parents to provide support. Ms. Hugh stated that there had been no objections from Paperclix or the nearby residential nursing home. However, the case officer confirmed that Paperclix had submitted an objection on the grounds of potential flooding and had pointed out that the company had been required to install an attenuation tank on their site.

The Committee discussed the application and received advice from the Director, Development Control to the effect that conditioning a permit as suggested by the applicant's agent could result in the removal of a consent which had been granted, dependent upon the outcome of the survey. The Director advised that if the Committee was concerned about the potential risk of flooding then it should require the submission of an engineering report at the outset.

Having considered the application, the Committee concluded that it could not support the application as it was not in receipt of all of the information required to properly assess the impact of the scheme. Members were particularly concerned about the potential for flooding and the impact of this on neighbouring properties. Consequently, the application was refused, contrary to the officer recommendation, and would be re-presented at the next scheduled meeting for formal confirmation of the decision and the reasons for refusal.

No. 76 St.
John's Road,
St. Helier:
proposed
demolition and
redevelopment.
477/5/1(643)

P/2018/1270

A5. The Committee considered a report in connexion with an application which sought permission for the demolition of No. 76 St. John's Road, St. Helier and its replacement with 12 x 2 bedroom dwellings with associated car parking and landscaping. The Committee had visited the application site on 11th December 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Backdrop Zone of the Built-Up Area and that Policies SP1, 2, 3, 4, 5, 6 and 7, NE1, GD1, 3, 4, 5, 6, 7 and 8, BE3, H4, 6 and 11, TT2, 3, 4 and 8, NR1, 2, 3, 7, WM1, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to the adopted Supplementary Planning Guidance (SPG) - Design Guidance for St. Helier (2013), SPG Policy Note Nos. 3 (parking guidelines) and 6 (a minimum specification for new housing developments).

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The Committee noted that it was proposed to demolish all buildings on the site and construct a new residential development in a cul-de-sac of 12 houses arranged in 4 blocks. The existing access would be extinguished and a new access formed midway along the southern boundary by excavating a roadside bank. Some of the excavated material would be used to fill an area to the north, making the site easier to develop. 7 trees would be removed along the western boundary, but it was intended to plant new trees on the roadside and Clubley Estate boundaries and a 2 metre high 'green wall' on the western side of the access road. Parking for residents and visitors, turning areas for service and emergency vehicles, bin stores and gardens were also proposed. The scheme included plans to alter the alignment and width of both St. John's Road and the pavement along the full length of the site. The existing concrete block roadside boundary wall would be replaced with a granite faced wall. Street lighting would be provided and the kerb built-out on the southern side of the road to address the blind corner which currently presented a hazard to north bound traffic. Finally a covered bus stop would be erected close to the Clubley Estate and this would help to promote the use of alternative transport modes.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement to secure the ceding of the new pavement to the States of Jersey; the provision of a bus shelter and kerb build out on St. John's Road and a financial contribution of £10,000 towards the realignment of the road on the southern side of the bend on St. John's Road and for associated traffic management works. It was recommended that, in the event that the POA was not agreed within 6 months of approval, the Director, Development Control should refuse the grant of planning permission. A percent for art contribution would also be made prior to completion of the project.

9 letters objecting to the application had been received from 5 separate addresses. The National Trust for Jersey had written in support of the application.

The Committee heard from Mr. G. Worthington, representing the applicant company. Mr. Worthington described the application site as a 'windfall site' and outlined the process which had been followed in terms of formulating the scheme and the associated highway/pedestrian safety improvements.

Having considered the scheme the Committee unanimously approved the application, subject to the imposition of the conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above.

Kleinwort
Benson House,
West Centre,
Bath Street, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(644)

A6. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of the premises known as Kleinwort Benson House, West Centre, Bath Street, St. Helier. The Committee had visited the application site on 13th November 2018.

Deputy S.M. Wickenden of St. Helier did not participate in the determination of this application.

P/2018/0932

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, 2, 3, 4, 5, 6 and 7, GD1, 3, 4, 7 and 8, H1, 4 and 11, BE10, TT2, 3, 4, 8 and 9, NR1, 2, 3 and 7, WM1, LWM2 and 3 of the 2011 Island Plan were of particular relevance. The Design Guidance for St. Helier (2013) and Supplementary Planning Guidance Policy Notes No. - 6 'A Minimum Specification for New Housing Developments' and No. 3 'Parking Guidelines' were also relevant.

The Committee noted that the site formed part of the West Centre development and

was currently occupied by a poorly designed vacant office building. The scheme proposed the demolition of the existing building, and its replacement with a 6 storey apartment building, providing a mix of 50 x one and 2 bedroom units with balconies. The proposed new building would be marginally taller than the highest point of the existing building but would have a smaller footprint. This would pave the way for the creation of wider footpaths around and through the site and the positive addition of planted areas to soften the appearance.

The scheme met all of the required policy tests, with the exception of the provision of on-site car parking. Whilst the existing office building had no car parking and its conversion to a residential use did not require any, a new build of this size would require 50 spaces to comply with current standards. The absence of car parking was of concern to the Parish of St. Helier. However, the Transport Section of the Growth, Housing and Environment Department supported the application. The proposal would offer good quality town centre accommodation with sustainable travel principles, covered bicycle spaces with electric charging points and a financial contribution towards bicycle purchase and bus travel had been offered for each flat. This was an alternative and sustainable approach which the Department wished to support in this instance given the central location of the site, the already constrained and congested roads round the site and the improved design of the new building, which would otherwise be compromised by the creation of car parking.

The Department was recommending approval of the application on the basis of the clear benefits of the proposed building for both residents and the town. In this particular case, the construction of a new building in this location without car parking was preferable to the Department than the conversion of the existing sub-standard building or the construction of a new building with on-site parking. The similar sizes of the existing and proposed buildings had also been taken into account and the central location of the site in a constrained area where roads were already congested and accessibility (due to one-way routes) was difficult, together with the support of the Transport Section had all been factored in to the Department's recommendation. A number of conditions were proposed, together with a recommendation that the applicant enter into a Planning Obligation Agreement to secure the finance to deliver the public realm improvements. This would be directed to improving the junctions of Hilary Street with Hilgrove Street and with La Motte Street, to aid pedestrian movement towards the nearest bus stops. In the event that the Planning Obligation was not agreed within 6 months it was recommended that the Director, Development Control be authorised to refuse the grant of planning permission.

One letter of representation had been received in connexion with the application and the Parish of St. Helier had requested that car parking be provided for the proposed development.

The Committee discussed the existing parking standards, which dated back to 1988, and which had been largely discredited as they were out of step with the Island Plan. A new set of standards was being formulated and a consultation process would be entered into. The Committee recalled that permission had already been granted for a residential development in the town centre (former Scope Furnishings site) without car parking on the basis of the specific demographic of the residents.

Deputy Wickenden addressed the Committee, in his capacity as a Deputy for the Parish of St. Helier. Deputy Wickenden stated that he was unhappy with the idea of having no car parking at all on the application site and feared that if this approach became the 'accepted norm' in St. Helier it could lead to the creation of a 2 tier society, with the provision of car parking only being required outside of the town. It was possible that approximately 100 people would live in the proposed development

with no car parking and the Deputy felt that this was problematic. He believed that it was unlikely that the new parking guidelines would recommend zero car parking for residential developments in St. Helier, but accepted that the existing guidelines were out of step with the Island Plan. He urged the Committee to refuse the application on the basis that some car parking for the development was necessary.

The Committee heard from Messrs. I. McDonald, A. Huckson and M. Stein, representing the applicant company. Mr. Stein addressed the Committee, stating that the scheme complied with relevant Island Plan policies. The whole ethos was to encourage new residential development in St. Helier and this included re-using old office buildings to create more affordable housing. It was a material consideration that the existing office building, which had accommodated 350 staff, had no on site car parking. Mr. Stein pointed out that a high proportion of the staff would have travelled to work by private car, parking in town car parks. As the office use was now redundant it followed that this would free up public car parking spaces previously used by office staff. He reminded the Committee that the existing building could be converted to provide 49 smaller residential apartments with no requirement for car parking and without the benefit of the public realm improvements proposed in the submitted scheme. The scheme was supported by the Highways Section and aligned with the Sustainable Transport Policy and the Common Strategic Policy, which had recently been adopted by the States Assembly. Home ownership was out of the reach of many Islanders and the provision of affordable housing was essential. The absence of car parking reduced construction costs and the cost of the proposed apartments. Mr. Stein referred to the draft parking guidelines which had been formulated and expressed the view that it was likely that much greater weight would be given to these guidelines than to the existing outdated guidelines by Independent Planning Inspectors considering appeals. In concluding, Mr. Stein asked the Committee to consider the scheme in the context of the aims of the Island Plan to make best use of sites like this to reduce pressure on the countryside.

The Committee heard from Mr. McDonald who stated that the key issues related to choice, affordability and the provision of better homes in St. Helier. The application site was well located within the centre of town and the proposed development would result in a significant visual improvement as well as bringing many additional benefits for the area. Focussing entirely on the provision of car parking in the town centre at the expense of the public realm would have a negative effect on the vitality of the town, which required regeneration and investment to bring about the delivery of a better St. Helier.

The Committee heard from Mr. Huckson who highlighted the central location of the site and the wider benefits which would arise from the proposed development. He too referred to the Sustainable Transport and Common Strategic Policies and the stated aim of regenerating and improving St. Helier for residents and visitors. Mr. Huckson believed that schemes like this would significantly improve the town environment and would provide affordable homes for Islanders whilst protecting the countryside from further development. The public realm improvements, landscaping proposals and the construction of a new high quality building in this location would significantly enhance the area and if such principles were applied to all town centre developments St. Helier could be a much more attractive place to live, work and visit in the future.

The Committee considered the application and concluded that many benefits would arise from the scheme. Whilst Deputy G.J. Truscott of St. Brelade and Connétable D.W. Mezbourian of St. Lawrence expressed support for the application, the remaining members were concerned that no car parking whatsoever had been included. Consequently, the application was refused on this basis, contrary to the

officer recommendation. It was noted that the application would be represented at the first meeting in January 2019, for formal decision confirmation.

Les Talus, Le Mont les Vaux, St. Brelade: proposed change of use of residential area to 'aire de camping' / motorhome stopover.
477/5/3(368)

A7. The Committee considered a report in connexion with an application which sought permission for the change of use of part of the residential area at the property known as Les Talus, Le Mont les Vaux, St. Brelade to facilitate the creation of an 'aire de camping' / motorhome stopover area. The Committee had visited the application site on 13th November 2018.

Deputy J.M. Maçon of St Saviour was not present for this item.

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

P/2018/1079

The Committee was advised that it was proposed to change the use of part of a large grassed area adjacent to a residential property to create a motorhome stopover site consisting of 9 parking bays. The bays and the circulation area in the centre of the site would be surfaced in gravel, while the area between the bays would remain grassed. The site would be accessed from Le Mont Les Vaux via the existing access track. The submitted drawings also showed proposed landscape planting inside and outside of the site. Vehicles using the site would have the use of an existing toilet block and no additional buildings were proposed as part of the scheme. Whilst there was some merit to the proposal in terms of its positive impact on tourism, the site was located in the Green Zone, wherein there was a general presumption against all forms of development except for a small number of very specific exceptions. The proposal did not satisfy any of the exceptions and consequently failed to meet the requirements of Policy NE7. Furthermore, it was considered that the proposal would cause serious harm to the landscape character, contrary to Policy NE7. The application was, therefore, recommended for refusal.

A total of 13 representations had been received in connexion with the application; 9 of which were supportive of the scheme.

The Committee heard from Mr. A.J. Layzell, representing Save Jersey's Heritage. It was recalled that Mr. Layzell was a former Deputy for St. Brelade, Vice President of the Planning and Environment Committee and Chairman of the Planning Applications Sub-Committee. Mr. Layzell had submitted a written representation, but wished to address 2 issues which had been raised by the applicants since he had submitted it. Mr. Layzell believed that arguments about whether the application site was a private garden or how the valley had been created (when the Western Railway was laid) were irrelevant. The land was in the Green Zone and was, therefore, afforded the highest level of protection. Mr. Layzell noted that Committees were frequently judged on their application of the Green Zone Policy and he believed that this underpinned public faith in the planning process. In terms of permissible exceptions to the Green Zone Policy, Mr. Layzell felt that there had been some misunderstanding on the part of the applicants and supporters of the application in terms of permitted exceptions to the Green Zone Policy. Whilst applications which benefitted tourism could be supported this had to be on the basis of no landscape harm to the character of the area. As Vice President of the former Planning and Environment Committee, Mr. Layzell had overseen the formulation of the 2002 Island Plan, upon which the 2011 Island Plan was largely based. When the Committee of the day had thought about tourism related development, he felt sure it had in mind visitors from outside of the Island. Most of the supporters of the application were Islanders who owned a motor home and wished to have a 'mini-break' in St. Brelade. Mr. Layzell felt that quite a few of the letters of support had misinterpreted Policies NE7 and EVE1. He accepted that a visitor could be defined

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in legal terms as someone from Glasgow or Grouville, but he felt sure that the distinction between a holidaymaker from overseas and someone who drove across the Island was easily understood. It might be possible to construct an argument for the former, but it was not possible to justify 'giving away' the Green Zone for the latter. Mr. Layzell concluded by stating that if the Committee set aside the contents of the letters of support, then the applicant's case was fairly well exposed as it was clear that the proposed development would cause serious harm to the Green Zone, contrary to the requirements of the Island Plan.

The Committee heard from the applicant, Mr. S. Traynor who discussed the suitability of the proposed access arrangements and noted that the Highways Section of the Department had raised no objections. Mr. Traynor advised that P30 restrictions applied to motor homes and this meant that these large vehicles could only use certain roads in the Island. The location of the site, its proximity to amenities and the existing access made it ideal for the proposed use and it was unique in this respect, as confirmed by a UK specialist commissioned to consider the suitability of the site for the intended purpose. The Committee was advised that, in the past, during a 6 week period there had been 12 vans from the UK parked on the application site and there had been no complaints. Since that time the applicant had been approached by local motor home owners who had expressed an interest in using the site. It was intended that it would be operated on a non-profit making basis and would be similar to a French 'aire de camping' facility. Over 1,500 people had signed a petition in support of such a facility in the Island and the Minister for the Environment had publically stated that there was a need to find a solution to issues which had arisen with regard to motorhomes parking illegally in other areas. He had promised this would form part of a review of the Island Plan. The applicant had discussed the scheme with the States Arboriculturalist who had advised that the States of Jersey intended to supplement planting along the railway walk and the applicant also wished to plant in excess of 20 new trees on the boundary to restore the green area. Mr. Traynor had consulted the Parish authorities and no objections had been raised.

Having considered the application, the Committee endorsed the officer recommendation to refuse the application for the reasons set out in paragraph 3 above.

Tamariu (land to the north west of), La Rue de Causie, St. Clement: proposed new shed and car port/formation of hard standing.
477/5/2(789)

A8. The Committee considered a report in connexion with an application which sought permission for the construction of a shed and car port with a hardstanding area for storage and car parking to the north west of the property known as Tamariu, La Rue de Causie, St. Clement. The Committee had visited the application site on 13th November 2018.

Deputy J.M. Maçon of St Saviour was not present for this item.

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

P/2018/1251

The Committee was advised that the application site and adjoining land formed part of the residential estate to the west of La Rue de Causie. The site was currently grassed over, but had previously been used for storage and the parking of vehicles associated with the residential use of the estate. In principle, the construction of the proposed structures and the formation of hardstanding was acceptable in this residential Built- Up Area. The applicant had confirmed that the site would not be

used for commercial purposes and, if approved, it was recommended that a condition be attached to the permit to ensure that the application site was not used on a commercial basis for the repair and maintenance of vehicles and to prevent outside storage.

The proposed structures and hardstanding were limited in scale, constructed of timber and considered to be in keeping with the residential character of the area. The proposal was, therefore, viewed as acceptable in the Built-Up Area and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. D. Hodges, a resident of the area. Mr. Hodges provided the Committee with a copy of a drawing which formed part of the application submission. On it he had drawn the position of the boundary between his own property and the application site in order to illustrate that the gutter and roof detail shown on the plan would over sail the boundary; thus creating a legal issue between himself and the applicant. In addition, Mr. Hodges was concerned that no formal drainage arrangements were proposed. He stated that the plot measured approximately 55 square metres and surface water naturally drained onto the grass land. The scheme proposed 40 square metres of covered roof area from which rain water would drain into a single gutter and one down pipe with no formal drainage arrangement. No soakaway or connexion to surface water drains was proposed and Mr. Hodges did not believe that the use of a water butt was an appropriate solution as it would be impossible to use all of the water which was collected. Mr. Hodges was concerned that the potential existed for flooding on his land. In terms of the use of the application site, Mr. Hodges did not believe this was appropriate for a 'family estate'. It was not a vehicle yard or an industrial estate and Mr. Hodges stated that the applicant used the land for repairing and maintaining vehicles and boats. No effort had been made to maintain the land and large steel posts had been erected. Mr. Hodges described the application site as 'an eyesore' and he expressed sympathy for residents whose properties looked out onto the site. He did not believe that the proposed development would result in an improvement to the appearance of the site as the applicant did not live there. He was of the view that, if approved, the scheme would facilitate the use of the land as a workshop. Mr. Hodges urged the Committee to refuse permission and stated that if members were minded to approve the application, the applicant should be required to resolve the drainage and boundary issues, remove the steel posts and screen the plot from view.

In response to Mr. Hodges comments regarding the boundary issue, the Director, Development Control advised that this was a civil matter between the applicant and Mr. Hodges and was not a material planning consideration. Therefore, the Committee could not take this into account when determining the application.

The Committee heard from the applicant, Mr. R. Trenouth Wood, who refuted Mr. Hodges comments regarding over-sailing of the boundary. Mr. Trenouth Wood advised that the proposed development would be contained within his own site and would not exceed his portion of the party boundary wall. He informed the Committee that rainwater from a shed on a neighbouring site currently drained onto both the application site and Mr Hodges' land. Mr. Trenouth Wood did not believe that the amount of surface water on the application site would increase and he stated that any water from the proposed shed would drain mainly on to the application site. Mr. Trenouth Wood intended to collect rainwater in a water butt for washing vehicles. He advised the Committee that he lived in St. Helier and had no car parking. The application site had been used in the past for parking vehicles and storing large containers. The proposed scheme would improve the appearance of the

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site and give it a more domestic feel. Due to specific health problems Mr. Trenouth Wood had been unable to work for some considerable time and it was not, therefore, his intention to use the land for commercial purposes. In addition, he advised that his medical condition meant that he was sometimes unable to retain information so he asked members to assist by asking him specific questions on issues he may not have addressed. He confirmed that a boat had been stored on the application site together with 3 vehicles, one of which was a racing car which he was working on. The land was currently very uneven and he wished to level the surface so that could use a jack to raise his car when he was working on it. He intended to retain the steel posts – for which he had not sought planning permission – as this prevented unauthorised access of the land. Mr. Trenouth Wood advised that, in the past, the ground and a vehicle had been damaged by construction vehicles associated with the neighbouring property.

The Committee discussed the application and noted a suggestion from the case officer to request drainage details. Members also discussed the possibility of requiring a soakaway. Ultimately, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman and Connétable D.W. Mezbourian of St. Lawrence – both of whom supported the officer recommendation with a condition requiring a soakaway – refused the application on the grounds that it lacked sufficient detail in relation to surface water drainage, contrary to Policy GD1(1d) and LWM3 of the 2011 Island Plan. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal confirmation of the decision and to set out the precise reasons for refusal.

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

A9. The Committee, with reference to Minute No. A12 of 21st September 2017, of the Committee as previously constituted, considered a report in connexion with an application which proposed the demolition of the properties known as Elizabeth and Keppel Cottages, La Grande Route des Sablons, Grouville and their replacement with 6 x 2 bedroom and 4 x 3 bedroom residential units. It was also intended to refurbish Keppel Tower and remove modern additions to the tower. The Committee had visited the site on 13th December 2018.

Deputy J.M. Maçon of St Saviour was not present for this item.

A site plan, drawings and a model were displayed. The Committee noted that the application site was located in the Built-Up Area of the Shoreline Zone and that Keppel Tower was a Listed Building. Policies SP1 – 4, SP6 and SP7, BE4, GD1, GD3, GD5, GD7, GD8, NE1, HE1, HE5, H4, H6, TT3, 4 and 8, NR7, WM1 and LWM2 of the 2011 Island Plan were relevant.

P/2017/0162

The Committee recalled the extensive planning history of the site, which included 2 previous Royal Court appeals and, most recently, an appeal to the Minister for the Environment which had been submitted by the applicant and which had been considered by an Independent Planning Inspector. The Minister had ultimately refused the 14-unit scheme (which had previously been refused by the Committee). The reasons for refusal had focused on the density of the development and the impact on the character of the area. The current application sought to address these issues by reducing the density of the development so that it remained within the range envisaged by planning policy for a Built-Up Area site. The number of units had been reduced to reflect the character of the area and the scheme had now received the support of many neighbours who had previously objected to the 2017 scheme, which had been refused by the Committee. The Department considered the current application to be acceptable and no objection had been raised by the Historic Environment Team in relation to Listed buildings and impacts on setting. The Department was of the view that the application delivered both technically and

aesthetically and it was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement to secure financial contributions towards the Eastern Cycle Route and the delivery of a bus stop. If the Planning Obligation Agreement was not completed within 3 months then the application would be returned to the Committee for further consideration.

The Committee was advised that the current scheme sought permission for the demolition of Elizabeth and Keppel Cottages, the removal of modern additions to Keppel Tower and the redevelopment of the site to provide 10 residential units with ancillary facilities, to include a basement with 29 car parking spaces (including 4 visitor spaces) and a leisure suite. The apartments would be arranged across 4 buildings, being (from south to north):

Block A
3 units (2 x 3 bed and one x 2 bed)

Block B
2 units (2 x 2 bed)

Block C
3 units (2 x 3 bed and one x 2 bed)

Block D
2 units (2 x 2 bed)

Architecturally the buildings were presented as individual entities, each with a different character to their roadside/seaward elevations with granite and gabled forms found along the roadside and a variety of landscape and boundary treatments, which helped to define individual buildings. Heights were mixed, with a maximum level of 2 ½ storeys, generally reducing to the north element of the site.

14 letters of representation had been received, 13 of which supported the application. A petition in favour of the development containing the names of 43 signatories had also been submitted.

The Committee heard from Mr. G. Herold-Howes, who stated that the application site had a long and complex planning history. This was the fourth application for development on the site and Mr. Herold-Howes stated that it was imperative that the Island Plan Policies were applied consistently and interpreted appropriately. He discussed the most recent application and the decision of the Minister to uphold the Committee's decision to refuse the 2017 scheme. He believed that a common thread which had run through all of the applications was the inappropriate mass and scale of proposed development, which was out of keeping with the character of the area. There had been a wealth of material which had referred to the inappropriateness of the proposed schemes for this particular area and Mr. Herold-Howes felt that the current scheme failed to address the issue of context. In terms of the current scheme and the Department's recommendation for approval, Mr. Herold-Howes noted that this was consistent with the recommendations for all of the previous schemes, but at odds with decisions/recommendations of the Committee, the Royal Court, the Minister and the Independent Planning Inspector. This pattern of positive recommendations on the part of the Department versus negative responses from the Committee, the Royal Court, the Minister and the Independent Planning Inspector had lead Mr. Herold-Howes to conclude that the Department's judgement was flawed in respect of this particular site. He referred the Committee to the Inspector's report on the 2017 scheme and the key issues raised in relation to the mass and scale and visual dominance of the proposed development and its effect on the character of

area. Mr. Herold-Howes expressed the view that the case officer had been quick to disregard views expressed by the Royal Court in its judgement. He asked the Committee to consider an element of the planning history which was missing from the Department's report and which related to the second Court judgement. The Court had unanimously supported rejection of the application, but had acknowledged that the Minister had a margin of appreciation; in other words he/she was permitted to make controversial decisions and had a degree of latitude in respect of the manner in which he/she discharged obligations. He asked the Committee whether it wished to base its decision on this premise and make a flawed decision. He asked the Committee to consider the scheme and ask whether it was entirely satisfied that this was not a group of apartment buildings and he urged members not to have the 'wool pulled over their eyes'. He also felt that the case officer had used the single letter of objection to the scheme as justification for a positive recommendation and he contended that there had been no regard for the vast number of objections which had been received in relation to previous schemes, which he alleged the case officer had consistently sought to argue against. He stated that it was not the role of the Department or the Committee to facilitate development, but to assess applications against Island Plan Policies. Mr. Herold-Howes believed finance was the sole motivation/driver for this scheme and whilst he did not envy the role of the Committee in balancing the views of neighbours against those of ambitious developers, the scheme had to be viewed objectively. If approved, it would have a permanent impact and would set a precedent for development in the area. He stated that if there was any doubt whatsoever with regard to the appropriateness of the proposed development in this context then the status quo should be preserved. With reference to the petition which had been submitted, Mr. Herold-Howes commented that the application should not be judged on the basis of the number of members of the public who supported the scheme – in an 'X Factor' type voting manner. It was about doing what was right for the Island and he referenced comments in the Royal Court judgements on the inappropriateness of the size of the proposed development for a rural parish. The inconvenient truth which the applicant had been constantly faced with was that the proposed development was just too large and was out of keeping with the character of the area. He urged the Committee to reject the application and responded to questions from members by stating that he believed that approval of the application would lead to the over development of the site. Many of the letters of support for the application referenced the state of the site and Mr. Herold-Howes stated that this was directly attributable to a series of proposals for inappropriate and unsympathetic development and wrong decisions over a number of years.

The case officer advised the Committee that the Department had been consistent throughout in its assessment of the scheme against Island Plan Policies and the recommendations which had been made to the Committee. He reminded members that the Committee had been unable to reach a unanimous decision in respect of the original scheme.

The Committee heard from the Principal Historic Environment Officer who confirmed that an assessment of the current application had led to the conclusion that the scheme was acceptable in the context of Policy HE1. Consequently, the Historic Environment Section had raised no objections to the application. The restoration of Keppel Tower was welcomed and specific conditions were proposed in this respect.

The Committee heard from Mr. C. Floyd, who advised that he had originally been requested to facilitate a response from residents to an earlier scheme and had remained interested in development proposals for the site. He felt more positive about the current scheme and credited the applicant with responding to the issues raised by the Royal Court in its most recent judgement, which appeared to confirm

that context should be a prime consideration. Mr. Floyd expressed a desire to see the matter concluded, but believed that whatever was approved on the application site would likely set a precedent for the rest of the shoreline. This was something the Committee had to consider carefully. Turning his attention to proposed block C, Mr. Floyd felt that this element of the scheme did not accord with Policy BE4, in that the proposal intensified the visual impact and he suggested amendments should be made. Finally, Mr. Floyd stated that lessons had to be learnt from all that had gone before and he felt sure that the lengthy period of time which had elapsed since the submission of the first application suggested flaws in the planning process. This delay had caused so much division and antagonism and Mr. Floyd asked the Committee to consider commissioning a review to determine exactly what had gone wrong in the process.

The Committee heard from the applicant, Mr. R. Beslievre and his agents, Mrs. S. Steedman and Mr. I. Marret. Mr. Beslievre advised that he was passionate about the proposed development and wished to see a high quality scheme which would enhance the area. The plans had been amended to address issues which had been raised and this included reducing block B to open up the site to allow views through to the tower and shoreline. Density levels had been reduced to the lowest possible for the Built Up Area and the whole scheme was more reflective of development of separate dwellings. Mr. Beslievre lived next door to the application site and had consulted neighbours on the amended scheme and had received considerable support, as was borne out by the petition which had been submitted.

The Committee heard from Mr. Marret, who recounted the planning history of the site and the amendments which had been made to take account of concerns expressed. There was now greater visual separation between the buildings and density levels were at the lower end of the scheme, which aligned with the recommendations of the Urban Task Force report, which had been led by Lord Rogers of Riverside. There had been an emphasis on reinforcing the domestic scale of the buildings so that they blended in with the local historic context and views through to the shoreline and tower had been opened up. Outline drawings which had been submitted to the Department prior to the formal submission of the scheme had been viewed positively. Neighbours had also expressed support for the revised scheme. Mr. Marret concluded by stating that this was a high quality development which would not adversely affect historic assets, addressed concerns regarding block B and accorded with Island Plan Policies. He confirmed that material samples would be submitted if permission was granted.

The Committee heard from Mrs. Steedman, who described the proposed development as 'a pioneering scheme'. There had been no objections from the Historic Environment Section and the scheme complied with all other relevant Island Plan policies. Mrs. Steedman asked the Committee to consider the changes which had been made to the scheme to enable approval in accordance with Policies GD3 and GD1. The Island Plan Policies sought to secure the best use of finite land resources and Policies SP7 and GD1 required the delivery of high quality developments which maintained and enhanced the character and appearance of an area. The application site was situated in a secondary urban settlement; not a rural location as defined in the Countryside Character Appraisal. Great care had been taken to ensure that there would be no negative impact on heritage assets or the local environment. The scheme included contributions to infrastructure and the eastern cycle route. Mrs. Steedman urged the Committee to approve the application and stated that the applicant would be willing to accept a condition removing permitted development rights.

In response to comments regarding consultation with neighbours, Mr. Herold-Howes spoke for a second time advising that the scheme had been presented to his

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grandmother (whose property was next door to the application site) as a ‘fait accompli’ and he alleged that she had been advised that if permission was not granted then she would have to get used to living next to derelict buildings.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence (who was uncomfortable with the height of the buildings), expressed support for the scheme. Consequently, permission was granted, subject to the imposition of certain conditions detailed within the officer report, to include an additional condition requiring the removal of permitted development rights and on the basis of the entering into of a POA, as detailed above.

Nos. 48 – 50
New Street, St.
Helier:
proposed part
demolition/
construction of
new residential
units.
477/5/1(645)
P/2018/0967

A10. The Committee considered a report in connexion with an application which proposed the part demolition of Nos. 48 – 50 New Street, St. Helier and the construction of 12 x one bedroom residential units. Various external alterations were proposed. The Committee had visited the site on 13th December 2018.

Deputy J.M. Maçon of St Saviour was not present for this item.

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. Policies SP1 – 3, SP6 and SP7, GD1, GD3, GD4, GD7, GD8, NE1, HE1, E1,H6, TT2, 4 and 5, WM1 and LWM2 of the 2011 Island Plan were relevant.

The Committee was advised that the application related to a large 3-storey building fronting onto New Street. The application site extended to the west and had a second road frontage at the northern end of Union Court (a narrow ‘dead-end’ street). The site was essentially rectangular in shape, but with a protrusion along its southern elevation. The existing building on the site dated from the 1970s, and comprised a large covered car park at ground level with a completely open frontage onto New Street, save for a couple of pillars. The parking spaces were currently rented out commercially. There was office accommodation at first floor level, along the front part of the building, with three flats above at second floor level. The majority of the first floor was used as archive storage (currently vacant).

The Committee was advised that the front part of the building was to be retained and remodelled and converted to residential accommodation. The remodelling of the principal façade along New Street (which included re-rendering, enclosing part of the wide ground-level open frontage and percentage for art installation) would significantly enhance the appearance of this rather dated building. To the rear, a large warehouse was to be demolished down to the level of the first-floor slab and redeveloped. The ground level of the building was to be retained for car parking, with a total of 12 x 1-bedroom units being constructed at first and second floor above. Once complete, there would be a total of 14 new residential units and the 4 existing units would be retained. It was accepted that the employment use of the site was redundant and its redevelopment for an alternative use (in this case residential) was considered appropriate and acceptable in principle – especially in view of the central St. Helier location. The scale, form and design of the proposed development was also considered to be acceptable, having regard to the immediate site context. The concerns of immediate neighbours had been taken into account and the scheme had been modified in response, including the addition of some landscaping and privacy screens to ensure neighbouring privacy was preserved. With these measures in place, the Department was satisfied that neighbouring privacy would be sufficiently protected. At the request of the highway authority, the applicants had agreed to make a financial contribution towards pedestrian safety improvements in the immediate vicinity of the site. The Department was recommending approval on the basis that the applicants provided 10 car parking spaces for the exclusive use of new residents of the development (to be secured by a Planning Obligation

Agreement (POA)). The applicants were resistant to this as it would reduce the number of commercially-available parking spaces. The application was, however, recommended for approval on the basis of the imposition of certain conditions detailed within the office report and on the basis of the entering into of a POA to secure the following –

- a financial contribution of £21,000 towards a pedestrian safety enhancement scheme on New Street (between Craig Street and Beresford Street) to address an identified accident cluster;
- the ceding to the public of the area of land immediately in front of the existing building along New Street which adjoined the existing public footpath;
- 3‘Sheffield-type’ cycle stands for visitors and the general public, within the area of land to be ceded, to address an identified local on-street shortfall on New Street; and
- the provision of 10 car parking spaces within the existing car park to be specifically allocated for the exclusive use of residents of the development, thereby removing these spaces from the wider pool of commercially-available parking on the site. A new plan would have to be provided, prior to commencement, to indicate which spaces these were.

In the event that the POA was not finalised within 3 months, it was recommended that the Director, Development Control be authorised to refused the grant of planning permission.

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

The Committee received Messrs. J. Leveridge and S. Van Neste, representing the applicant company. Mr. Leveridge advised that the scheme had originally proposed an additional floor at the rear, but this had been removed. The applicant had also agreed to renovate the New Street façade, incorporate a percent for art sculpture and provide 3 additional cycle racks. The only issue appeared to be the car parking provision. 35 spaces existed and these were rented out commercially. The removal of 10 car parking spaces from that pool would cast doubt on the viability of the development. The applicant was, however, willing to comply with a condition which required the provision of 10 spaces for residents if required, so that if only 8 of the apartments required car parking the remaining 2 could be leased commercially.

Mr. Van Neste advised that, in his experience, not all occupants wished to have car parking. At present car parking spaces on the application site were leased on a quarterly basis and there were 4 vacant spaces.

The Director, Development Control confirmed that the Department understood the applicant company’s position, but was concerned that unless spaces were specifically set aside for the proposed residential units, the temptation would be that the provision of car parking for the development could fall away at some point. On a site where ample car parking existed, the provision of dedicated car parking for the units was required.

There followed some discussion regarding the value of car parking and how much this added to the cost of purchasing a property. Ultimately, the Director stated that the aim of the Department’s recommendation was to secure dedicated car parking for residents of the proposed development. The applicant company’s representatives maintained that car parking could be provided for residents, if required, but they did

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not wish to be bound by a POA which tied 10 car parking spaces to the residential units proposed.

The Committee concluded that it was satisfied with all aspects of the scheme except the car parking, as it wished to see some dedicated parking provided. Consequently, the application was deferred to allow the applicant further time to consider and discuss this issue with the Department.

Haute Maison,
La Rue de la
Devisé, St.
Ouen:
proposed
removal of
condition of
permit.

A11. The Committee considered a report in connexion with an application which proposed the removal of a condition which had been attached to the permit in respect of the property known as Haute Maison, La Rue de la Devisé, St. Ouen. The Committee had visited the site on 13th December 2018.

Deputy J.M. Maçon of St Saviour was not present for 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 NE7, GD1 and GD7 of the 2011 Island Plan were relevant.

477/5/3(1031)

RC/2018/1559

The Committee was advised that the application sought permission for the removal of condition No. 5 (permitted development rights withdrawn) of a 1984 grant of planning permission, in which one dwelling with an integral garage to the southern end of Field No. 889A had been approved. The Green Zone designation of the site was acknowledged. However, within the landscape there were a variety of buildings and land uses wherein the majority of land users were able to exercise permitted development rights and undertake certain types of minor works without the need to apply for planning permission. With specific regard to Haute Maison, permitted development rights had been withdrawn by condition in 1984 to control further development. Since that time, set conditions and limitations imposed in respect of permitted development rights and the additional controls in place under Green Zone Policy were such that it was no longer considered necessary in this instance to maintain the condition. Consequently, it was recommended that the Committee approve the removal of the condition.

The Committee heard from the applicant, Mrs. S. Gordon, who advised that it was intended to carry out very minor works to the property and the applicants were seeking the removal of the condition so that they did not have to submit applications for each element.

The Committee, having considered, the application unanimously approved the removal of the condition.

No. 1 Clair de
Lune, Le Clos
St. Sampson,
St. Brelade:
proposed
extension
(RFR).
477/5/3(113)

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the construction of a 2 storey extension to the west elevation of the property known as No. 1 Clair de Lune, Le Clos St. Sampson, St. Brelade. The Committee had visited the site on 13th December 2018.

Deputies G.J. Truscott of St. Brelade and J.M. Maçon of St Saviour were not present for this item. Connétable P. B. Le Sueur of Trinity acted as Chairman for the duration of this item.

P/2018/1008

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

The Committee was advised that the scheme proposed the construction of a 2 storey extension to the roadside elevation of the dwelling, which had an adjoining separate unit (built prior to 1988). The extension would sit at a right angle to the existing dwelling and project 8 metres towards La Route des Quennevais, finishing approximately 2.4 metres from the roadside boundary at the closest point. The extension was considered to be too large and disproportionate in its scale, form, mass and orientation, which did not relate well to the existing building or the context of the surrounding area. It was considered to be incongruent and unsympathetic to the existing property. From the northern neighbour's perspective the additional mass would infill a substantial area of sky, potentially blocking out natural light and sunlight from the south. The predominantly blank north elevation was considered to be overbearing and the lack of fenestration, along with the roadside elevation, gave an austere appearance, with the structure turning its back on the roadside and the neighbour. Whilst mature vegetation existed on the neighbouring property, this was not considered sufficient to mitigate the impact of the extension and could be removed at any time. It was also predominantly deciduous, so during the winter months would not be an effective screen.

In summary, the proposed extension was not acceptable in form or design and was considered to be detrimental to the property itself as well as the neighbouring property to the north. The proposal was, therefore, contrary to Policies GD1, GD7 and BE6 of the 2011 Island Plan and it was recommended that refusal be maintained.

The Committee received Mr. M. Smith, who represented the owners of No. 2 Le Clos St. Sampson, which was to the north of the application site. Mr. Smith advised that he had visited the site and had formed the view that the proposed extension would have an overbearing impact on the amenities of No. 2. The existing 2 storey gable wall was 7 and a half metres long and would be extended by 8 metres westwards, resulting in a 2 storey high blank wall measuring over 15.50 metres long immediately to the south of the boundary between the 2 properties. Mr. Smith referred to a sun path analysis which he had prepared to illustrate the passage of the sun throughout the day at midsummer's day and at midwinter's day. This demonstrated that the proposed extension would also result in an unreasonable loss of light to the garden of No. 2 Le Clos St. Sampson. He urged the Committee to refuse the application.

The Committee heard from Mrs. J. Gallagher and her agent, Mr. R. Kinnaird. Mrs. Gallagher advised that the family required additional space and the proposed 2 storey extension would facilitate the creation of a larger kitchen and additional bedroom space. Consideration had been given to reducing the extension to one storey and reducing the length of the building, but these were not viable options and would not provide the space required. Mrs. Gallagher did not believe that the extension would be overbearing and she pointed out that there were no windows which would be prejudicial to the privacy of No. 2. There was a fence on top of the party wall and mature trees in the neighbouring garden which would obscure views of the extension. Furthermore, she believed that the distance between the proposed extension and No. 2 meant that the impact would be minimal. Mrs. Gallagher questioned Mr. Smith's analysis of the impact of the extension on light to the neighbouring property. She stated that these views appeared to have been formed entirely on mapping the direction of the sun as opposed to the formulation of a proper sun path/shadow analysis. She stated that she had taken some photographs which illustrated that there would be no loss of light. She went on to inform the Committee that the OS map submitted by Mr. Smith on which the extension had been drawn to show its proximity and impact on the property to the north was inaccurate, as the extension had been shown as extending further out than it actually would. She advised that her husband had taken the time to draw out the area of the extension on the grass, but that the neighbours to the north had not responded to an invitation to

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view this. In concluding, Mrs. Gallagher advised that a new 3 storey development which had been constructed in the immediate vicinity overlooked her garden and she reminded the Committee that a large new secondary school would be constructed on a nearby field.

Mr. Kinnaird echoed many of the comments made by Mrs. Gallagher and concluded that there would be no overshadowing from the proposed extension. He too questioned the accuracy of the 'sun path analysis' provided by Mr. Smith and stated that this merely mapped the route of the sun. In concluding, he stated that the distance between properties meant that there would be no overbearing impact from the proposed development.

Having considered the application the Committee unanimously decided to maintain refusal of the application for the reasons detailed above.