

KML/SC/063

PLANNING COMMITTEE

(9th Meeting)

7th February 2019**PART A (Non-Exempt)**

All members were present with the exception of Connétables D.W. Mezbourian of St. Lawrence and K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Deputy S.M. Wickenden of St. Helier
 Deputy J.M. Maçon of St Saviour
 Deputy R.E. Huelin of St. Peter
 Connétable P.B. Le Sueur of Trinity
 (not present for item Nos. A1 – A4)

In attendance -

P. Le Gresley, Director, Development Control
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 E. Stables, Senior Planner
 G. Duffell, Senior Planner
 K.M. Larbalestier, Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meeting held on 10th January 2019, having been previously circulated, were taken as read and were confirmed.

Amador,
 Tower Road,
 St. Helier:
 proposed
 demolition and
 redevelopment.
 477/5/1(646)

P/2018/1182

A2. The Committee, with reference to its Minute No. A4 of 10th January 2019, considered a report in connexion with an application which had sought permission for the demolition of a garage at the property known as Amador, Tower Road, St. Helier and its replacement with 2 x one bedroom and one x 2 bedroom residential units with associated landscaping and parking. Amended plans had been received which proposed the establishment of a vehicle passing bay, the installation of a privacy screen to the first floor terrace, the removal of 2 first floor windows and the creation of 2 additional car parking spaces. The Committee had visited the application site on 8th January 2019.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation, on the grounds that the introduction of an apartment block in this area would be alien and of a scale not in keeping with the setting. Concerns had also been expressed regarding intensification of traffic and the highway safety implications of the same.

For the purpose of formally setting out the reasons for refusal, the application was re-presented and the Committee confirmed its decision to refuse permission on the basis that the scheme was contrary to Policies SP7, GD1 and GD7 of the 2011 Island Plan.

Tilgate, La
Route des
Genets, St.
Brelade:
proposed
demolition and
redevelopment.
477/5/3(548)

P/2018/0794

A3. The Committee considered a report in connexion with an application which sought permission for the demolition of 2 residential units at the property known as Tilgate, La Route des Genets, St. Brelade and their replacement with 8 new dwellings. The Committee had visited the application site on 5th February 2019.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, SP4, GD1, 3, 7, 8, H6, TT2, TT7, WM1 and Planning Policy Note No. 3 – parking guidelines of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application sought permission for the demolition of 2 existing dwellings set within substantial plots and their replacement with 8 new dwellings. The scheme accorded with Policy GD3 - Density of Development and the strategic and detailed Island Plan Policies. The proposal also satisfied the Department's minimum standards for amenity space, room sizes, and car parking. Matters raised by statutory consultees had been addressed during the life of the application and/or by condition. Positive pre-application advice had also been provided.

The Committee was advised that previous incarnations of the scheme, which were more ambitious in terms of size and mass, had been resisted. The current application had been scaled back to address the concerns of neighbouring residents. The Department did not believe that the scheme would cause unreasonable harm to amenities, nor would it lead to an unacceptable increase in traffic generation or car parking. The scheme would provide much-needed housing within the Built-Up Area of St. Brelade and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) for works to footpaths and to secure a financial contribution of £41,025.64 towards highway/pedestrian safety improvements.

A total of 12 letters of representation had been received in connexion with the application.

The Committee heard from Connétable M.K. Jackson of St. Brelade, who asked for further details regarding a proposal to cede a parcel of land along Mont Nicolle to the Parish to facilitate the widening of the road. The Connétable also requested that the retaining wall on Mont Nicolle be continued down the road and be faced in granite. Finally, the Connétable referred to the POA and, more specifically, the proposed pedestrian/highway safety improvements and stated that the Parish would not support any works which would result in the urbanisation of the area.

The Committee received the applicant, Mr. N. Durban advised that he had met with the former Parish Connétable, and now Senator, S.W. Pallett to discuss the ceding of the land to the parish. This element of the scheme would form part of the proposed POA, the Committee was minded to approve. Professional advice sought had confirmed that it would be possible to cut back the existing bank and construct a new retaining wall with a planted mesh cover. Only 2 large Leylandii trees would be removed and these would be replaced with Hawthorne, which would be capped at 12 – 15 feet and would provide a good natural habitat which would link well with the existing trees and provide screening. A 6 foot high fence would be erected behind the bank and this would protect privacy. In concluding, Mr. Durban advised that his family had owned the property for over 40 years and had worked with the Department to achieve the right scheme for the site.

The Committee discussed the relationship between the proposed development and

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neighbouring properties and noted the shadow analysis which had been submitted which demonstrated that there would be no shadowing from the proposed development.

Having considered the scheme and taken all material considerations into account, the Committee unanimously approved the application, subject to the imposition of certain conditions and on the basis of 2 additional conditions which would require the submission of the engineering details for the roadside bank prior to commencement of development and the retention in perpetuity of certain obscure glazed windows shown on the approved drawings.

The Committee also approved the entering into of a POA to secure the following –

- a 1.8 metre wide foot path along La Route des Genets, to be ceded to the Highway Authority;
- the ceding of land along Mont Nicolle to the Parish of St. Brelade to widen the road and the construction of a new retaining wall to stabilise the bank; and,
- a financial contribution of £41,025.64 for off-site improvements to facilitate safe and sustainable routes to school.

In the event that a suitable POA was not agreed within 6 months the application would be returned to the Planning Committee for further consideration.

Shalom, Le
Mont Sohier,
St. Brelade:
proposed
demolition and
redevelopment.
1070/2/1/1(285)
P/2018/1500

A4. The Committee considered a report in connexion with an application which sought permission for the demolition of the property known as Shalom, Le Mont Sohier, St. Brelade and its replacement with a new dwelling. The Committee had visited the application site on 5th February 2019.

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 was in a designation Tourist Destination Area. Policies SP1, SP4, GD1, BE3, GD7 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought permission for the demolition of an existing dilapidated dwelling and the construction of a new 2 bedroom replacement dwelling in the Built-Up Area, where the presumption was in favour of development. The proposal was in accordance with the Island Plan's Strategic and detailed Policies and satisfied the Department's minimum standards regarding amenity space and room sizes. The site did not benefit from any car parking, but was in a sustainable location. Positive pre-application advice had been provided.

The Committee was advised that the scheme had been scaled back to address the concerns of neighbouring residents and the Department was of the view that it would not cause unreasonable harm to amenities, in accordance with Policy GD1 of the 2011 Island Plan. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. M. Birrell of the property known as Dodoma. Mr. Birrell advised that his house was closest to the application site and he did not believe that the proposed development was appropriate in the Green Backdrop Zone or a Tourist Destination Area. Mr. Birrell stated that the proposed development would be overbearing and he expressed concerns about the scale and height of the new dwelling. He advised the Committee that the existing building was well screened by trees and he was concerned that these trees would die as a result of the

proposed works or would have to be removed, resulting in a loss of habitat. Mr. Birrell was of the view that the proposed development would have a negative impact on his property in terms of loss of light and this would, in turn, result in him incurring increased energy costs. He had requested the submission of a seasonal sun path analysis, but this had not been forthcoming. He went on to state that the design would be out of scale and context and would impact on the character of the area. The potential for disturbance arising from the construction work was also highlighted and Mr. Birrell felt that there would be a significant impact on the Biarritz Hotel in this context. The site was landlocked and did not benefit from any car parking which would mean that rubble would have to be manually removed, extending the build time. There would also be an increase in traffic volumes during construction and this could lead to highway safety issues, as would the placing of skips on the road. The Chairman advised that disruption during construction was not a material planning consideration as the refusal of applications on this basis would halt all development. Mr. Birrell returned his focus to the perceived negative impacts of the scheme and advised that, as the existing property had been built on sand, he was concerned about the potential for land slippage onto the roof of his garage or the car park of the Biarritz Hotel. Properties in the immediate vicinity had been built on concrete pillars in sand and vibration from demolition works could damage these pillars. Furthermore, Mr. Birrell understood that a soakaway was to be built close to some communal stairs and the risk of subsidence here was highlighted. Finally, Mr. Birrell advised that he was also worried about the removal of asbestos from the site.

The case officer advised that the Department had assessed the application and did not believe that the proposed development would cause any unreasonable loss of light. In terms of the provision of car parking, there was no on site car parking at present and no opportunity to create any.

The Committee received Senator S.C. Ferguson and Mr. D. O'Neil, General Manager, Biarritz Hotel. Mr. O'Neil began by providing the Committee and the applicant with images of the site. He echoed Mr. Birrell's concerns regarding land slippage and highlighted the proximity of the application site to the Biarritz Hotel. Mr. O'Neil was also concerned about overlooking into guest bedrooms from the proposed new development. The Chairman pointed that there already appeared to be a degree of overlooking, but Mr. O'Neil felt that this would be worsened by the proposed development. He also expressed concerns about emergency vehicle access and Senator Ferguson advised that there it had been necessary for the Fire Service to attend during the summer months when barbeque fires had occurred. Mr. O'Neil concurred with Mr. Birrell's view regarding construction vehicles and the potential for indiscriminate parking in the hotel car park during the construction period.

Senator Ferguson advised that, as well as representing constituents she was also speaking in her capacity as a Director of the Biarritz Hotel and on behalf of the St. Brelade's Bay Association (SBBA). She suggested that if the Committee was minded to approve the application then consideration should be given to the use of a banksman (an individual responsible for directing the movement of vehicles around a site) during construction to ensure safety. Senator Ferguson advised that the SBBA was concerned about the impact of the development on the Green Backdrop Zone, which was often overlooked. The Island Plan recognised its importance and the application should be assessed against this Policy. The Senator understood that whilst the submitted scheme sought to retain existing mature trees, it had also been stated that if any trees had to be removed a new similar specimen would be planted. The Senator argued that this was not in the spirit of the Green Backdrop Zone. Turning her attention to the concerns expressed regarding land slippage, the Senator reminded the Committee of the serious problems which had been encountered by residents during the redevelopment of the former Zanzibar Restaurant site. She also suggested that specialist advice be sought with regard to

the position of the soakaway as this could affect the stability of an existing bank if there was heavy rain. The Biarritz Hotel car park was used extensively during both the summer and winter months and any indiscriminate car parking would cause significant problems. It was also imperative that emergency access was maintained. The Senator concluded by stating that she believed that the proposed new dwelling would be over 3 feet higher than the existing dwelling and overlooking would be an issue. However, the case officer clarified that it would, in fact, be over 2 feet higher (a 12.7 per cent increase) and the Chairman repeated that there would be overlooking from the Biarritz Hotel into the application site. Consequently, retention of the existing mature trees would protect privacy. The Senator stated that if the applicants wished to enjoy a sea view it would be necessary to remove the trees.

The Committee heard from the applicants, Mr. and Mrs. K. Moore and their agent, Mr. R. Markham. Mrs. Moore advised that when the couple had purchased the property they had hoped to renovate it, but this had not proved possible due to its poor condition. The proposed new dwelling would be of a similar scale to the existing dwelling and would enhance the area. Mrs. Moore stated that the trees were actually owned by the Biarritz Hotel so the applicants could not remove them, even if they wanted to. In terms of subsidence and land slippage, Mrs. Moore advised that the professional services of an engineer would be retained as the applicants clearly did not wish to carry out any works which would cause any damage. She accepted that it was a difficult site to develop, but stated that there was no alternative due to the condition of the existing property. A timber frame form would be used and this would reduce the build time.

Mr. Moore advised the Committee that there was no intention of using the private Biarritz car park for construction vehicles and he was grateful that the hotel had permitted the couple to park on their land in the past.

Mr. Markham informed the Committee that the use of a timber frame form meant that it would not be necessary for the foundations to be as deep as the structure was lighter. In terms of drainage, a combination of an eaves drop system and a soakaway would be used, the details of which would be assessed by an engineer and would be considered during the building control stage, if the Committee was minded to approve the application. It was also intended to commission condition surveys of neighbouring properties prior to the demolition of the existing property and the construction of the new one. In terms of the height of the dwelling, a pitched roof had originally been proposed, but the scheme had been amended in response to objections to include a Dutch hipped roof in order to reduce the impact. The proposed new dwelling would also be constructed slightly further to the north.

The Director, Development Control advised on the separate Building Bye Laws process which, unlike the planning process, was not open so there was no public access to that process. As neighbours would not have an opportunity to comment on the technical solutions proposed, if the Committee was minded to approve the application, the Director offered to convey the concerns which had been expressed to colleagues, all of whom were qualified surveyors who would thoroughly assess the engineering solutions proposed. Senator Ferguson stated that previous experience had shown that whilst certain solutions could be agreed at the planning stage these were often altered at the Building Bye Laws stage for various reasons. Consequently, members of the public were left feeling disenfranchised. It was suggested that, if permission were to be granted, a condition could be attached to the permit requiring condition surveys. The Director advised that whilst it was normal practice for condition surveys to be carried out at the applicant's expense, there was no statutory requirement and the Committee had no legal powers to require an applicant to do so. The Director cautioned against attaching a condition to this effect as it would be inappropriate for government to become involved in an arrangement

between private landowners.

Having considered the application the Committee, with the exception of Deputy J.M. Maçon of St Saviour, decided to grant permission, subject to the imposition of certain conditions detailed within the officer report.

Herupe House,
Le Chemin de
Herupe, St.
John: proposed
demolition of
extension to
north/construct
ion of new
extension and
garage/replace-
ment of box
dormers.
477/5/3(1052)

A5. The Committee considered a report in connexion with an application which sought permission for the demolition of an extension to the north of the property known as Herupe House, Le Chemin de Herupe, St. John and its replacement with a new 2 storey extension and garage. It was also proposed to replace 2 existing box dormers on the south and north elevations with 2 new dormer windows. The Committee had visited the application site on 5th February 2019.

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

The Committee was advised that the application related to a traditional farm house, which had been heavily extended on its northern side, and which was set within a large site, located within rural St. John, which was designated as Green Zone. The scheme sought to demolish a large range of unsympathetic extensions to the north of the traditional granite farm house and replace them with a 2 storey extension attached to the main house by a 2 storey glazed link; with a further single storey garage and car port wing to the east. These additions would equate to in excess of 600 square metres of floor space. There was a "*general presumption*" against, but not an absolute moratorium on, development within the Green Zone. Policy NE7 allowed for the extension of a dwelling and minor development, thereby accommodating the reasonable expectations of residents. However, a number of tests had to be satisfied and in this particular instance, the proposals, by virtue of their excessive scale and bold, contemporary form, were considered to overwhelm the traditional characteristics and proportions of the existing farm house. As such, it was considered that the scheme failed to deliver a design which was appropriate to the existing building and its rural context (the relevant test being set out under Policy NE7, paragraph 1a). Accordingly, the presumption against development within the Green Zone prevailed and the application was recommended for refusal on this basis.

6 letters of support for the application had been received.

The Committee heard from Connétable C. H. Taylor of St. John, who supported the application on the basis that it would breathe new life into and rejuvenate the property, whilst at the same time facilitating the creation of a family home.

The Committee received the applicants, Mr. and Mrs. J. Taylor and their agents, Messrs. B. Francisco and M. Waddington. Mr. Taylor advised that he and his wife wished to refurbish the original building, demolish unsympathetic extensions and create an exciting, attractive high quality development. The applicants had met the case officer on site to discuss the scheme and the plans had been adjusted to take into account suggestions made. The applicants had viewed pre-application discussions with the Department positively so were, therefore, most surprised to receive notification that the application was to be recommended for refusal, particularly as there had been no objections to the application. The applicants had contemplated revisiting the scheme in its entirety, but had concluded that they wished to proceed with the scheme as submitted. They had consulted neighbours and the Parish Connétable; all of whom had expressed support for the application and had praised the design approach.

Mr. Francisco addressed the Committee, outlining the design process and

discussions with the Department about the scheme. Initially there had been no opposition from the Department to the contemporary design approach and the scheme had been amended to take into account suggestions made by the case officer. The applicants' agents had assessed the scheme against the Green Zone Policy tests and believed that it complied with the Policy, which permitted replacement buildings. The proposed development represented a 5 percent increase in floor area and would not result in significant harm to the landscape character of the Green Zone. The scheme also proposed the repair and refurbishment of the principal dwelling.

Mr. Waddington addressed the Committee, posing a number of questions designed to demonstrate not only that the scheme complied with the Green Zone Policy, but also the positive effect it would have in terms of revitalising the existing building. Mr. Waddington asked the Committee not to let its judgement be clouded by 'design subjectivity' or 'split hairs over policy wording'. It was a question of how the Green Zone Policy was interpreted and he did not believe that the proposed development would cause planning harm. Mr. Waddington expressed the view that the applicants had been dealt with unfairly as the Department appeared to have 'gone off piste' in that initial discussions during the pre-application stage had been positive, but appeared to have subsequently resulted in a negative recommendation. Had the recommended reasons for refusal been made clear at the outset the applicants could have re-visited the scheme rather than amending it on the basis of advice from the case officer. Mr. Waddington stated that the application had progressed to the detailed stage and most people would have assumed that this was an assurance that the basics had been accepted. Pre-application advice was considered most important, to the point that Mr. Waddington believed that most people would be prepared to pay a fee. However, it was difficult when applicants were 'lead up the garden path' only to 'drop down with a bump'. If the issue was one of scale, then Mr. Waddington asked why the application had been classified as minor rather than major. If the issue was one of design, then why had the views of the Jersey Architecture Commission not been sought? Mr. Waddington did not believe that it was the job of the Department to control architectural design and he advised that he was concerned about the number of mediocre designs, which he considered to be one of the worst blights in architecture. There had been no objections to the scheme and 6 letters of support had been received. Mr. Waddington read from a letter of support which referred to the interest which would be created by glimpses of the proposed new modern extension.

Mrs. Taylor advised the Committee that she and her husband wished to create a family home which did not have a detrimental impact on the Green Zone.

The Chairman accepted Mr. Waddington's comments in relation to the pre-application advice process and stated that he had been made aware of difficulties encountered by individuals who had received positive pre-application advice only to be faced with a recommendation of refusal when the application was considered by a more senior officer. The Director, Development Control stated that the Planning Officers' Society was currently carrying out a review of the services provided by the Department and would be engaging with the Association of Jersey Architects. The pre-application advice service was provided by the Department free of charge with no dedicated resources. Consequently, the Department was limited in terms of the service it could provide.

The case officer advised that the Department had no issue with the contemporary design approach. The issue was one of scale and the scheme was not considered to pass the policy test. Deputy J.M. Maçon of St. Saviour pointed out that the officer report did reference the 'bold contemporary form' of the proposed extension which appeared to suggest that there was an issue with the proposed design. However, the

case officer stated that this was not the sole focus. The case officer went on to suggest that, if the Committee was ‘wrestling’ with the issue of design, the scheme could be referred to the Jersey Architecture Commission, but this was likely to delay the determination of the application. She refuted suggestions that the applicants had been ‘led up the garden path’.

Having considered the application and the views of individual members – some of whom were supportive of the scheme and others were not, the Committee concluded that it would wish to defer consideration of the application so that the views of the Jersey Architecture Commission could be sought. It was recognised that the Committee was not bound by those views.

Nos. 26 and 27
Clairvale
Road, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(649)

A6. The Committee considered a report in connexion with an application which sought permission for the demolition of Nos. 26 and 27 Clairvale Road, St. Helier and the construction of a residential development comprising 6 new dwellings. The Committee had visited the application site on 5th February 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, 6 and 7, GD1, 3 and 7, H6 and E1 of the 2011 Island Plan were of particular relevance.

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The Committee was advised that the application proposed the demolition of all existing buildings on the site and the construction of 4 terraced residential houses to the front of the site onto Clairvale Road (2 houses on each side of the central vehicle entrance to the site) and 2 detached residential properties to the rear of the site. Each property would have one car parking space and a small garden.

The site was located in a sustainable location close to the town centre with good access to public transport, schools and services. It had not been used for a number of years (with the last use being commercial storage and retail/offices). The site was currently in a poor state of repair. As the proposal would result in the loss of an employment use, a marketing exercise had been undertaken with no interest having been shown in its continued use as an employment site. The marketing exercise was considered to have been satisfactorily undertaken with both the terms and cost regarded as reasonable. The site was located within a largely residential area on a site surrounded by residential properties and the benefits of replacing a commercial use with a residential scheme were considered to outweigh the loss of employment use on the site. The proposal was, therefore, considered to be in accordance with criteria 1 and 3 of Policy E1. The principle of the residential redevelopment of the site was considered acceptable and would provide much needed 2 and 3 bedroom properties in a sustainable location.

With regard to the proposed development, the Committee was advised that this was considered to be of a high quality, was in keeping with the townscape and would enhance the character and appearance of the area. Implementation of the scheme would result in the redevelopment of a derelict and outworn site. The immediate area was characterised by 2 storey residential properties with pitched roofs and the proposed development successfully matched this, in accordance with Policies GD1 and GD7. The scheme also achieved a suitable density of development, in accordance with Policy GD5. The 4 properties to the roadside would align to an acceptable degree (in terms of height and siting) with the existing terrace of properties and were not considered to have an unreasonable impact on neighbouring properties. The 2 detached properties to the rear of the site were also considered acceptable as they were designed to minimise any overlooking or loss of sunlight, with first floor bathroom windows being obscure glazed and unit No. 6 to the south-east of the site having blank side elevations at first floor level. The applicant had submitted a sun path analysis, showing limited overshadowing to neighbouring

properties at intervals during the day, but any loss of light/overbearing impact to gardens of neighbouring properties was not considered unreasonable. Any loss of privacy would be limited and was not considered to be unreasonable in this densely built up location.

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

9 letters of representation from 7 separate addresses had been received.

The Committee heard from Mr. J. Baker of No. 4 Rosslyn Villas. Mr. Baker advised that he had purchased his property in December 2018, and was the nearest neighbour to the proposed development. He had initially been unaware of the proposals to redevelop the site and when he had contacted the Department he had been advised that the application was recommended for approval. Neighbours had also been unaware of the scheme and, having been notified by Mr. Baker of its existence, had decided to submit objections. Whilst Mr. Baker had no issue with the proposed terraces on Clairvale Road, he was extremely concerned about the impact of the 2 detached properties to the rear. Unit No. 6 in particular was considered to be overbearing and would look directly into Mr. Baker's garden. He provided the Committee with some images to illustrate his point. Whilst it was noted that blank elevations at first floor were proposed, Mr. Baker stated that the potential existed to create openings in the future. He went on to explain that he was also concerned about loss of light. Mr. Baker referred the Committee to the contents of a letter from a professional planning consultant commissioned by a neighbour to assess the impact of the scheme, which indicated that the proposed development failed to satisfy certain Island Plan Policy tests.

The Committee heard from Mrs. V. Malet de Carteret of No. 32 Clearview Street, who advised that the proposed development would be adjacent to her garden wall. She stated that overall the development was acceptable, with the exception of unit No. 6, which would be overbearing and would overlook her garden. She did not consider this aspect of the scheme to be in keeping with existing development and she too referred the Committee to a letter from a professional planning consultant, which she had commissioned to assess the impact of the scheme, and which indicated that the proposed development failed to satisfy certain Island Plan Policy tests.

The Committee heard from Ms. A. Czapkowska of No. 36 Clearview Street. Ms. Czapkowska expressed concerns about loss of light and privacy. She explained that her kitchen was quite a dark room as it was and the proposed development would remove what little light the room currently received.

The Committee heard from Ms. K. Heaton, who advised that she too had been unaware of the development proposals and had received a letter advising her of the Committee meeting only that morning. Ms. Heaton informed the Committee that her property benefitted from a first floor balcony which would overlook the proposed development and she felt that there would be a loss of privacy. She had no problem with the units on the road side, but was extremely concerned about the units to the rear – unit No. 6 being of particular concern. She asked the Committee to view the application site from her property in order to fully understand the relationship between the proposed development and neighbouring properties.

The Committee heard from Mrs. M. Le Cornu of No. 28 Clairvale Road, who believed that the scheme would result in a loss of sunlight and daylight in an area which was already deprived of natural light at ground level. Unit No. 6 would be placed centrally between the 2 rows of houses forming the north east side of

Clairvale Road and the south west side of Clearview Street and this would have a significant impact. To some extent, unit No. 5 would also have a detrimental effect on neighbouring properties. Mrs. Le Cornu advised that whilst she had objected to the original application, she had not been notified of the revised scheme and believed that the Department should have advised all interested parties of the amended proposals. The site notice had been displayed on a large fence and would not have been obvious to many residents.

The Committee received Messrs. C. Dunne and D. Moyse, representing the applicant. Mr. Dunne advised that the Department had been consulted and it had been agreed that 6 new units evenly distributed across the site was an appropriate level of development. Mr. Dunne went on to address concerns regarding density levels and referred the Committee to the guidance produced by the Department in this connexion which permitted 60 – 80 houses per hectare (120 habitable rooms per acre) – the scheme proposed 124 habitable rooms per acre. In response to specific concerns regarding unit No. 6, the scheme had been amended to address issues of overlooking, loss of privacy and sunlight. Mr. Dunne believed that the proposed development was appropriate in this context and he pointed out that there were existing properties which set a precedent for the location of unit No. 6. A response had also been submitted in relation to concerns expressed regarding the impact on No. 32 Clearview Street and Mr. Dunne did not believe that there would be any loss of sunlight to this property. He provided the Committee with digital images in support of his argument.

Having considered the application and taken account of comments made by objectors, the Committee agreed that it would be beneficial to visit neighbouring properties in order to get a fuller understanding of the impact of the development. Consequently, the application was deferred pending a site visit. The Committee also requested that further consideration be given to the treatment of a ‘blank window’ on unit No. 6 and also asked for more information on the amount of light which would be received by proposed unit No. 5.

Field No. 1534
& Claremont
House, Tower
Road, St.
Helier:
proposed
demolition and
redevelopment.
477/5/3(743)
477/5/1(618)

P/2017/1808

A7. The Committee, with reference to its Minute No. A4 of 15th November 2018, considered a report in connexion with an application which sought permission for the demolition of the property known as Claremont House (and Field No. 1534), Tower Road, St. Helier and the construction of a new 7 bedroom dwelling with associated car parking and landscaping and 2 apartment blocks comprising 16 apartments with parking. The Committee had visited the application site on 13th November 2018 and on 5th February 2019.

A site plan, drawings and a 3 dimensional virtual model were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and that Policies SP1, 2, 3, 4, 5, 6, 7, GD1, GD4, GD5, GD7, GD8, BE3, H4, H6, NE2, NR7, TT4, TT8, LWM2, LWM3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that Claremont House was a two storey pitched roof property located on the western perimeter of the Parish of St. Helier. The property was situated on an elevated site which benefitted from open views towards St. Aubin’s Bay. The site measured approximately 2,806 square metres (0.69 acres) in area and bordered Tower Road to the north, existing residential properties to the west and open land to the south and east. The elevated portion towards the east of the site (known as High Gorse) benefitted from planning permission for a large, 3 storey dwelling. An outline application, which remained undetermined, had been submitted in 2016 for the demolition of Claremont House and its replacement with 4 x 4 bedroom dwellings.

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The Committee had previously refused permission for the redevelopment of the site on the basis that the height, mass and scale of the proposed dwelling and the resultant impact of the same on the Green Backdrop Zone were just too great. The Committee had concluded that it had no issue with the proposed apartment blocks. In response the applicant had submitted a revised the scheme in which the height of the proposed single dwelling had been reduced by removing the kitchenette, lift shaft and stair access element on top of the second floor of the dwelling. The Department was recommending approval of the revised scheme, 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, within 3 months, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended) to secure the following:

£28,350 towards cycling and walking routes;
£1,500 for the provision of a bus stop post and information board;
£11,500 for the provision of a bus shelter, and,
the ceding of a footpath to the application site frontage to the Parish of St. Helier.

If the Planning Obligation Agreement was not completed within 3 months of the date of approval of the application then the application would be referred to the Director, Development Control.

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

The Committee received Messrs. A. Huckson, N. Weston, I. McDonald and M. Stein. The Committee heard from Mr. Stein, who discussed the specific amendments which had been made to address the Committee's concerns about the single unit. The Committee viewed images which depicted the existing development, the previously refused scheme and the proposed revised scheme. It noted that the proposed dwelling would be 3.5 metres lower than the 3 storey dwelling which had been approved.

Having considered the application, the Committee unanimously approved the application, 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, within 3 months, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended), as detailed above.

Canada
Cottage, La
Grande Route
de Rozel, St.
Martin:
proposed
conversion and
extension of
outbuilding
(RFR).
477/5/2(791)

A8. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers, which sought permission for the conversion and extension of an existing outbuilding to provide a one bedroom residential unit at the property known as Canada Cottage, La Grande Route de Rozel, St. Martin. Various external alterations were also proposed. The Committee had visited the application site on 5th February 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Canada Cottage was a Listed Building. Policies SP4, GD1, GD3, GD7, HE1, HE2, H6, BE6, NE2 and NR1 of the 2011 Island Plan were of particular relevance.

P/2018/1026

The Committee was advised that the application related to a Listed house located on a corner plot close to St.Martin's Church. The scheme proposed alterations and extensions to the house and the formation of a detached residential unit in the rear garden. The Committee noted that the Department considered that the proposed new unit within the rear garden area would result in the overdevelopment of the site. All of the rear garden area would be given over to car parking and the new unit would not meet the minimum standards as regards both the unit size and the external amenity space. The Department's Transport Section had expressed concerns about

the main road junction adjacent to the house, where visibility splays were sub-standard. The proposal would intensify use of the site, which would impact on this junction. Finally, although a bat survey had been submitted, this was considered to be inadequate on various grounds. For these reasons the application had been refused and it was recommended that the Committee maintain refusal.

The Committee noted that works to the existing house would improve the appearance and update the property, which had been neglected and there were no objections to this part of the proposal. A new application for this element alone had been submitted (application reference P/2018/1758 refers) since the refusal of the application which formed the subject of this request for reconsideration.

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

The Committee heard from the applicant, Mr. R. Killen and his agent, Mr. B. Le Beuvant. Mr. Le Beuvant stated that a precedent for development of this nature had already been set by a neighbouring property. Furthermore, the Historic Environment Section had raised no objections to the application. In terms of Supplementary Planning Guidance (SPG) Note No. 6 – A minimum specification for new housing development (which did not include a minimum size for a 2 storey single occupancy property), Mr. Le Beuvant stated that a one bedroom single occupancy unit was proposed, requiring an absolute minimum floor area of 34.5 square metres, as detailed within the SPG for a flat or single storey unit. The actual floor area of the proposed dwelling amounted to 43.0 square metres. The bedroom had a floor area of 13.2 square metres and the SPG stated that the main bedroom floor area should be no less than 12.5 square metres, but offered no maximum size. Therefore, Mr. Le Beuvant argued that the bedroom size being larger than the minimum size could not be used as a reason for refusal. With regard to visibility splays, the applicant was restricted in terms of how much of the existing wall could be altered to facilitate an improvement because it was encompassed by the Listing. There were already over 25 properties located on the road and the proposed new unit would not result in any significant increase in the use of the junction. This was also a through road for other motorists and it was considered anomalous to place a restriction on the proposed new unit at Canada Cottage. There had been only 2 recorded road traffic incidents within 200 metres of the junction and the applicant had erected a larger mirror to improve visibility. He was also awaiting approval for the erection of a second mirror. With regard to the reference to protected species on the application site, this statement was believed to be incorrect and an officer had visited the site and confirmed there was no evidence of bats.

The Committee was advised that the Department viewed the proposed unit as a 2 person unit because the bedroom was a double so it was, therefore, capable of being occupied by 2 people. Consequently, the standards set out in the SPG for a 2 person unit had been used to assess the application.

Mr. Killen advised that the proposed new residential unit would remain as part of the main house and all services and the amenity space would be shared. Whilst it was recognised that the Historic Environment Section might not support moving the existing wall further back to improve visibility, the applicant was willing to do this and cede a footpath to the Parish. However, he did not believe it was necessary as there had been very few accidents.

Having considered the application, the Committee, with the exception of Deputies S.M. Wickenden of St. Helier and J.M. Maçon of St. Saviour, expressed support for the application, on the basis that the Committee was content to regard the new dwelling as a single occupancy unit with shared facilities, to include amenity space.

9th Meeting
07.02.19

Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal confirmation of the decision and the approval of any conditions which were to be attached to the permit.

Planning and
Building
(Jersey) Law
2002:
recommendat-
ions in
accordance
with Article
9A.
410/99(1)

A9. The Committee decided to make the following recommendations to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

that the Minister request that the Planning Officers Society consider the pre-application advice service and engage with stakeholders as part of the overall review of services;

that the Minister be made aware of the urgency attached to the production of new parking guidelines, particularly in the light of the number of applications which were being submitted for the conversion of buildings with no car parking provision; and

that the Minister consider the provision of community facilities within new residential developments.