

KML/KS/PM/LH/MH/SC/324

PLANNING COMMITTEE

(33rd Meeting)

19th October 2017**PART A (Non-exempt)**

All members were present, with the exception of Deputy R.J. Rondel of St. Helier and Deputy G.J. Truscott of St. Brelade, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman  
(not in attendance for items A1-A17 and A20-A22)  
Connétable P.B. Le Sueur of Trinity, Vice-Chairman  
(not present for items A11, A14 and A17-A22)  
Deputy J.M. Maçon of St Saviour  
Deputy R. Labey of St. Helier  
Deputy S.M. Wickenden of St. Helier

In attendance -

P. Le Gresley, Director, Development Control  
K. Pilley, Director - Policy, Projects and the Historic Environment  
A. Townsend, Principal Planner  
J. Nicholson, Principal Planner  
T. Ingle, Principal Historic Environment Officer  
C. Jones, Senior Planner  
G. Duffell, Senior Planner  
L. Davies, Planner  
M. Jones, Planner  
R. Greig, Planner  
G. Urban, Planner  
E. Stables, Senior Planner  
R. Hampson, Planner  
S.H. Chang, Trainee Planner  
S. de Gouveia, Trainee Planner  
L.M. Hart, Deputy Greffier of the States (for items A1, A9-A15 only)  
P. Monamy, Senior Committee Clerk, States Greffe (for items A16-A22 only)  
K.L. Slack, Committee Clerk, States Greffe (for items A2-A8 and A23 only)

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

Minutes.

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

Clos de Côtîl,  
Noirmont  
Lane,  
St. Brelade:  
proposed  
extensions/

A2. The Committee, with reference to its Minute No. A7 of 24th August 2017, considered a report in connexion with an application which proposed the construction of a ground floor extension and terrace to the west elevation of the property known as Clos de Côtîl, Noirmont Lane, St. Brelade. It was also proposed to construct a ground floor extension with balcony to the north elevation and replace an existing roof terrace with a pitched roof. The Committee had visited the

terrace/pitched  
roof.

477/5/3(813)  
P/2017/0763

application site on 22nd August 2017.

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

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

Tramonto, La  
Route du Petit  
Port, St.  
Brelade:  
proposed  
extension/  
erection of  
fence.

477/5/3(1009)

A3. The Committee, with reference to its Minute No. A6 of 21st September 2017, considered a report in connexion with an application, which proposed the construction of a first floor extension above an existing garage at the property known as Tramonto, La Route du Petit Port, St. Brelade. It was also proposed to erect a fence to the west of the site. The Committee had visited the site on 19th September 2017 and had viewed the site from various angles. At the applicant's request, the Committee had visited again on 17th October 2017, to view the proposal from the applicant's private rear patio area.

P/2017/0806

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

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

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

P/2017/0162

A4. The Committee, with reference to Minute No. A12 of 21st September 2017, 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 3 x 3 bedroom and 11 x 2 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 19th September 2017.

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

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

No. 8 New  
Road,  
Grouville:  
proposed  
replacement of  
window with  
doors (RFR).  
477/5/2(768)

P/2017/0776

A5. The Committee, with reference to its Minute No. A14 of 21st September 2017, received a report in connexion with an application which had sought permission for the replacement of a ground floor window with a PVCu door to the south elevation of the property known as No. 8 New Road, Grouville. The Committee had visited the site on 19th September 2017.

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

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

Gargate Mill,  
La Vallee de  
St. Pierre,  
St. Peter:

A6. The Committee, with reference to its Minute No. A10 of 21st September 2017, received a report in connexion with a request for the reconsideration of an application which had been refused by the Department, under delegated powers, and which sought permission for the conversion of the property known as Gargate Mill,

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proposed  
conversion of  
dwelling  
(RFR).  
477/5/3(213)  
P/2017/0532

La Vallée de St. Pierre, St. Peter to provide one x 2 bedroom and one x 3 bedroom dwellings. The Committee had visited the site on 19th September 2017.

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

Having noted the reasons for approval, as set out in the officer report, the Committee confirmed its decision to approve the application, subject to the imposition of the 2 conditions detailed in the officer report.

Field Nos. 80,  
84, 85, 86A,  
87, 87A, 88  
and 88A, Rue  
Carrée, St  
Brelade:  
proposed new  
secondary  
school.  
477/5/3(967)  
P/2017/1015

A7. The Committee considered a report in connexion with an application, which proposed the construction of a new secondary school, with associated external facilities, car parking, landscaping and a sports field on Field Nos. 80, 84, 85, 86A, 87, 87A, 88 and 88A, Rue Carrée, St. Brelade. The Committee had visited the site on 17th October 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone, the Built-Up Area and was a Protected Open Space. Policies NE7, SP1, 2, 3, 4, 6 and 7, GD1, GD5, GD7, GD8, NE1, HE5, ERE1, TT4, TT8, NR7, WM1 and LWM2 of the 2011 Island Plan were relevant to the application. The Committee was also shown a video which portrayed the proposed scheme in 3-dimensional form.

The Committee recalled that a similar application had been refused by the Minister, following a public inquiry in January 2017, on the grounds of design and highway matters. However, the need for a new secondary school had not been disputed and it had been accepted that alternative sites had been properly assessed. The context remained unchanged in the new application, but the proposed building was viewed by the Department as being architecturally coherent, locally relevant and of civic significance. The scheme included a high-quality landscape strategy, which provided a low-impact solution, in accordance with the relevant policy framework. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee noted that the application site was situated immediately to the south of Rue Carrée, at its junction with La Route des Quennevais. The land was currently used for agricultural purposes and the site encompassed Field Nos. 80, 84, 85, 86, 86A, 87, 87A, 88 and 88A and extended to approximately 60,000 square metres (6 hectares) in area. This application proposed a new secondary school, which would accommodate up to 850 pupils, with associated infrastructure, including vehicular and pedestrian links, car parking, servicing, sports pitches and playground areas. The building was orientated on an east-west axis, set along the southern element of the site. The entrance to the building would be on the eastern elevation, nearest to the main road. Internally, the building was arranged over two floors, having classrooms off a central 'street' running between the main hall and the sports hall. The building would also include a public branch library. A sports pitch would be provided on the northern side of the site, with further open areas to the west delivering additional sports facilities and a wildlife area. Vehicular access and egress onto La Route des Quennevais was proposed, thereby delivering an internal road loop, with access (from the south) via La Rue du Cimetière. The eastern area of the site would also provide a landscaped car parking area, plus space for buses.

One letter of representation had been received in connexion with the application, which objected to any building on Field No.87 due to a covenant, which the Officer notified the Committee was a private matter. In addition, responses from statutory

consultees had been included within the Committee's agenda packs. It was noted that, whilst not objecting to the application, the Parish of St. Brelade had expressed disappointment that there had been no opportunity to engage with the applicant during the progression of the scheme. This was particularly relevant in the context of the proposed access arrangements.

The Committee heard from Deputy R.G. Bryans of St. Helier, the Minister for Education and Mr. R. Glover, the Manager, Planning Performance, Jersey Property Holdings ('JPH'). Deputy Bryans highlighted the considerable effort that had gone into designing the new secondary school, which had been driven by the desire to make a difference for the young people who would attend it and to give them an inspirational place in which to study. He emphasised that the investment in the new school was indicative of a wider ambition to improve children's experience of school and to provide them with the skills necessary to succeed in life. He indicated that the project was the result of collaboration with the Parish of St. Brelade, architectural professionals and JPH and sought to address the concerns that had previously been highlighted by the Committee. Mr. Glover stated that JPH had nothing further to add to the thorough report that had been prepared by the Planning Officer, but highlighted that the covenant, which had existed on Field No.87 and to which reference had previously been made, had been removed.

The Committee queried whether any consideration had been given to reducing the amount of surface parking by the construction of underground parking. Mr. Glover advised the Committee that there were significant costs associated with creating parking spaces below ground and it was not felt appropriate in this particular case. In addition to the parking for longer stays, there were drop-off spaces provided to allow for the through flow of traffic, particularly in the mornings. The Committee also questioned whether the new building would run from renewable energy and was informed that there would be 180 photovoltaic (PV) and solar panels installed on the roof. The PV panels would convert the light into electricity and the solar panels would provide the hot water for the building.

The Committee recalled that, at the public hearing held in January 2017, the Independent Planning Inspector had been critical of the architecture of the former application and had indicated that the building shapes, finishing materials and colours were unsatisfactorily discordant and would not reflect, or complement, the style and traditions of local buildings. On this basis, the Committee questioned whether the views of the Inspector had been sought on this revised application. Mr. Glover stated that this had not happened, but his observations on the former application had been addressed and the Jersey Architecture Commission had been consulted on the current application and had confirmed that the use of brick as a material was appropriate to the building and its future use.

The Committee was mindful that, given the proximity of the development to the airport, it was important to ensure that there would be no glare from glass to interfere with flights. Mr. Glover indicated that Ports of Jersey had made representations to JPH and had been provided reassurance in respect of the use of *brise soleil* on the structure.

Having considered the application the Committee members in attendance unanimously approved the same. Connétable P.B. Le Sueur of Trinity noted that the Parish of St. Brelade had a few concerns in respect of the development and expressed the wish for JPH to work to address these. Deputy J.M. Maçon of St. Saviour lamented the loss of green fields, but acknowledged the need for a new school.

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park and  
Seabreeze, Le  
Mont Sohier,  
St. Brelade:  
proposed  
demolition and  
redevelopment.  
477/5/3(988)  
477/5/3(1012)

P/2017/0574

property known as Seabreeze, Le Mont Sohier, St. Brelade, to provide a new restaurant, a surf shop, 5 residential units with garages and associated landscaping. It was also proposed to alter the vehicular access on to Le Mont Sohier, construct a bus shelter and create public access through the site. The Committee had visited the site on 17th October 2017.

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, the Shoreline Zone and a Tourist Destination Area. The site also included the Grade 3 listed Conway Tower, which was currently used as a dwelling. Policies SP1, SP4, SP6, SP7, GD1, GD3, GD4, GD5, GD7, GD8, NE1, NE2, NE4, HE1, BE4, E1, EVE1, EVE2, H6, TT2, TT4, TT8, WM1, LWM2 of the 2011 Island Plan were relevant to the application.

The Committee noted that this was a prominent site located on the sea-front in the heart of St. Brelade's Bay. With the exception of the Conway Tower, all of the existing buildings and structures on the site were to be demolished to allow for the comprehensive redevelopment of the site. The new scheme would include a replacement café /restaurant and surf shop, 5 units of accommodation, a remodelled car park, new public spaces and a wildlife habitat. The Conway Tower would be converted to holiday accommodation.

Whilst the Island Plan's Spatial Strategy encouraged new development within the Built-Up Area, the site also lay within the Shoreline Zone, where a more restrictive policy framework applied. The aim of the latter was to curb excessive levels of development and restrict new redevelopment to a similar quantum of built form as that which already existed. There was clearly a tension between these two policy objectives.

As submitted, the application would provide a range of benefits, including the opportunity to secure improved public views and access through the site, enhancements to the setting of the Conway Tower, the formation of a wildlife dune habitat and the provision of a new bus shelter and public footpath where none presently existed. The applicants also believed that the redeveloped and enlarged restaurant (with a higher proportion of indoor seating) would be extremely beneficial. In the Department's view the scheme was successful in terms of its layout and composition and, in particular, the balance struck between public and private areas. Architecturally, the contemporary approach to the design, with references to the site's military history and use of high quality materials (including local granite, black zinc and painted render) was considered to be appropriate for this beach front location. Taking all material considerations into account and assessing the scheme against the policies and provisions of the Island Plan, the Department was satisfied that the proposed development could be justified in its current form. Consequently, it was recommended that permission be granted, 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 ('POA') pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following –

- the creation of a new public footpath / pavement along the roadside frontage of the site, as indicated in approved plan PL06 B, to a width of 1.8 metres, to accord with the Department for Infrastructure ('DFI') Transport requirements. The work was to be undertaken to DFI specifications and at the applicants' expense and thereafter the land would be ceded to the public;

- the construction / supply of a new bus shelter as set out within approved plans PL 06 and PL 11. The applicants would also be required to agree to the future maintenance costs of the shelter;
- the public footpath access route through the site from Le Mont Sohier to the pedestrian promenade (incorporating the 'public space', steps, and 'viewpoint') would be retained for the use of the general public at all times for the lifetime of the development.

It was recommended that the Director, Development Control be authorised to grant planning permission under the powers delegated to him, subject to the completion of the POA referred to above. Alternatively, in the event that a suitable POA could not be agreed within three months, the application would be returned to the Committee for further consideration.

The application had generated a significant level of interest – both in favour of and against the scheme. Overall, the Department had received letters of objection from 39 individuals, or interest groups; in some cases, multiple submissions had been received from the same source, resulting in a total of 65 letters altogether. Letters of support had been received from 20 individuals. Again, there had been multiple submissions, resulting in a total of 26 letters altogether. The Committee had also received 2 late submissions, which were circulated under separate cover from the main agenda.

The Committee asked to hear from K. Pilley, Director - Policy, Projects and the Historic Environment, Planning and Environment Department in respect of the relevance to the application of the States' Proposition P.15/1968: 'Development Proposals in the St. Brelade's Bay Area', which was a Proposition that had been approved by the States under the 1964 Planning Law; and the 1989 St. Brelade's Bay Environmental Improvement Plan. Objectors to the development had contended that both of these documents remained in force and constituted current planning policy and that the development proposal failed to take them into account, or to abide by the proposals set out therein. Mr. Pilley notified the Committee that the Department did not agree with this argument. He indicated that prior to the adoption of the Planning and Building (Jersey) Law 2002, which came into effect on 1st July 2006, the various States Committees, which had been in existence before the move to Ministerial Government, could prepare development plans for different parts of Jersey for the approval of the States and these documents effectively served as the Island Plan. The decision by the States to adopt P.15/1968: 'Development Proposals in the St. Brelade's Bay Area' might have constituted a development plan for the area at that point in time, but this was superseded by the approval and adoption of the 1987 and 2002 Island Plans which came thereafter. These provided comprehensive planning policy regimes for the entire Island, including St. Brelade's Bay. Mr. Pilley drew the attention of the Committee to Article 1 of the Planning and Building (Jersey) Law 2002, which referenced the Island Plan being approved by the States. He indicated that it was the current Island Plan which should be regarded as the Island's development plan and that any other such plans effectively fell away upon its approval, thereby rendering them of little, or no, material significance in the determination of planning applications.

In his view, whilst there was tension between the policy framework of the Island Plan's Spatial Strategy and the presence of the site within the Shoreline Zone, this was not unusual and it was for the Committee members to assess the relevant merits of the 2 policies.

Mr. Pilley reminded the Committee that, in accordance with the provisions of the Planning and Building (Jersey) Law 2002, the Minister for the Environment had the

discretion to order a public inquiry into an application where the proposed development would be a substantial departure from the Island Plan. In this case, whilst acknowledging the tension in policy directions, the Minister did not consider that there had been a sufficient departure from the Island Plan to warrant a public inquiry.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who notified the Committee that the Conway Tower had been built in approximately 1778 and had been converted in the 1970s into residential use and, unusually, did not have an attachment. From a historic environment perspective, it was noted that there was the potential for some post-medieval archaeological interest. In relation to the conversion and use of the Tower, it was important for it to be in viable use and it would be helpful for a repair proposal to be drawn up to ensure that it would be maintained for the future. In Ms. Ingle's opinion, as the new development would be set back and allow the Tower to sit in a new landscaped, open, environment, affording views out to the coast, this would result in an improvement to the setting.

The Committee heard from Mr. I. Henderson, who, with his family, had been neighbours of the site for the previous 22 years. He indicated that, until 2 or 3 years previously, the site had been maintained in a good state of repair but that, in recent times, the site had deteriorated and had become overgrown with vegetation, which had lowered people's impression thereof and obscured some views. He acknowledged that the current application represented a reduction in the scale and mass from the earlier, 2016 application, but contended that it was in breach of the Shoreline Zone Policy, which was designed to prevent over-development and was, in his view, the overriding consideration. He further argued that the application was in contradiction of Policy BE4 on the basis that the two largest units of accommodation (designated as units 2 and 3) were proposed to be constructed on land on the site, which had not previously been built upon. In his view, whatever the value of the development, the cost would be the loss of open space on the eastern side of St. Brelade's Bay and the mass and style of the development was out of keeping with the area. He suggested that the 3-dimensional visuals, which had been prepared by the Applicant's agent were not photo-realistic and did not accurately reflect the impact of the proposed development on the views of the Bay and the Conway Tower. He argued that the Committee should refuse the application, or at least require the erection of temporary constructions to evidence the height and mass of the proposed buildings to demonstrate how imposing they would be.

The Committee heard from Mr. P. Edwards of the Longbeach Court Association, who was an immediate neighbour of the proposed units 4 and 5. He accepted that the site was currently unattractive, but argued this could be remedied by the removal of the lock-up garages on the site and the paving over of the car park, rather than the construction of 'ugly' buildings. He indicated that the views from his home in Longbeach Court would be adversely affected by the construction of units 4 and 5 which resembled 'bunkers'. He queried whether consideration had been given to environmental health implications, arising from the proposed development work, which would cause years of disruption to the neighbourhood and prevent people from enjoying their own accommodation. He concurred with Mr. Henderson that the agent's 3-dimensional visuals were not necessarily accurate and presented images which would not be commensurate with the finished build. He, too, wanted to see temporary constructions put in place if the Committee was minded to approve the application. In relation to the large reduction in the number of car parking spaces on the site, he acknowledged that the Island Plan sought to encourage more sustainable forms of travel than the private car, but he opined that a large family wishing to visit the proposed restaurant would be unlikely to use the bus to get there.

The Committee heard from Ms. K. Henderson, who had lived opposite the proposed

development, for 22 years. She informed the Committee that the existing car park was full on most sunny days and at other times there were habitually more cars than there would be space for in the new car park. She indicated that the proposed restaurant would have 160 covers, with seating for 75 people inside, which was an increase of 15 per cent on the current capacity. Given the significant reduction in the number of car parking spaces that would be available, people wishing to eat at the restaurant would find themselves obliged to park further along the Bay in the Midbay, Tam's or Woodford car parks and would then walk past a large number of other restaurants in order to get to the Wayside. In her view, this would deter many people. She stated that experienced restaurateurs had indicated that it was not viable to run a restaurant at that site and accordingly the development appeared to contravene policy E1. Mrs. Henderson commented on the proposed establishment of a delicatessen at the restaurant and expressed the view that people would be likely to stop illegally, rather than walk for 300 metres, in order to purchase items therefrom. As regards the layout of the proposed restaurant, she opined that there were some associated design issues that did not conform to best practice, such as the communal passageway which would provide disabled access to the restaurant, but would also be used as the route to the toilets and as access for deliveries and to the kitchens. She also indicated that the proposed external terrace would be at a lower height than existing, which would result in less attractive views.

The Committee heard from Mr. I. Hardcastle, who had lived opposite the current entrance to the site for 18 years. He informed the Committee that when approaching the yellow line at the foot of Le Mont Gras d'Eau, the visibility west along Le Mont Sohier was good, but looking east the site line was obscured by the 14 foot hedge at the southern end of his property. This was not accurately reflected in the 3-dimensional models. In his view, the proposed bus stop should be located 50 metres further up Le Mont Sohier, away from the junction with Le Mont Gras d'Eau, in order to prevent accidents. Mr. Hardcastle also referenced the increased height of the proposed development over what was currently on the site. He indicated that the new buildings would be 2½ metres taller than existing and he queried why the Planning Department did not appear to take this into account and was more concerned to ensure that the development did not have a greater footprint. He was pleased to note that the lock-up garages would be removed as they were unattractive and located too close to Conway Tower.

The Committee heard from Mrs. J. Carrel, who was a resident of St. Brelade. She made reference to the contents of the 1989 St. Brelade's Bay Environmental Improvement Plan, which had emphasised the importance of retaining the grass bank which was on the roadside and sloped down to the sea. She conceded that the proposed nature area would look beautiful, but indicated that the ecological habitat would not be enhanced by the scheme, merely replaced. She asked the Committee to guard against allowing another development akin to the 'monstrosity' on the former Zanzibar site.

The Committee heard from Mr. D. Ellis-Brecknell, whose wife had run the Fish 'n' Beads outlet to the east of the proposed development for the past 15 years. He emphasised that Fish 'n' Beads played a positive educational role in facilitating art and beading activities for children all year round. He also indicated that the Chief Executive of Visit Jersey had recognised its positive contribution to tourism in Jersey and its removal would be detrimental. He informed the Committee that the owner of the Wayside site had not undertaken any consultation with his wife and he urged the Committee to reconsider the proposed development.

The Committee heard from Mrs. A. Colley, who was normally resident at 'La Plage', immediately to the east of the site, but whose property had been damaged as a result of the development at the former Zanzibar site. She emphasised that the proposed



development would have a negative impact on many of the views of the Conway Tower. She referenced policy GD5 and expressed regret that the redevelopment had not been planned to enhance the views. She opined that the view from the top of Le Mont Sohier, across the sea, the Conway Tower and to St. Brelade's Church would be spoilt by virtue of the scale and mass of the proposed development. She emphasised that the proposed restaurant did not have to be of the height planned and indicated that a single-storey building, such as the Oyster Box, would enhance the views of the Conway Tower. In her opinion, the proposed flats deliberately resembled WWII bunkers, which was in bad taste and hurtful to the people of Jersey.

The Committee heard from Mrs. S. Ferguson who was a resident of St. Brelade's Bay. She indicated that several houses in the vicinity of the former Zanzibar site had experienced collateral damage to varying degrees because of the works being undertaken to and vibrations emanating from that location. She stated that substantial basements were planned as part of the proposed scheme, which gave rise to concerns about similar collateral damage to nearby buildings, including the Conway Tower, which was unlikely to have deep foundations and was built on a sand dune. She emphasised that this would be the second enormous development at the residential end of St. Brelade's Bay and continued the trend for extremely large buildings. The height of the proposed residences would, in her view, have an adverse effect on the views of the Conway Tower both from the roadside and from the beach. Mrs. Ferguson indicated that the footprint of the existing Wayside café was not dissimilar from the proposed restaurant, but she expressed concern over the plan to construct two no. 5-bedroom, 3 storey properties and flats on the existing tennis court and car park, which would result in two thirds of the site being built upon. She did not feel that the flats were appropriate for the coastal setting and was strongly of the view that the overall development was inappropriate for the area.

The Committee heard from Mrs. T. Ellis-Brecknell, who had run the Fish 'n' Beads outlet to the east of the proposed development for the past 15 years. She emphasised that it was a small, simple, beach shack from which she ran activities for people of all ages and abilities. She expressed astonishment that reference was not made to Fish 'n' Beads in the proposals for the site and that she had not been approached by the developer. Although she had endeavoured to introduce herself, he had not been interested. She queried why it was proposed to establish a delicatessen at the Wayside site, rather than a visitor attraction, which would be more in keeping with the area.

The Committee heard from Mr. S. Markland, who was a nearby neighbour of the proposed development. He expressed the view that the Wayside café was the last unique foreshore site within St. Brelade's Bay and the proposed development was insensitive and unsympathetic to the area and contrary to policies GD1, GD5 and BE4. In his opinion, it was too tall and dominant for the location. He indicated that the 3-dimensional models to which the Committee had access were not verified computer generated images and, accordingly, it was difficult to accurately assess the likely impact on this sensitive and beautiful area. The reduction in the number of car parking spaces available at the site would be detrimental to tourist-related activities in the vicinity. Mr. Markland expressed surprise that the Department felt able to support the application when there was an obligation to protect important locations against inappropriate development.

The Committee heard from Ms. M. Scott, who was a neighbour of the proposed development and the Chairman of the St. Brelade's Bay Association. She indicated that, as a lawyer, she understood legal processes, but could not understand the planning process and felt that recommendations should be made to the Minister for the Environment to amend the Planning and Building (Jersey) Law 2002. In her view, the proposed development was not reasonable and she could not comprehend

how the Department could be supportive of it. Whilst the site was located within the Built-up Area, within which new development should be focused, she emphasised that the States Assembly had amended the draft Island Plan in 2011 in order to place strict restrictions on this section of St. Brelade. She suggested that the legal process should be explained to the Planning Department, because this carried more weight than the planning process and it was not appropriate for the Department to rely on the statements of the developer's agent. She further suggested that the Planning and Building (Jersey) Law 2002 should be amended to make it easier to prosecute individuals for making false and misleading statements; and recommended that officers from the Planning Department should receive in-house professional training on what constituted conflicts of interest and the legal process, to ensure that people received fair hearings in the future. She expressed the view that the proposed creation of the public footpath route through the site from Le Mont Sohier to the promenade had been suggested by a Director from the Department as a way for the applicant to get the application approved and this was, she opined, a conflict of interest. She urged the Committee to reject the application and stated that to do otherwise would be tantamount to sweeping the Island Plan aside, which she demonstrated in physical form.

In support of the development, the Committee heard from Mr. A. Chilvers who indicated that he had no vested interest therein, but was a Jerseyman, who had used St. Brelade's Bay over the previous 40 years. He noted that several people who had spoken against the development had indicated that the 3-dimensional plans provided to the Committee were inaccurate. In his view, as a graphic designer, this was unlikely and he noted that there had been no independent verification of the alternative diagrams that had been handed to the Committee at the meeting. As regards the reduction in the number of parking spaces available for the restaurant, he emphasised that the parking was on private land and there was no compunction on the owner to make parking available. He referenced other restaurants in the Bay that had no designated parking and whose clientele parked in public car parks. He opined that if a development was in accordance with the provisions of the Island Plan, there was no reason to reject it.

The Committee heard from Mr. D. Gardener, who lived in St. Brelade and had been visiting the Bay regularly with his family for the previous 13 years. In his view the proposal was a sympathetic, well-thought-through redevelopment of the site and would revitalise the Bay. He was pleased to note that the Conway Tower would be more accessible to the public by virtue of the access route through the site to the promenade and complimented the proposal to provide holiday lets within the Tower. He also felt that the establishment of educational information points on the walkway to provide information about the Tower and the environment would be beneficial. He opined that the retention of a restaurant on the site was a positive move as, in his view, the Wayside Café was one of the area's best-kept secrets, with many visitors tending to visit the cafés and restaurants at the western end of the Bay. He felt that much of the negativity surrounding the scheme stemmed from the former Zanzibar development, which had created some ill-feeling amongst residents. This proposal would be a positive for St. Brelade's Bay and he indicated his full support therefor.

The Committee heard from Mr. M. Stein and Mr. J.L. Egglshaw, the applicant's agents. Mr. Stein indicated that work on the scheme to redevelop the site had commenced in 2015 and the earlier scheme had been displayed at St. Brelade's Parish Hall by way of consultation. The yield and scale had subsequently been reduced as a result of feedback received and following discussions with the Planning Department and the Jersey Architecture Commission, work had been done on the redevelopment of the surf shop and the restaurant. The purpose of the development was to revitalise a high-profile and under-used site as a visitor experience. In designing the scheme, he had been mindful of the need to balance the policies

relating to development in the built-up area with the policies HE1 and BE4 relating to the Shoreline Zone. Mr. Stein indicated that the Shoreline Zone policy did not place absolute and definitive constraint on development within that area, as use was made of the word 'normally', which allowed exceptions to be made. The purpose of the Shoreline Zone policy was to prevent rampant, or excessive, development. This proposal was of low density, with 22 habitable rooms per acre and would provide 5 key benefits, namely

- public access through what was currently a privately owned site to provide access to the Conway Tower and on to the promenade;
- improved setting and prominence of the Tower and aspects therefrom;
- the creation of a meaningful gap through the site to the sea;
- the restoration of the dune and more appropriate planting on the site to enhance the biodiversity of the area; and
- an updated restaurant and surf shop.

Mr. Stein informed the Committee that the current views from the car park to the Tower were disappointing and discouraged interaction with the Tower, which was compounded by poor quality existing buildings and planting on the site. The proposed scheme would open up the area, facilitating access to the Tower by the demolition of the modern walls which surrounded it and restoring views which had been lost to the public. Mr. Stein emphasised that the Historic Environment Team had not raised any objections to the application and indicated that the new buildings would respect the site and maintain the prominence of the Tower. The dune would form part of the properties, but the owners would not be permitted to use the boardwalks for anything other than access across the site. Substantive amenity spaces would be created for the houses, which would be sunken and not visible. In relation to the creation of a bus stop, he indicated that it would form part of the ownership of the site and maintenance thereof would be factored in. The location of the bus stop had been discussed with officers from the Department for Infrastructure, who had indicated that they were content with its proposed location, but would wish for the shelter to be slightly moved in order to give a better sight line up Le Mont Sohier.

Mr. Egglshaw emphasised that the formation of the walkway through the site to the promenade would ensure that the Conway Tower was prominent and would create visual gaps through to the sea. It was a major element of the design of the application and there would be seating areas, viewing platforms and educational elements contained therein. The two houses had been designed specifically not to compete with the Tower, but to reflect the built-up area to the north of the site and emphasise the sea-side setting. The mass of the construction would be mitigated by the use of stepped construction and minimal glazing. Green roofs would assist in the support of migrating species and there would be sea views from the properties through the dune contours. The frontage of the houses would be covered in vertical timbers and the use of the raw, sustainable, natural materials drew influence from the local military history. Granite would be used around the new restaurant and surf-shop, extending down to the promenade in order to protect them from the coastal environment. Mr. Egglshaw indicated that the apartment above the restaurant had been inspired by a beach-side theme and that both it and the restaurant had been designed to optimise the views to the sea. He concluded by indicating that the buildings had been designed from environmentally-friendly materials and would be extremely sustainable and high performing.

The Committee heard from Mr. J. Horn of Nurture Ecology, who had been contracted by the applicant to conduct the initial ecological assessment of the site. He indicated that the dune was currently overgrown with invasive plants and the proposal would transform it into one which reflected those located at St. Ouen and

Ouaisné and would increase its size by 22 per cent. He had undertaken ecological surveys of the site, which had revealed a high population of protected reptiles. Before any development work could commence, they would be relocated over a 12 to 18 month period. The establishment of the coastal dune eco system was the principal ecological work to be undertaken at the site but, in addition, green roofs and a green corridor would be established and 17 new standard trees would be planted to replace the existing ones. In addition, boundaries between the plots would facilitate nesting and foraging. Display boards at the site would promote the biodiversity of the location and provide information in respect of the coastal national park. If approved, the species protection plan would comply with the relevant policies contained within the Island Plan and the Conservation of Wildlife (Jersey) Law 2000.

The Committee heard, ultimately, from the applicant and owner, Mr. P. Vincenti. He indicated that when he had first considered purchasing the site, he had been motivated by the opportunity to create something special and to provide the public with access through from Le Mont Sohier to the Conway Tower, which had been inaccessible to them for the previous 50 years, and thence to the sea. His proposal had met with support from both Visit Jersey and Locate Jersey. The redevelopment would enhance the area, which was currently decaying, whilst preserving its character and would provide employment by the retention of the restaurant and the creation of a delicatessen, which would enable visitors and locals alike to enjoy picnics on the beach. The external area of the restaurant would be extended and would provide exceptional views. Mr. Vincenti also emphasised the enhancement of public safety by the proposed relocation of the bus stop, creation of a pavement and facilitation of disabled access onto the site. The educational boards that would be erected along the pathway through the site and around the Conway Tower would provide information on the history of the Tower and the ecology of the area. He echoed the views, previously expressed, that the car park was on private land and many of the dining locations at the other end of St. Brelade's Bay had no designated parking. He informed the Committee that his door had been open to anyone wishing to discuss the proposed scheme with him and indicated that he had endeavoured to talk with the tenant of Fish 'n' Beads on two separate occasions, but had met with hostility.

Having revisited some of the 3-dimensional images of the site from various viewpoints, the Committee considered the application and decided, unanimously, to refuse the same, whilst acknowledging that this application had provoked strong emotions on both sides. It felt that this was a seductive scheme, which clearly delivered public realm improvements and enhanced access to the Conway Tower and promenade. However, the Committee was of the view that the scale and mass of the proposed development were not proportionate to the scheme and the use of black zinc did not mitigate this. It had concerns over the adverse impact on views caused by the construction of 2-storey flats on the current location of Seabreeze, which it felt was an overdevelopment of that part of the site. It also felt that the creation of the flat over the restaurant would have too great an impact on views.

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

Montrose, La  
Grande Route  
de St. Clement:  
proposed new  
vehicular  
access/car

A9. The Committee, with reference to Minute No. A13 of 27th April 2017, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the creation of a new vehicular access onto La Grande Route de St. Clement from the property known as Montrose, La Grande Route de St. Clement. It was also proposed to create a car parking area and convert

33rd Meeting  
19.10.17

parking/  
erection of  
fence (RFR).  
477/5/2(749)

P/2017/0029

an existing garage to a store. The Committee had visited the application site on several occasions.

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 GD1, GD7, BE6, BE8, HE1, TT13 and WM1 of the 2011 Island Plan were relevant to the application.

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

- the proposed development did not provide adequate visibility splays and sufficient space to enable a vehicle to turn on the site in order to enter the highway from a position where the full extent of visibility would be useable, therefore resulting in prejudice to highway safety. Consequently, the scheme failed to satisfy the requirements of Policy GD1 of the 2011 Island Plan;
- the proposed works would be harmful to the settings and architectural and historical character of the neighbouring Listed property known as Granville and a Listed milestone, both of which had been included in the Minister for Planning and Environment's Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey as Grade 3 Listed structures. Consequently, the application was contrary to Policy HE1 of the 2011 Island Plan;
- the proposed works involved the loss of part of the front garden and boundary features to provide frontage parking with direct access off the public highway, contrary to policy BE8 of the 2011 Island Plan;

The Committee recalled that 3 previous applications which had sought to create a new access and car parking had been refused. The previous schemes had proposed parking spaces and a turning circle contained within a large dug-out walled area, which accorded with the Department for Infrastructure's (DfI) standards. However, this had been considered unacceptable from a planning perspective, primarily as a result of the design and the impact upon two Listed structures. The current application proposed a much smaller footprint of 12 square metres and retained more of the granite roadside wall, 2 of the 4 posts and a gate, and was considered to be much less visually detrimental to the street scene. However, the two parking spaces proposed would be accessed directly off the public highway with no space for turning, which did not satisfy DfI's technical requirements and would result in prejudice to highway safety, contrary to Policy GD1. Furthermore, DfI had noted inaccuracies in the visibility lines provided, which not only exaggerated visibility, but were also shown from an unusable central point, rather than from each parking space. DfI's comments highlighted that there would be zero visibility when two vehicles were parked in the spaces and substandard visibility when only one car was parked. DfI had also stated that the parking spaces were not functional in that the boot of the vehicle would not be accessible if vehicles reversed in and reversing in would require the vehicle to traverse over the centre line of the road, affecting the traffic in both directions. Furthermore, the spaces did not demonstrate the requirements for clear space to the rear and 2 metres clear space to the highway for visibility. The Department did not consider this proposal to be an appropriate response and, given that the application did not satisfy the relevant policies of the 2011 Island Plan, was recommending that the Committee maintain refusal.

The Historic Environment Section's comments highlighted roadside granite walls as an important feature to the street scene and the setting of Listed Buildings. As 2 Listed structures would be negatively impacted by the substantial loss of the front wall to Montrose, the proposal did not accord with Policy HE1. Although Montrose itself was not a Listed Building, the property maintained a strong presence within

the street scene due to its impressive roadside walls, 4 pillared entrance gate and well established garden. The proposed development would affect the garden and boundary features and would have a detrimental impact on the character and appearance of the street scene, contrary to Policies BE8 and GD1. No reference had been made to the well-established trees that would require removal to carry out the works. Site sections illustrating ground level changes had not been submitted, contrary to Policies GD1 and GD7.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that whilst the proposal was outside of the extent of the adjacent Listed structures, it was considered that the setting of these would be negatively impacted by the substantial loss of the front wall to Montrose. The granite roadside walls were considered to be an important feature in the street scape.

The Committee received the applicant, Ms. N. Miller; her mother, Mrs F. Miller and the agent, Mr. S. Osmand. The Committee was informed that the current tenants of the property had 3 young children and had to cross the busy road each day to access their car. Vehicles often travelled at speed and it was extremely difficult and dangerous for the family to unload their vehicle on the roadside. They merely wished to have a safe car parking space on the application site. The applicant noted that a number of properties in the immediate vicinity had created car parking by a similar means to that which was proposed, including nearby Alpine Cottage which had recently been approved without providing the turning space currently being required by DfI. Ms. Miller pointed out that once you had managed to cross the busy main road to the existing garage, it was then extremely difficult to manoeuvre in and out of the same onto the road. Following previous refusals, advice had been sought from a road safety expert and the applicant was happy to include any design detail required in order to improve the current access.

Mrs. Miller added that the media had recently highlighted how few rental properties were available for families. Melrose was family house, but its entrance was extremely unsuitable and she considered that the safety of the children living in the property was currently compromised. She expressed concern that there was insufficient space for an adult with two small children and another in a buggy to wait to cross the road and she feared that it was a matter of time before there was a serious accident. Appropriate access was required to make the property a suitable family home, and Mrs. Miller opined that the safety of children should take precedence over a granite wall.

Mr. Osmand highlighted that the pavement by the garage was used by school children and cars entering and exiting had to cross the footpath. If the Committee approved the scheme, the garage would be turned into a domestic store, thus making the footpath safer. He questioned the need for an 8 metre x 8 metre turning area, which had been requested by DfI and speculated that this was an impractical use of the area and in practice residents would likely reverse into the space and use the remaining area for additional parking rather than its designated purpose. He reminded the Committee that the application was supported by the Parish, as well as a former States of Jersey road safety investigator. He cited the very limited visibility available when driving from Tyneville Lane onto Victoria Avenue, which recorded some 15,000 movements a day, whereas the tenants of Montrose would be accessing the road around 4 times a day with far better visibility splays. In concluding, he opined that the revised scheme represented an effective compromise.

In response to Mr. Osmand's comments, the Planning Officer advised that the Parish had only proffered its support for the scheme if it was able to meet DfI's visibility splay requirements. Moreover, the revised scheme had not mitigated the impact on the settings and architectural and historical character of the neighbouring Listed

property and a Listed milestone.

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

Land to the west of Clos des Fleurs, La Rue de la Presse, St. Peter: proposed construction of new dwelling/ change of use of land.  
1070/2/1/3(361)  
P/2017/0425

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the demolition of a single storey blockwork building on an area of land to the west of Clos des Fleurs, La Rue de la Presse, St. Peter and the construction of a new dwelling with a garden, car parking and driveway. It was also proposed to return an area of land in front of the existing building (currently used for storage) to its original authorised agricultural use. The Committee noted that to the rear, a former glasshouse site was currently being used for the storage of commercial vehicles without the benefit of planning permission. The Committee had visited the application site on 17th October 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone. Policies NE7, E1, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the above application had been refused on the grounds that the site lay within the Green Zone wherein there was a presumption against development and in particular the creation of new dwellings. Paragraph 10 of Policy NE7 allowed in broad principle for the redevelopment of an employment building for another purpose, subject to set criteria being met, including the achievement of demonstrable environmental gains. The redevelopment of agricultural buildings would not normally be supported. In this particular case it was considered that the interest in the site (as documented in the submitted marketing exercise) and the current use of this site, suggested that the site was not redundant to possible employment uses. The construction of the dwelling proposed, together with the creation of a garden, parking and access, would domesticate the appearance of the area and would fail to achieve sufficient environmental gains when compared with the existing authorised use. Consequently, there was insufficient justification for making an exception to the presumption against development in the Green Zone. The application failed to satisfy the requirements of Policies NE7, E1, GD1 and GD7 of the 2011 Island Plan and the Committee was being requested to maintain refusal on this basis.

The Committee noted that a number of points in support of the scheme had been highlighted by the applicant. These included the removal of the existing (unauthorised) use, a subsequent reduction in traffic, the potential to deal with any contamination which may or may not exist, a potential mains drains connection (subject to negotiations) and improved landscaping. It had been pointed out that the Supplementary Planning Guidance associated with Policy E1 (Protection of Employment Land) allowed for the re-use of employment sites where these could be considered bad neighbours, and that policy NE7 (Green Zone) also allowed for the redevelopment of employment sites where set tests were met. The Committee was informed that the environmental improvements cited by the applicant relied to a large extent upon a comparison of the proposal with the existing use of the site as a haulage yard. That use was unauthorised, albeit that the Department accepted that the use appeared to have been ongoing for a period in excess of 8 years. Whilst this meant that enforcement action could not be taken, it did not authorise the use. Agriculture remained the authorised use of the site. Consequently, although the application proposed the removal of the existing unauthorised use it was incorrect to suggest that there was any change of use to agriculture. The key consideration in this case was the Green Zone location of the site. With regard to Policy E1, the

evidence submitted showed a significant amount of interest in the site and the building, to include 2 offers to purchase, which had not been accepted by the owner. Whilst there might be some potential for a complete tidying up of the site, the impact of any proposed development, (in this case the construction of a dwelling), had to be modest and positive. The proposed new dwelling would be 40 per cent taller than the existing building and the proposal involved a significant domestication of the site in the countryside. The Department had concluded that whilst there may be potential for some development on the site to achieve the benefits suggested, that development should be very limited, have a lesser impact than the existing authorised use, (namely agriculture), and the improvements proposed must be clear and substantial.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that insufficient detail had been given and no contextual drawings had been submitted to illustrate the relationship between the proposed building and its neighbour. She reminded the Committee that the property was a 16th century building which had been redeveloped during successive centuries and it was expected that any redevelopment would sit politely and respectfully within the setting which, she opined, was not the case with the proposed development.

The Committee heard from Mrs. J. Holmes who had lived on Rue de la Presse for over 50 years. She advised that the parking of large vehicles on the site had been ongoing for far longer than the 8 years mentioned by Planning Officers, and she had understood that planning permission had been granted some thirty years ago to park large vehicles on the site whilst work was underway to extend the Airport runway. She also highlighted that as well as being within the Green Zone, the site was part of the water pollution area and ran into Val de La Mare Reservoir. She opined that the application site and the property next door were both derelict and neither had been occupied in her memory. The properties were both in poor repair; a sewage plant installed many years earlier had never been well maintained and sewage leaks in the road had been reported. Mrs. Holmes advised that the roof of the application site had fallen in during a storm some years earlier and had been left to decay. She questioned who would want to live next to a derelict house and suggested that efforts should be made to redevelop the main house before the agricultural shed was made into a dwelling.

The Committee heard from Mr. E. Smith, J.S. Livingston Architectural Services who outlined the design rationale. He highlighted that just one letter of objection had been received, whilst two other neighbours supported the redevelopment. Responding to Mrs. Holmes' comments, he reminded the Committee that the neighbouring property was not part of the application, but did concede that at present there was no physical barrier to prevent pollutants from leaking into the water catchment. He considered that the proposals offered an opportunity to remove an environmental stain and argued that the development was in keeping with Planning policies and would provide planning and environmental gains. He advised that at the time of submission, the drainage situation had not been resolved, but subsequently agreement had been reached with the owner of neighbouring land to enable connection to the mains system.

The Committee heard from Mrs. J. Stafford whose family had purchased the property in the 1960's and who had pleasant memories of working on the land with her sister as a child. Her late father had always held an ambition to create a family home on the site and Mrs. Stafford was keen to realise this, particularly as her son was soon to return to the Island.

The applicant's agent, Mrs. S. Steedman, advised the Committee that the application site was in a beautiful and tranquil location and its use as a haulage site was



inappropriate. The advertisement of the site had resulted in some interest, but only from other haulage firms. She highlighted that the scheme removed the current risks associated with the water table and the mains drainage connection would benefit the neighbours too.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman asked whether the rear of the field would be returned to agriculture or would essentially be part of the domestic curtilage and was advised by Mr. Smith that a kitchen garden was envisaged.

The Committee, mindful that the drainage matters were not part of the current application, considered that the grounds for an exemption to Policy NE7 of the 2011 Island Plan had not been made. Having expressed concerns regarding the increase in both the height and mass of the development compared to the existing structure, the Committee unanimously endorsed the officer recommendation to refuse permission on the grounds detailed above.

Peacock Farm,  
La Rue de la  
Pierce Mauger,  
Trinity:  
proposed  
office building  
to north east.  
477/5/2(771)  
  
P/2017/0255

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the construction of an office building at Peacock Farm, La Rue de la Piece Mauger, Trinity. The Committee had visited the application site on 17th October 2017.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman declared an interest and withdrew from the meeting, taking no part in the discussion or resolution of this item and the meeting continued under the Chairmanship of Deputy J.M. Maçon of St. Saviour.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone. Policies SP1, 3, 5, 6 and 7, GD1 and 7, NE7, EO1, TT4, TT8, LWM2 and LWM3 of the 2011 Island Plan were relevant to the application.

The Committee noted that the above application proposed the construction of a two storey pitched roof office building with a total floor area of 494.06 square metres (249 square metres ground floor area) comprising an office with entrance foyer, toilets and a meeting room on the ground floor with offices, a boardroom, kitchen and meeting rooms on the first floor. The building would be positioned away from the road frontage, behind existing landscaping. The application had been refused on the grounds of the Green Zone location of the application site. The proposed development for a new office building in this countryside location had not been fully justified. In addition, it was not a small scale office building and did not involve the conversion of any existing buildings. As a consequence, the proposal was contrary to the aims of Policies SP 1, SP 3, NE7 and EO1 of the 2011 Island Plan Adopted Island Plan. Furthermore, insufficient information had been submitted to demonstrate that the application would reduce dependence on the car, or offer any bicycle parking provision. Accordingly, the proposal was contrary to Policies SP6 and TT4. Finally, insufficient information had been submitted to demonstrate that the site could satisfactorily drain to a foul sewer, contrary to Policy LWM2.

In support of the proposals and in response to the reasons for refusal, the applicant company had commented as follows –

- the scheme was supported by the preamble to Policy SP 1 – Spatial Strategy
- the development proposed office accommodation to support a significant rural business, whose operations and activity took place in the countryside.
- locating the accommodation in St Helier made little sense when almost all

of the applicant's business activity took place in the countryside, with Peacock Farm providing a more sustainable location than St Helier reducing vehicle trips.

- the scheme would help the applicant company to be more efficient and therefore more profitable.
- the proposed building was well sited and designed relative to other buildings and could be provided without causing serious harm to landscape character. The reason for refusal did not take into account the support given to proposals which assisted the Island's economy.
- the site had enough space to provide bicycle parking. The scheme also included shower facilities for staff.
- funding proposals were in place to upgrade the pumping station for the foul drainage system that served the site.

The Committee heard from the applicants, Messrs. D. Rankin and G. Stokes, Jersey Royal Company (JRC) and Mr. P. Le Maistre, President, Jersey Farmers' Union (JFU). Mr Rankin advised the Committee that the JRC was the Island's largest agricultural Company and harvested around 30,000 tonnes of potatoes annually, 65 per cent of which were washed and packed at Peacock Farm. Over 400 people were employed by the company, which had contracts with most of the major UK supermarkets. At present some 28 staff were based at the property known as Southfork in an overcrowded, first floor office space within an agricultural shed, accessed by a steep metal frame staircase. Having purchased the Company in 2013, the office space at Southfork was currently rented from the previous owner. The JRC wished to build offices on its own site for a number of reasons, one of which was that many of the supermarkets the Company serviced had ethical protocols relating to equal opportunities employment with which the JRC was currently able to comply due to the inaccessibility of its offices. The Company was poised to start a new agricultural business venture and required enhanced facilities in order to enable the organisation to grow.

The Committee heard from Mr. Stokes who advised that the Company ran a fully integrated operation with ten supporting teams which included food safety, technical/engineering, health and safety, human resources, freight and logistics, IT, sales, business compliance, finance and administration and all but the latter two needed to be based on site. Staff currently commuted between Southfork and Peacock Farm and therefore the proposed development would dramatically reduce the transit between sites. Whilst there was currently a bicycle rack at the Southfork site, there were no hygiene or changing facilities and only 2 toilets for approximately 30 staff. It was noted that the existing portacabins at Southfork which served as meeting rooms and additional office space, would be removed as part of the proposals if successful.

Mr. Le Maistre wished to address misconceptions regarding the JRC. As well as its standing as the leading agricultural company in Jersey, the Company also marketed for 8 other contract growers, including the company Mr. Le Maistre ran with his brother. The JRC provided technical support and advice as well as a packhouse service to these contract growers. Mr. Le Maistre remarked upon the importance of the provision of top quality office space at the International Finance Centre in order to encourage prime finance businesses to Jersey and drew comparison with the JRC which also needed a professional environment when meeting top UK supermarket representatives.

Deputy R. Labey of St. Helier asked whether consideration had been given to creating an office base in St Helier and was advised that the JRC had investigated other options, but had concluded that bringing agricultural vehicles into the town area would be inappropriate and impractical.

The JRC's agents, Mr E. Smith and Mrs. S. Steedman reiterated that the consolidation of office space at the Company's main operating centre made business sense and would reduce vehicle journeys. It was contended that country-based businesses should not be directed to St. Helier, particularly when there was a rural brown field site available which would be more suitable to the needs of the agricultural industry.

The Planning Officer reminded the Committee that Policy EO1 made no distinction between the rural or urban nature of industries wishing to expand their offices in the Green Zone – the presumption against expansion applied equally to both. The applicants had made reference to 8 other growers, but had provided no detail as to their location in relation to the reduction in vehicle trips. He opined that there had been limited information submitted regarding the encouragement of the use of alternative forms of transport, including bicycles, buses or electric cars. This was contended by the applicant's agent who advised that such detail had been provided within the initial submission.

The Committee, mindful that it was missing elements within its documentation pack which were of major material consideration, decided that the determination of the application should be deferred until a subsequent meeting.

Shangri-La, Le  
Clos de la  
Mare, St.  
Clement:  
proposed new  
dwelling/new  
vehicular  
access.  
477/5/2(772)  
P/2017/0289

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the construction of a new dwelling with vehicular access to the south-east of the property known as Shangri-La, Le Clos de la Mare, St. Clement. The Committee had visited the application site on 17th October 2017.

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 GD1, GD7 and H6 of the 2011 Island Plan were relevant to the application.

The Committee noted that the above application proposed the construction of a dwelling in the rear garden of an existing property with a new vehicle access. The style and proportions of the proposed dwelling were contemporary and the design, form and massing were incongruous within the surrounding area and streetscape. The scheme was also considered to have an overbearing impact on the neighbouring bungalow and, given the layout of the site, the existing dwelling (Shangri La) would overlook the amenity space of the new dwelling. It was evident that some measures had been taken to minimise the impact of the development on neighbouring properties, but this had been detrimental to the design of the dwelling, particularly on the east elevation, which presented a predominantly blank elevation as a roadside view. The proposal was, therefore, unacceptable in context and design and was considered to be harmful to the character of the area. Consequently, it was recommended that the Committee maintain refusal of the application on the grounds that it was contrary to Policies GD1 and GD7 of the 2011 Island Plan.

The Committee heard from the applicant, Mrs. Le Guyader, who stated that the application met the criteria for the creation of an affordable home in the Built Up Area and highlighted that the district benefited from a very regular bus service. The proposed dwelling was a modern interpretation, but Mrs. Le Guyader considered it was appropriate to its surroundings, particularly as 6 houses in the vicinity also had flat roofs. She cited a number of similar contemporary developments in the area; principally the new Silver Sands apartments on La Grande Route de la Côte, properties adjacent to the car park at Green Island and the Good Companions' Club on Rue de Maupertuis, all of which were flat roofed. She opined that it was common

for houses to have gable ends which were essentially blank elevations and emphasised that the only objection, which related to overlooking, had proven not to be an issue. The proposal would create an affordable two bedroomed property and would also provide a pavement along the perimeter of the dwelling which would improve road safety.

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

Fairfield, La  
Rue du Coin,  
St. Ouen:  
proposed  
demolition and  
redevelopment.  
477/5/3(1013)

P/2017/0500

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the demolition of the property known as Fairfield, La Rue du Coin, St. Ouen and its replacement with a new dwelling. The Committee had visited the application site on 17th October 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies GD1, GD7, NE7, LWM2, NR1, NE1, NE2 and Planning Policy note Nos. 3 and 6 of the 2011 Island Plan were relevant to the application.

The Committee noted that the above application proposed the redevelopment of an existing bungalow located within the Green Zone. Whilst the increase in footprint was considered acceptable, the replacement dwelling was 2 ½ metres (40 per cent) higher than the existing property, which would increase the visual impact on the landscape. Furthermore, the landscaping proposed was not considered to provide sufficient mitigation against this impact and the scheme did not repair and restore landscape character, as required by Policy NE7. The proposal would also create a significantly large roof space in excess of 100 square metres. Combined with a 40 square metre den/study over the garage, this created the potential for a significant increase in occupancy. The design of the main dwelling was contemporary using sympathetic materials, but the garage element, which was taller than the dwelling, was viewed as incongruous and prominent, with its stark white render giving the appearance of another dwelling rather than an ancillary element. As such the application did not comply with the relevant policies, including that of foul sewerage facilities where, if connection to mains drains was not viable, justification was required to demonstrate that the existing method of waste disposal was adequate. Consequently, the application had been refused on the grounds that it was contrary to Policies NE7, GD7, GD1, LWM2 and it was recommended that the Committee maintain refusal.

The Committee received the applicant, Mr. R. Prosser, and his agent, Mr. R. Godel. Mr. Godel recognised that the principal issue appeared to be the increase in height of the roof ridge. He advised that the existing property was a 1960's bungalow which had a very low pitch that was incongruous to the surrounding landscape and the intention had been to create something which was more compatible to the Jersey vernacular. He was disappointed with the response to the garage as great care had been taken to ensure an architecturally appropriate design, using different materials in order to fragment the bulk of the building and emulate the grouping of outbuildings seen in traditional properties. The proposed dwelling, which would only be visible from Rue du Coin, was otherwise very discreet and by way of comparison Mr. Godel showed the Committee photos of a nearby house where approval had been given to a 1.5 metre increase in ridge height. It was highlighted that the current property was a 4 bedroomed home with a study, whilst the proposal would create a three bedroomed dwelling with a den/study and therefore there would be no increase in occupancy. Mr. Godel emphasised that the proposal was not for a

flat roofed building and if the future development of the roof space was a concern, then conditions could be added to address this. Mr. Prosser added that he and his wife were looking to modernise the property sympathetically and in an eco-friendly manner. The Committee also heard from Mr. P. Satchell, Godel Architects, who confirmed that the existing foul sewer network had been assessed as adequate.

The Planning Officer advised that a 100 square metre roof space was an excessive area upon which to place future occupancy restrictions.

Deputy S.M. Wickenden of St. Helier considered that the case had not been made to warrant the increase in the height and mass of the proposed building and he decided to maintain the refusal.

Deputy R. Labey of St. Helier, having accepted that the overall occupancy of the property would not be increased, advised that he understood the aesthetics which underpinned the design and was minded to go against the officer recommendation and approve the application.

Deputy J.M. Maçon of St. Saviour decided to maintain the refusal of the application, whilst Connétable P.B. Le Sueur of Trinity, Vice-Chairman considered that sufficient justification had been made to go against the officer's recommendation and grant approval.

In accordance with the agreed procedure, whereby in the event that a vote was tied the item under consideration would be determined in the negative, the application was refused for the reasons set out above.

Bouley Bay Farm, La Rue de la Falaise, Trinity:  
proposed new vehicular access and driveway/  
alteration of existing vehicular access.  
477/5/3(977)

P/2017/0648

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the formation of a new vehicular access and driveway on to La Rue de la Falaise to serve the property known as Bouley Bay Farm, La Rue de la Falaise, Trinity. It was also proposed to alter the existing vehicular access and driveway to provide a pedestrian access. The Committee had visited the application site on 17th October 2017.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman, declared an interest and withdrew from the meeting, taking no part in the discussion or resolution of this item and the meeting continued under the Chairmanship of Deputy J.M. Maçon of St. Saviour.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies GD1, NE7, NE4 and ERE1 of the 2011 Island Plan were relevant to the application.

The Committee noted that permission had been granted in 2016 to renovate the original farm house, convert 2 barns to dwellings and construct a garage building. The original farm access led conveniently between the three houses and directly towards the garage building and the approved landscape plan indicated a tree to be planted within this central amenity space. The application proposed to close the existing access and form a new driveway further south from the same access road. It was intended that the route to the garage and parking area would wrap around the existing buildings, would be over 40 metres in length and requires the loss of the central tree to accommodate a new parking arrangement. The new drive would be 4 metres in width, to allow for a passing area, would be surfaced in hoggin (replacing grass) and, as a result, was considered to be prominent and damaging to the Green Zone landscape. As drawn, the positioning and width would necessitate taking a one

metre strip of the adjacent agricultural land (Field No. 736), contrary to policy, and reducing the garden area of the original farm house. The removal of a 17 metre section of roadside banking was also proposed and considered to be highly damaging to the rural character of the area and contrary to policies which sought to retain such features. The Department was not aware of any shortcomings with regard to the existing farm access, although it could be increased in width by moving a gate post if desired. The creation of a new access was not, therefore, justified. This creeping urbanisation was contrary to policy and damaging to the natural landscape character of this rural setting. Also of significance was the inaccuracy of the submitted plans. They did not correspond with the 2016 approval, although annotations suggested they did. The garage building was sited further east than approved in 2016, thus reducing the meadow (by a 3 metre wide strip). The formation of the meadow had been viewed as an 'environmental gain', as required in the previous permission. The submitted plans had also stated that all of the development would be within the agreed residential curtilage and this was not the case. It would extend over agricultural land, requiring a change of use which had not been sought and which would be contrary to policy. Finally, the extent of the cut through the banking to form the new access would take the development beyond the site boundary, as indicated on the location plan and proposed site plan (Drawing No. 556-021E). The information was, therefore, misleading, inaccurate and unacceptable. The application had been refused for these reasons and it was recommended that the Committee maintain refusal.

Six letters of objection had been received.

The Committee heard from the applicant, Mr. J. Le Sueur and his agent, Mr. M. Stein, M.S. Planning. Mr. Stein emphasised that the conversion and development of the site had been undertaken to a high standard, but additional improvements had been identified during the construction process which would mitigate traffic movements close to the lounge windows of the two barn buildings and provide larger gardens to both properties. He advised that it would be possible to take the hedge line within the agreed residential curtilage and that the proposed new access would be hardly discernible once the grass bank grew back.

The Committee, having considered the scheme, unanimously refused the application for the reasons set out above.

High View, Le  
Mont  
Rossignol, St.  
Ouen:  
proposed  
extension/  
conversion of  
tack room to  
residential  
unit.  
477/5/3(1014)  
  
P/2017/0718

A15. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the construction of an extension to the property known as High View, Le Mont Rossignol, St. Ouen. It was also proposed convert an existing tack room to the south-east elevation of the main house to create a 2 bedroom residential unit. The Committee had visited the application site on 17th October 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that High View was a Grade 4 Listed Building. Policies SP4, GD1 and HE1 of the 2011 Island Plan were relevant to the application.

The Committee noted that High View was a two-storey granite farmhouse dating from the 1860s/70s with surrounding barns in a detached rural location in St. Ouen. The front (south west) elevation was cement rendered and lined in imitation ashlar with quoins. At the rear there was a lean-to extension with a mono-pitch roof. It was proposed to construct a single storey extension, convert the existing tack room on the side (south east) elevation to create a 2 bedroom residential unit and replace the existing foul sewage tank. The proposal also included revisions to the visibility

splays at the entrance of the access drive onto the public highway. Whilst the application site was located in the Green Zone, where there was a presumption against all forms of development, the Department considered the proposal to be acceptable under Policy NE7 as the proposed development would not facilitate a significant increase in occupancy. The proposal was also considered acceptable in terms of scale and mass, in accordance with policies BE6 (Building Alterations and Extensions), SP 7 (Better by Design) and GD 7 (Design Quality).

The Historic Environment Section had objected to the proposal on the basis that no specific information had been submitted on the significance of the Listed Building, nor on how the design of the proposed extension would take it into account. Other points of objection related to the materials and style of the proposed windows and doors, which were considered to be inappropriate on a Listed Building. The scheme had been amended to address some of the issues raised. However, concerns remained regarding details of proposed window materials. Furthermore, the Historic Environment Section had requested further information regarding –

- the significance of the listed building;
- the location of the proposed extension in relation to the main part of the building;
- the disruption to render quoins;
- details of paving materials, and;
- confirmation that all render would remain unpainted.

Whilst it was considered that the proposal in principle would be unlikely to have a detrimental impact on the wider setting of the site or the character of the area, insufficient information had been submitted, despite repeated requests, to demonstrate to the satisfaction of the Department that the proposed development would preserve the architectural and historic character and integrity of the main house, contrary to policies SP 4 (Protecting the Natural and Historic Environment), GD 1 (General Development Considerations) and HE 1 (Protecting Listed Buildings and Places) of the 2011 Island Plan (revised 2014), and consequently planning permission had been refused. It was recommended that the Committee maintain refusal of the application.

The Committee was advised that there had been a late submission received after the main agenda had been circulated. The Planning Officer addressed some of the key elements contained within that submission, but maintained the view that the extension needed to be sufficiently set back, in order that it remained subservient to the main building.

The Committee heard from the applicants, Mr. R. Gould and his agent, Mrs. J. Faulkner. It was contended that the second submission addressed many of the issues raised by the Planning Officer and Historical Environment Officer, notably the suggested use of sash windows to match the main house, albeit in uPVC, and an increase in the setback of the quoins. It was also opined that there had been a strong design focus on the environmental impact and contextualisation of the development. The applicant considered that the proposal was sufficiently sympathetic to the main house and rear outbuildings and would create a traditional dower unit so that Mr. Gould's daughter could move into the main house. However, the Historical Environment Officer reminded the Committee that when dealing with a Listed Building it was imperative that the details were prioritised to ensure that the significance and historical value of the property was maintained. She asserted that uPVC windows were therefore not acceptable.

Having considered the scheme, the Committee, whilst appreciative of the design, agreed that the case had not been made to deviate from existing policies and

unanimously refused the application for the reasons set out above.

L’Emeraude,  
No. 4 Clos du  
Ferme Rose,  
La Rue de la  
Pigeonnerie,  
St. Brelade:  
proposed  
change of use  
of agricultural  
land to  
domestic  
curtilage/const  
ruction of  
swimming  
pool and pool  
house (RFR).  
477/5/3(985)

P/20161145

A16. The Committee, with reference to its Minute No. A20 of 26th January considered a report in connexion with an application which sought permission for the change of use of agricultural land to domestic curtilage at L’Emeraude, No. 4 Clos du Ferme Rose, La Rue de la Pigeonnerie, St. Brelade. It was also proposed to construct a swimming pool and pool house to the west of the property. The Committee had visited the site on 17th October 2017.

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

The Committee recalled that the application site formed part of an earlier 2012 Planning Permit to redevelop the former Rose Farm Campsite.

The property L’Emeraude was a 2½-storey dwelling house, occupying the westernmost plot of 4 new dwellings. The northern and western perimeter of the site comprised a landscaped buffer (Class B agricultural land). This was illustrated under the approved plans and secured by Condition under the 2012 Planning Permit in order to help deliver the significant landscape restoration of the former campsite.

The present application followed a previously upheld decision to refuse an application for an ancillary residential building which had been refused in light of an unacceptable change of use of agricultural land to extend the domestic curtilage, the resultant partial loss of the landscape buffer and the excessive size and scale of the proposed 2-storey building.

It was envisaged on this occasion that, in order to facilitate the siting of the proposed building, 251 square metres of existing residential land would revert to agriculture so as to form part of the landscape buffer with 148 square metres of agricultural land to the west forming part of the garden of the property. The net gain in agricultural land and the proposed introduction of a scheme of native planting designed to reinforce the landscape buffer was such that the proposed change of use of land was considered to be acceptable in this specific context.

It was further considered that the rationalised design of the proposed building was such that the scheme was considered to be of an appropriate scale and design wherein it amounted to a permissible exception to Green Zone Policy (ancillary residential building – NE7, para. 2). In light of the above the application was recommended for approval.

The Committee noted that no representations had been received in connexion with the application.

The Committee heard from the applicant’s agent, Mr. M. Stein of M.S. Planning. Mr. Stein emphasised that by removing the floor from the pool house, a return of agricultural land would be achieved.

Having noted that the proposed new buffer would be to the north of the site, the Connétable P.B. Le Sueur of Trinity indicated his preference for the landscaping works to be undertaken upon commencement of the development, rather than upon occupation. However, overall, he considered the proposals to be too large in scale and refused the application.

Deputy S.M. Wickenden of St. Helier indicated that he was struggling to see that the scale of the proposals could be deemed to be acceptable and, considering them not



to meet the requirements of the Green Zone Policy, he refused the application.

Deputy J.M. Maçon of St. St. Saviour was of the view that, subject to development rights being removed, the application should be approved.

Deputy R. Labey of St. Helier considered the proposal to be too large and to represent an incursion in to the Green Zone which was not proportionate to the dwelling. He accordingly refused the application.

The Committee therefore refused the application on the basis that the proposed development was immodest and disproportionate to the existing dwelling, contrary to Policy NE7.

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

Field No. 796,  
La Rue de la  
Mare des Près,  
St. John:  
installation of  
shipping  
containers  
(RETRO-  
SPECTIVE).  
477/5/3(182)

A17. The Committee, with reference to its Minute No. A12 of 23rd March 2017, considered a report in connexion with an application which sought permission for the removal of 8 metal shipping containers located to the south of an agricultural store building at La Girette, Field No. 796, La Rue de la Mare des Près, St. John and their replacement with 3 pre-fabricated storage units to the south west corner of the site. The Committee had visited the site on 17th October 2017.

Connétable J. Gallichan of St. Mary, Chairman did not participate in the determination of this application. Deputy J.M. Maçon of St. Saviour acted as Chairman for the duration of this item.

MS/2016/1818

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Policies NE7, EIW2, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the application site had an extensive planning history and had been occupied as a general storage facility since August 2002. In addition to the general storage permit, a temporary permission had been issued in April 2016 for 8 shipping containers to be positioned on the site, also to be used for general storage purposes. The permission had been issued for a 4 month period to coincide with the expiry of the general storage use in an existing agricultural shed. The Committee had previously refused an application for the retention of the shipping containers and the applicant had been given 12 months to remove them from the site.

The Committee noted that the current application sought to remove the shipping containers and replace them with 3 pre-fabricated storage units to the south of the existing store building. Each unit would have an area of approximately 60 square metres and would comprise a portal framed building with sage green painted wall panels, grey metal roof sheeting and olive green roller shutter doors. In policy terms, development related to employment land, as was the case in this instance, could be permitted as an exception to the presumption against development under Green Zone Policy. The proposed storage buildings would be ancillary to the established employment use and, by virtue of its appropriate scale and design and negligible landscape impact, was considered to amount to a permissible exception to Green Zone Policy (NE7, para 6). Moreover, the development was considered to respond appropriately to the natural environment and the amenities and safety of neighbouring land users. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

A letter and petition signed by 14 individuals objecting to the application had been

included with the Committee's agenda papers.

Advocate S. Young, acting for Mrs. Najafi, stated that discretion to allow development under the Green Zone Policy was expected to be exercised sparingly, with judgments of the Royal Court requiring that sufficient justification must exist, taking into consideration the Island Plan. It was contended that the strong presumption against development in the Green Zone was not overcome in the present application. It was suggested that the large building which the Applicant sought to replace for the existing containers represented additional buildings on the site, not ancillary; and thus would be an extension to existing storage provision. Concern was expressed at the narrowness of the access road and at the estimate of 3 vehicles an hour that would use it.

Mr. G. Cook, on behalf of himself and a number of neighbours unable to be present, observed that the site was recognised as being in the Green Zone and close to nearby properties. The access road was dangerous, with great difficulty for vehicles to pass one another, and no footpath to safeguard pedestrians. It was considered that, consequently, any increase in traffic along the narrow road would be dangerous and intensification of use of the application site was of concern. It was emphasised that there was already a storage building on the site, and the existing containers were on site illegally. It was contended that the building, at 10,500 square feet, should be able to accommodate the fishermen's storage requirements.

Mr. A. Moulin, the Applicant, addressed the Committee and outlined the rationale of his purchase of the property in 2016 whereby he sought to improve the 20-year old storage facility. The containers on the site at that time were in use by local fishermen, separately from the storage building. Loss of storage by the fishermen would potentially result in the closure of 6 small businesses. Mr. Moulin outlined his long-standing interest in the natural environment, confirming that the overall development of the site would lead to an enhancement of the area. For his part, he was also keen to assist small businesses.

Mrs. S. Moulin emphasised the low-key storage facility provided by her husband, which generated only minimal traffic and responded to the needs of local small businesses. Acknowledging that notice had been served for the removal of the containers from the site, Mrs. Moulin explained that the present application was part of the effort towards removing them. It was emphasised that the existing pond on the site assisted local bio-diversity. Commenting that the Parish Roads Committee had not objected to the proposals, it was explained that alternative measures could lead to the potential encroachment into field entrances to accommodate vehicles and parking, *et cetera*. Mrs. Moulin confirmed that Policy NE7 of the Island Plan provided for exceptions to be made for development in the Green Zone. In this case, the proposed building would not be visible from the public realm and would be hidden from sight.

Connétable J. Gallichan of St. Mary addressed the Committee in support of the application. Advocate Young raised an objection on the basis that the Connétable was Chairman of the Committee. The objection was noted but the Committee recalled that protocols did not preclude such an eventuality. Connétable Gallichan outlined that the present shortage of storage for small businesses was an issue of concern for the northern Parishes.

Deputy J.M. Maçon of St. Saviour noted that Policy NE7 allowed for developments such as in the present application, which he approved.

Deputy R. Labey of St. Helier, having noted the comments made by Advocate Young in his submission, recognised that the provision of such storage could be a

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19.10.17

‘lifeline’ to fishermen, whilst not necessarily a hugely profitable venture for the Applicant. The Deputy approved the application.

Deputy S.M. Wickenden of St. Helier, recognising that whereas many similar applications considered by the Committee related to St. Helier, emphasised that there was a need for storage in the countryside and supported the application.

The Committee accordingly approved the application.

La Maison du  
Haut, La Rue  
Ville es  
Gazeaux, St.  
Lawrence:  
revised plans.  
477/5/3(504)

P/2017/0521  
RP/2017/0521

A18. The Committee, with reference to Minute No. A9 of 29th June 2017, considered a report in connexion with an application which sought permission for the following works at the property known as La Maison du Haut, La Rue Ville es Gazeaux, St. Lawrence –

- the construction of a hipped roof four bay garage and store with air source heat pumps and oil tank adjoining;
- the demolition of an existing conservatory and its replacement with a one and a half-storey kitchenette/sitting room with bedroom/study in the roof space;
- the demolition of an existing rendered wall and the construction of a 2 metre high granite wall to the north of the proposed kitchenette/bedroom extension;
- the construction of a lean to loggia with attached lean to store, and;
- the formation of a swimming pool measuring 10 metres x 5 metres in the southern garden of the house, directly adjoining the loggia (it was noted that this element of the scheme was covered by Permitted Development Rights and planning permission was not required).

A site plan and drawings were displayed. The Committee recalled that the application site was located in the Green Zone and that Policies NE7, GD1, GD7, BE6, NR1 and LWM2 were relevant to the application.

The Committee noted that the applicant was a sitting States member. Consequently, the application had been referred to the Committee for consideration, in accordance with normal procedures.

The Committee recalled that it had recently approved the variation of the standard condition which required the commencement of development within 5 years of the date of the decision. In doing so the Committee had permitted a 12 month extension to the life of the above permit. In addition, the Committee had subsequently approved revisions to the approved scheme, as follows –

- construction of a new basement under the proposed extensions comprising a wine store, plant room, snooker room and a games room;
- construction of a hipped roof dower wing to the west elevation comprising a pitched roof with a new dressing room to the master bedroom;
- raising of east elevation roof to include 4 additional roof lights and other additional windows to the first and second floors of the west elevation.

The current scheme sought to provide a new house extension, a new garage and store and a loggia structure. These proposals had been carefully assessed against the key policy tests for development in this Green Zone location and the scheme was considered to be acceptable and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

No representations had been received in connexion with the application.

No oral representations were received.

The Connétable J. Gallichan of St. Mary confirmed that she had no issues to raise and approved the application.

Deputy S.M. Wickenden of St. Helier considered that the Green Zone property had previously seen a lot of changes and confirmed that he was not prepared to approve the application.

Deputies R Labey of St. Helier and J.M. Maçon of St. Saviour approved the application.

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

The Lodge,  
La Chaumiere,  
La Rue de  
Haut,  
St. Lawrence:  
proposed  
replacement  
window.  
477/5/3(1014)

A19. The Committee considered a report in connexion with an application which sought permission for the replacement of a single glazed timber window on the south elevation of the property known as The Lodge, La Chaumiere, La Rue de Haut, St. Lawrence.

The Committee noted that the applicant was a sitting States member. Consequently, the application had been referred to the Committee for consideration, in accordance with normal procedures.

RW2017/1239

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and the property was a Grade 4 Listed Building. Policy HE2 of the 2011 Island Plan was of particular relevance.

The Committee noted that this was a modest application to replace a single window with a like for like replacement. The existing window was in a poor state of repair and incapable of restoration. The replacement window was considered to be appropriate and in accordance with Policy HE2. Consequently, the application was recommended for approval.

No oral representations were received.

Having considered the application the Committee decided to grant permission.

Ivy Lodge, Le  
Mont Cantel,  
St. Helier:  
proposed  
construction of  
extensions to  
north  
elevation.  
477/5/1(624)

A20. The Committee, with reference to its Minute No. A12 of 23rd March 2017, considered a report in connexion with an application which sought permission for the demolition of an existing extension and conservatory at the property known as Ivy Lodge, Le Mont Cantel, St. Helier and their replacement with new single and 2-storey extensions. The Committee had visited the site on 17th October 2017.

Connétable J. Gallichan of St. Mary, Chairman did not participate in the determination of this application. Deputy J.M. Maçon of St. Saviour acted as Chairman for the duration of this item.

P/2017/0834

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and the property was a Grade 3 Listed Building. Policies HE1, BE6, GD7 and BE3 of the 2011 Island Plan were of particular relevance.

The Committee noted that the scheme sought to remove a 2-storey flat roof extension, a conservatory and an outbuilding to the north of the site and replace them with a more sympathetic single and 2-storey extension. The Historic Environment

Section had been consulted and had no objection. The proposed replacement extension was considered to be well-designed with features which echoed the roof form of the existing Listed Building. The proposed increase in size and height were relatively minor and were considered to be in keeping with the principal dwelling.

The application had attracted a number of objections, mainly by neighbouring residents to the north east and south west of the site. The concerns raised covered a wide range of issues, to include overbearing, loss of light and privacy, design issues and the impact of the work on the cõtils. The Department was satisfied that the proposed development would not unreasonably harm the amenities of nearby residents. The scheme was not considered to detract from the setting or character of the Listed building and the proposed extension was well designed. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

54 letters of representation had been received from 41 households and copies of these had been included within the Committee's agenda papers.

The Historic Environment Officer commented that the property represented a fine villa, which sat well within its setting, and that the proposals met the development brief.

Mr. and Mrs. Mattioli addressed the Committee, representing themselves and also a number of other nearby residents. Concern was expressed in respect of increased overlooking of the neighbouring properties. As the proposed extension would be slightly lower than the existing arrangement, it was considered that the windows would enable overlooking. There was concern that the removal of existing mature trees could lead to destabilisation of the adjacent cõtils. Also, as trees on the steep cõtils came to be cut back, a greater degree of overlooking would be created. Whereas the view from an existing small window was obscure, there would be a greater impression of overlooking from the new development. Concern was expressed regarding the potential impact of the work to be undertaken on the historic well which adjoined the extension.

Mr. B. Le Beuvant, Architect, commented that whether the existing foundations were to be used would be determined by the Structural Engineers engaged for the project. The possibility was also noted that Building Control might require the use of one or more of the windows as an escape route.

The Director, Development Control confirmed that work to be undertaken on the retaining wall would be reviewed at the Building Bye-law stage.

The Committee heard from the applicant, Mr. R. Kerley, together with his Agent, Mr. M. Collins. It was emphasised that a supportive letter had been provided by the Structural Engineer for the project. Mr. Kerley was appreciative of the guidance provided by the Department in relation to the application. It was noted that a report had also been produced regarding the historic aspects of the building which confirmed that it held no historic interest. It was confirmed that overlooking from the proposed extension had been addressed with the ground floor windows (in the pantry and store) to be obscure, and also the bottom of the first floor window. It was noted that 2 windows already faced the neighbouring properties. It was confirmed that the jointly-owned well was to be retained. It was suggested that, overall, the proposal represented an enhancement of the existing property, with the historic elements to the premises being below ground level. It was confirmed that the Green Backdrop Zone would be largely unaffected, with no loss of shrubbery or garden area. Mr. Kerley confirmed that there had been no intention of giving rise to objections from neighbours and he expressed the hope that the changes made to the

original proposals had addressed the concerns raised. It was further indicated that structural loadings for the proposed extension had been confirmed by the Structural Engineer for the project.

Mrs. F. Kerley emphasised that any overlooking from the extension had been reduced. The emphasis was on the development of a family home, with improvements being made to the original single-skin construction in order to eliminate damp within the property. For their part, an invitation had been issued by the Applicants to the neighbours to view the plans and to discuss the proposals. Indeed, one objection had subsequently been withdrawn when it became apparent that draft letters of objection had been prepared by the immediate neighbour.

Deputy J.M. Maçon of St. Saviour commented that with regard to overlooking from the property, it was noted as being some distance away from adjacent buildings and that in any event windows which overlooked neighbouring properties already existed. The Deputy considered that, overall, the proposal represented sympathetic development which addressed concerns regarding overlooking and which was not overbearing. Subject to the addition of a condition requiring the windows on the south-eastern elevation to be obscure glazed and maintained as such in perpetuity, the Deputy approved the application.

Deputies R. Labey of St. Helier and S.M. Wickenden of St. Helier also approved the application, subject to the addition of the aforementioned condition.

The Committee accordingly approved the application.

Roquemont,  
Le Mont  
Cantel, St.  
Helier:  
proposed new  
poolhouse.  
477/5/1(616)  
P/2016/1688

A21. The Committee, with reference to its Minute No. A16 of 23rd February 2017, considered a report in connexion with an application which sought permission for the construction of a pool house to the south west elevation of the property known as Roquemont, Le Mont Cantel, St. Helier. The Committee had visited the site on 17th October 2017.

Connétable J. Gallichan of St. Mary, Chairman did not participate in the determination of this application. Deputy J.M. Maçon of St. Saviour acted as Chairman for the duration of this item.

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. Policies BE6, BE3, NE4, HE1, GD1, GD5, GD7 and WM1 of the 2011 Island Plan were relevant.

The Committee noted that a previous application had been refused on the grounds that the mass, height and position of the proposed development and its relationship with neighbouring properties would be dominant and intrusive, resulting in an unacceptable overbearing impact on neighbouring properties and the character of the area, contrary to Policies BE6, GD1 and GD7 of the 2011 Island Plan. In addition, the mass, height, and siting of the proposal would be harmful to the visual character of this area within the Green Backdrop Zone, contrary to Policy BE3 of the 2011 Island Plan. The proposed works were also considered to be harmful to the character and setting of neighbouring Listed buildings known as Ivy Lodge and Mont Cantel House, which were included on the Minister for Planning and Environment's Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey as Grade 3 Listed Buildings, contrary to Policy HE1 of the 2011 Island Plan 2011. Finally, no information had been submitted to demonstrate how waste material would be disposed of, contrary to Policies GD1 and WM1 of the 2011 Island Plan and Supplementary Planning Guidance on Site Waste Management Plans. The Committee had subsequently upheld this decision when a

request for reconsideration had been submitted.

The Committee was advised that the current application sought permission for a pool house measuring 380 square metres which, although large, was not considered to be disproportionate to the main dwelling and size of the site. The scheme was considered to have addressed the previous reasons for refusal and had been carefully assessed against key policies for development in the Built-up Area and Green Backdrop Zone and was considered to be acceptable as a consequence. The building line had been set back from the roadside behind an existing wall, which would be rebuilt and would continue to act as a boundary between the site, the road and the neighbouring properties, with all openings previously proposed being omitted from this scheme. The impact of the pool house had been further reduced with the addition of a pitched roof to the western corner, resulting in a height reduction to the south-west and north-west elevations behind the roadside wall. The elevational details were also considered to be largely in keeping with the character of the surrounding area, with a slight increase in the height of the south-east roadside wall. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. and Mrs. R. Kerley, who lived adjacent to the application site in a Grade 3 Listed building known as Ivy Lodge. Mr. Kerley expressed concern at the extent of excavation proposed, given the potential risk of damage being caused to the adjacent roadway and walls. He commented that although the application had been revised, the building to be constructed remained the same, with the height of the pool building to be as high again as the wall (additional photographs were handed to the Committee). Concern was expressed regarding the prominence of the new building when measured against the loss of planting and the loss of boundary wall. It was noted that the Historic Environment Team had previously commented on the impact the new pool house would have on the setting of the adjacent building. As regards privacy, concern was expressed regarding the pool house directly overlooking the adjacent apartments. It was suggested that subsequent amendments had been made to submitted plans.

Mrs. F. Kerley outlined her concern regarding the effect the pool house would have on the Green Backdrop Zone, as well as the potentially increased size of the pool and entertainment area. It was noted that the revised plans for the development indicated a Waste Management Plan which provided for approximately 300 lorry movements for the removal of the excavated material alone. Concern was expressed regarding the site of the development being up to the boundary, with potential danger being posed to children and others using the busy roadway. It was recalled that there had previously been a rock fall at Roquemont.

The Historic Environment Officer, having outlined the desirability of considering both the backdrop and the setting of the proposal, commented that there was no formal objection to the development or to the extent to which there might be any impact on the adjacent Ivy Lodge.

The Committee received the applicants, Mr. and Mrs. M. Mattioli and their agent, Mr. B. Le Beuvant. It was confirmed that the rock face referred to above was not close to the development to be undertaken. It was accepted that Roquemont was close to adjacent buildings, but that there was no 'right to a view' under Jersey Law. It was confirmed that Roquemont enjoyed a right of way along the adjacent roadway 'for all purposes.' The concerns around the impact on the roadway were noted, although it was recognised that this was not a planning consideration. The Waste Management Plan had been provided in accordance with the requirements of the

planning process. Mr. Mattioli explained that the extent to which marginal overlooking could be said to occur resulted from the acute angle of the building. In any event, it was confirmed that the top level of glazing would be obscured, this preventing overlooking from that vantage point. It was emphasised that the proposal had been revised in accordance with guidance from the Department. It was emphasised that the pool house was primarily for the children of the family.

Mr. Le Beuvant suggested that it was apparent that many of the complainants had not closely examined the application drawings. He confirmed that the wall to be replaced would be raised to 750 millimetres facing the former Jersey College for Girls (JCG) site, but not towards Roquemont, and that the windows to be installed would face away from both Ivy Lodge and the JCG flats. It was noted that the new fence would be 230 millimetres higher than the existing fence at its highest point. The Director, Development Control ascertained that the fencing element of the application was shown as 1.1 metres from the top of the wall on which it would stand. It was further noted that the Green Backdrop Zone would be enhanced.

Deputy S.M. Wickenden of St. Helier, noting that the fence formed part of the application, suggested that a height of 1.1 metres was not required in order to afford privacy, although it was noted that the height could be controlled through the imposition of a condition. Having noted the unfortunate dispute between neighbours over planning matters, and recognising that advice from the Planning Department had been adopted, he agreed to approve the application, subject to the height of the fence being substantially reduced (at least by 50 per cent).

Deputy J.M. Maçon was content that advice previously offered by the Department had been accepted and he agreed that, on balance, the present revised scheme was acceptable. He, too, was concerned at the potential impact of the height of the fence from the viewpoint of the neighbour's conservatory and agreed to approve the application subject to the imposition of a height restriction. Deputy R. Labey of St. Helier concurred that a height restriction should be imposed on the fence and he approved the application.

The Committee, having considered the application, accordingly approved it, with the addition of a condition requiring the fence height above the top of the wall along its entire length to be no more than 0.6 metres in height, in order to maintain privacy whilst reducing the impact on the neighbouring property.

Planning  
policy:  
guidance on  
development in  
St. Brelade's  
Bay.  
410/99(1)

A22. The Committee recalled that, under Article 9A of the Planning and Building (Jersey) Law 2002, it was tasked with reporting to the States the Committee's assessment of planning policy and any recommendations it had for its revision.

The Committee recalled that it had noted during consideration of an application for development in St. Brelade's Bay that the States' Proposition P.15/1968: 'Development Proposals in the St. Brelade's Bay Area', which was a Proposition that had been approved by the States under the 1964 Planning Law; and the 1989 St. Brelade's Bay Environmental Improvement Plan, provided comprehensive planning policy regimes for the entire Island, including St. Brelade's Bay.

The attention of the Committee had been drawn to Article 1 of the Planning and Building (Jersey) Law 2002, which referenced the Island Plan being approved by the States. The Director - Policy, Projects and the Historic Environment had indicated that it was the current Island Plan that should be regarded as the Island's development plan and that any other such plans effectively fell away upon its approval, thereby rendering them of little, or no, material significance in the determination of planning applications.



33rd Meeting  
19.10.17

The Committee agreed to urge the Minister for Planning and Environment to bring forward proposals for the Bay, as envisaged in the Island Plan in order to assist the Committee in its future deliberations on applications relating to St. Brelade's Bay.

Meeting dates  
for 2018.

A23. The Committee considered the following schedule of meeting dates for 2018. The former being set aside for site visits and the latter for Committee meetings –

Current Committee:

23rd and 25th January  
13th and 15th February  
13th and 15th March  
17th and 19th April

New Committee:

3rd and 5th July  
31st July and 2nd August  
18th and 20th September  
16th and 18th October  
13th and 15th November  
11th and 13th December

The Committee noted that there would be no meetings in either May or June 2018 and that the period of purdah would commence on 25th April 2018.

The Committee agreed the schedule of meeting dates.