

KML

PLANNING COMMITTEE

(27th Meeting)

19th March 2020**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence, Deputies S.M. Wickenden of St. Helier, J.M. Maçon of St. Saviour and Deputy K.F. Morel of St. Lawrence, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman  
 Deputy G.J. Truscott of St. Brelade, Vice Chairman  
 Connétable P.B. Le Sueur of Trinity  
 Deputy R.E. Huelin of St. Peter  
 Deputy L.B.E. Ash of St. Clement

In attendance -

A. Townsend, Principal Planner  
 C. Jones, Senior Planner  
 E. Stables, Senior Planner  
 A. Parsons, Planner  
 R. Hampson, Planner  
 K.M. Larbalestier, Secretariat Officer, States Greffe

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

Covid-19:  
 revised  
 procedures for  
 public  
 Planning  
 Committee  
 meeting.

A1. In accordance with Government advice, and in an attempt to support efforts to contain the spread of Covid-19, the Committee had reviewed its agenda for the public meeting to be held on 19th March 2020. Consequently, applications with a large number of objections had been deferred. In terms of the remaining items, the Committee had resolved to meet as many applicants and agents on site as was possible (and where prior agreement had been reached with interested parties), in the presence of a Secretariat Officer from the States Greffe and Departmental officers. A formal record of the meeting had then been produced. This measure was intended to eliminate the need for individuals to attend the public meeting on 19th March 2020. All applications would, however, be determined at the public meeting and whilst individuals were free to attend no further representations would be received and certain restrictions on access would be in place.

Oakhurst, La  
 Route de  
 Beaumont, St.  
 Peter:  
 proposed new  
 dwelling  
 (RFR).

A2. The Committee, with reference to its Minute No. A13 of 20th February 2020, considered a report in connexion with an application which had been refused under delegated powers by the Department and which sought permission for the construction of a new 4-bedroom dwelling with associated car parking and landscaping. The Committee had visited the application site on 18th February 2020.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reason for approval and the conditions to be attached to the permit (as detailed within the officer report), the application was re-presented.

P/2019/0976

The Committee confirmed its decision to grant permission, subject to the imposition of the conditions detailed within the officer report.

La Croisic  
(Field No.  
J227), La Rue  
des Landes, St.  
John: change  
of use of  
agricultural  
shed to vehicle  
workshop  
(RFR).

A3. The Committee, with reference to its Minute No. A8 of 20th February 2020, considered a report in connexion with an application which sought permission for the removal of a 'disuse and disrepair' condition attached to the permit in respect of an agricultural shed at the property known as La Croisic (Field No. J227), La Rue des Landes, St. John. The Committee had visited the site on 18th February 2019.

The Committee recalled that it had been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reason for refusal (as detailed within the officer report), the application was re-presented.

P/2018/1313

The Committee confirmed its decision to refuse permission.

St. Bernard's  
Garage, La  
Rue de la  
Hambye, St.  
Saviour:  
proposed  
demolition and  
redevelopment  
(RFR).

A4. The Committee, with reference to its Minute No. A2 of 19th February 2020, considered a report in connexion with an application which sought permission for the demolition of some existing sheds to the west of the site known as St. Bernard's Garage, La Rue de la Hambye, St. Saviour and their replacement with a 3-bedroom dwelling with associated landscaping and parking. The Committee had visited the application site on 18th February 2020.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reasons for approval and the condition to be attached to the permit (as detailed within the officer report), the application was re-presented.

P/2019/0709

The Committee confirmed its decision to grant permission, subject to the imposition of the condition detailed within the officer report.

Georgetown  
House,  
Elizabeth  
Street, St.  
Saviour:  
proposed  
remodelling  
and extension.

A5. The Committee, with reference to its Minute No. A2 of 17th March 2020, considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for the demolition of some existing extensions to the south elevation and a garage to the south of Georgetown House, Elizabeth Street, St. Saviour. It was proposed to construct various extensions to the south elevation and convert 9 bedsit units to form 6 bedsit units, 2 x one bed and one x 2-bedroom residential units. Various external alterations to include 2 Juliet balconies to the first floor north elevation and a garage with a 2 bedroom residential unit above were also proposed. The Committee had visited the application site on 17th March 2020, and had received oral representations on site.

P/2019/1127

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and was on the Eastern Cycle Route. Policies SP4, SP7, GD1, GD7, BE6, H6, NE1, NE2, NE3, NE4 and TT4 of the 2011 Island Plan were relevant. The Committee's attention was also drawn to Planning Policy Note No. 6 – 'A Minimum Specification for New Housing Developments' and Planning Policy Note No. 3 – 'Parking Guidelines'.

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

27th Meeting  
19.03.20

the proposed development would result in the overdevelopment of the site. The quantum of built form being proposed on this constrained site was considered to result in a cramped scheme with a poor standard of design. Accordingly the application failed to satisfy the requirements of Policies GD7, GD1 and BE6;

the proposed development would result in sub-standard units of accommodation which failed to satisfy the requirements of Policy H6 and Planning Policy Note 6 (PPN6): A Minimum Specification for New Housing Developments - 1994.

the proposed amenity space which would serve flat No. 3 was considered to cause overlooking as a result of its second-floor position and lack of privacy screen, contrary to Policy GD1.

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

No representations had been received in connexion with the application.

The Committee discussed the scheme and recalled that the majority of the proposed units fell significantly short of the minimum standards. Only flat No. 4 exceeded the standards. It was noted that the 1994 standards - A Minimum Specification for New Housing Developments - did not contain a minimum space standard for units with shared facilities (namely unit Nos. 1 and 2, which shared a kitchen and unit Nos. 3 and 5, which shared a shower room). PPN6 also required a minimum area of 20 square metres for amenity space. Whilst this requirement could be satisfied for flats No. 1 and 4, the remaining units would share a communal amenity space on the roadside elevation.

Having considered the application, both Connétable P.B. Le Sueur of Trinity and the Chairman, Deputy R. Labey of St. Helier, considered that the scheme would result in the overdevelopment of the site and wished to maintain refusal for this reason alone. The remaining members expressed support for the application on the grounds that it would result in improved accommodation and it was not considered that the proposed development would result in the over development, nor would there be an unreasonable degree of overlooking from the amenity space associated with flat No. 3. Consequently, permission was granted, contrary to the officer recommendation and the Committee noted that formal confirmation of the decision would be sought at the next meeting. It was likely that this meeting would be conducted electronically given the Covid-19 restrictions.

Santa Sofia  
Cottage, La  
Rue de la  
Sente,  
Grouville:  
proposed  
extension to  
eastern  
elevation of  
dwelling.

A6. The Committee, with reference to its Minute No. A3 of 17th March 2020, considered a report in connexion with an application which proposed the removal of a greenhouse and the extension of an existing outbuilding to provide a residential dwelling at the property known as Santa Sofia Cottage, La Rue de la Sente, Grouville

A site plan and associated drawings were displayed and it was noted that the application site lay within the Green Zone and that Santa Sofia was a Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that permission had previously been granted under application reference (P/2008/0138) for the sympathetic refurbishment of the existing structures to provide a simple cottage. Subsequently, the former Minister for Planning and Environment had granted permission under application reference P/2010/1324 (contrary to the Department's recommendation for refusal) for the raising of the eaves and ridge height of the existing outbuilding and the construction of an extension on the eastern elevation to create a 2-bedroom unit. The scheme had not been commenced and the permit had lapsed.

The current application was similar to the 2010 scheme and proposed refurbishing the cottage and raising the roof to form a 2-bedroom dwelling with garden and parking area. A tight tank and domestic access were also shown on the drawings.

The cottage formed part of a late 19th century farm group and was located in the Green Zone, wherein there was a general presumption against all forms of development, including the change of use of land to extend domestic curtilage. Whilst the Green Zone policy allowed for the extension of a dwelling, the design had to be appropriate to existing buildings and its context, not facilitate increased occupancy and not seriously harm landscape character. In this instance the proposals were not considered to be in-keeping as the mass of the building would effectively be doubled. Further to this, the design of the extension appeared as a separate dwelling, with the development, as a whole, taking on the look of a pair of semi-detached cottages, rather than a vernacular structure with a sympathetic extension.

To facilitate the associated requirements for a new dwelling, a significant part of the garden and parking areas were proposed on Field No. 173a. This change of use, which was contrary to Green Zone policy, was considered excessive and had attracted an objection from the Land Controls and Agricultural Development Section. Significant alterations to the Listed building were proposed and whilst amended plans had been submitted to address the comments of the Historic Environment Section, outstanding issues remained concerning the dormer windows which were not in the vernacular form.

The application had been refused on the grounds that it was contrary to Policies GD7, NE7, HE1 and LWM2 of the 2011 Island Plan.

Having considered the application, the Committee decided to grant permission, contrary to the officer recommendation. The Committee concluded that there was clear evidence to suggest that the structure had previously been used as habitable accommodation and it was agreed that the scheme would bring the historic building back into use. The Committee did not believe that the proposed development would result in an incursion into viable agricultural land and the active part of the field was distinct from the area where the change of use was proposed.

The Committee noted that formal confirmation of the decision would be sought at the next meeting. It was likely that this meeting would be conducted electronically given the Covid-19 restrictions.

Chateaubriand,  
La Rue de  
Guillaume et  
D'Anneville,  
St. Martin:  
proposed  
tennis court  
and fence.

A7. The Committee, with reference to its Minute No. A4 of 17th March 2020, considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers by the Department and which sought permission for a tennis court and associated fencing on Field No. 661, which was to the north west of the property known as Chateaubriand, La Rue de Guillaume et D'Anneville, St. Martin. The Committee had visited the application site on 17th March 2020, and had received oral representations on site.

P/2019/1256

A site plan and drawings were displayed on site. The Committee noted that the application site was located within the Green Zone and that Chateaubriand was a Listed Building. Policies GD1, GD7, NE7 and HE1 of the 2011 Island Plan were relevant.

The Committee was advised that whilst the above field had not been used for agricultural purposes for many years, it was not within the domestic curtilage of Chateaubriand, nor did it have permission to be used for residential purposes. The land was protected by Green Zone and Agricultural Policies.

27th Meeting  
19.03.20

A similar application had been approved in 2012, but the scheme had not been implemented and the permission had lapsed. Whilst it was acknowledged that a tennis court had been approved in a similar position previously, policy line with regard to introducing domestic uses to agricultural land, even where the land had not been farmed for a long time, was now applied much more stringently. The Department report for the previously approved application (reference P/2012/0167) stated that the site was already used as an informal garden area for the house and, crucially, was within the established domestic curtilage/garden. This latter statement was now considered to be incorrect. Whilst the site may have been used informally for residential purposes, its authorised use as an agricultural field remained. Therefore, the application could not be supported as it was contrary to Policies NE7 and ERE1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee discussed the application and, with the exception of Deputy L.B.E. Ash of St. Clement, decided to endorse the recommendation to maintain refusal for the reasons set out above.

Greencliff, La  
Rue de Fliquet,  
St. Martin:  
proposed  
raising of roof/  
installation of  
rooflights  
(RFR).

P/2017/1614

A8. The Committee, with reference to Minute No. A5 of 17th March 2020, 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 replacement of the roof at the property known as Greencliff, La Rue de Fliquet, St. Martin. It was also proposed to install 2 dormer windows and one rooflight on the south elevation, one rooflight on the east elevation, 2 roof lanterns and one rooflight on the north elevation and one rooflight on the west elevation. The Committee had visited the application site on 17th March 2020 and had received oral representations on site.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that Greencliff was a Grade 4 Listed Building. Policies NE7, GD1, GD7, HE1 and BE6 of the 2011 Island Plan were relevant to the application.

The Committee recalled that a previous application to raise the roof to extend the loft space and install 2 lantern rooflights to the north elevation had been refused.

The property was a historic Grade 4 mid-19th century villa retaining an interesting historical character and contributing to the rural setting. The amended scheme did not address the issues which had previously been raised and the Historic Environment Section had always objected to the replacement of the roof. There was no clear justification for the loss of the existing roof structure and no additional information to demonstrate that the replacement of the roof would not have an adverse impact on protected species. The impact was, therefore, still considered to be unacceptable.

The Historic Environment Section accepted that sensitive alterations to the existing roof could be acceptable. The Department's position was that the replacement of the roof would result in an unacceptable loss of the historic fabric of the building, and the scale, size and proportions of the proposed dormers on the south elevation and the rooflight on the north elevation would cause harm to the character of the Listed Building.

The applicant's agent had suggested that permission could be granted with conditions regarding the works to the roof and protected species. Whilst the Department did often condition a requirement for additional information regarding protected species, this was only where the application was acceptable in all other respects. It was not appropriate in this case to approve permission for a new, larger, roof without adequate justification.

The Committee decided to defer consideration of the application pending the receipt of advice from the Principal Historic Environment Officer, who was currently self-isolating in accordance with Government advice in respect of Covid-19.

La Verte Rue  
Farm, La Verte  
Rue, St Ouen:  
proposed  
demolition of  
car port/  
construction of  
garage with  
office above.

A9. The Committee, with reference to its Minute No. A7 of 17th March 2020, 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 an existing car port and the construction of a new garage with an office above at La Verte Rue Farm, La Verte Rue, St Ouen.

Deputy R.E. Huelin of St. Peter withdrew for the duration of this item.

P/2019/1424

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that La Verte Rue Farm group was Grade 3 Listed. Policies NE7, GD1, GD7, HE1 and NE4 of the 2011 Island Plan were relevant to the application.

The Committee noted that the existing car port structure was of no architectural or historic interest, so its loss was not opposed. However, the scale of any proposed replacement building would need to respect the context of the adjacent granite farm buildings and should retain positive architectural features.

The proposed new building was considered to be over-scaled in this context. It would be attached to the Listed farm building, was deeper in plan form and the eaves and ridge would be higher. A simple low scale building, which was not attached to the outbuilding and was clad in natural external materials might be more successful. Furthermore, any new building should not breach the clear line of development formed by the southern edge of the existing out buildings. Consequently, the application had been refused for the following reasons -

by way of its scale, design and location in relation to the Grade 3 Listed farm group, the proposed development was considered to have an unreasonable impact upon the setting of the historic buildings. As a result, the proposal failed to meet the requirements of Policies GD1, GD7 and HE1;

the proposal failed to sit within one of the permissible exceptions to the presumption against development within the Green Zone and was, therefore, contrary to Policies GD1 and NE7;

the proposed development would result in the loss of a mature tree and existing hedges on site, having an unreasonable effect upon natural features, contrary to Policies GD1 and NE4.

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

The Committee discussed the application and, with the exception of Deputy L.B.E. Ash of St. Clement, decided to endorse the recommendation to maintain refusal for the reasons set out above.

27th Meeting  
19.03.20

Le Pressoir, La  
Rue de Bechet,  
St. John:  
proposed  
removal of  
conditions.

P/2019/1478

A10. The Committee, with reference to Minute No. A6 of 17th March 2020, received a report in connexion with an application which sought permission for the removal of condition Nos. 4 (*corpus fundi*) and 5 (agricultural occupancy) which had been attached to the permit in respect of the dwelling known as Le Pressoir, La Rue de Bechet, St. John

A site plan and drawing were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, NE7 and H9 of the 2011 Island Plan were of particular relevance.

The Committee noted that permission was sought for the removal of the aforementioned conditions attached to a historic planning permission (reference 13526/G) which related to the construction of a 2-storey dwelling approved in 1990. The *Corpus Fundi* condition tied the development to the surrounding fields. The agricultural occupancy condition restricted the occupancy of the dwelling to persons solely or mainly employed in agriculture. The removal of the *Corpus Fundi* condition was considered acceptable as such conditions were no longer imposed as the sale of property could not be controlled by planning legislation. However, the removal of the agricultural occupancy condition was not supported as it remained pertinent to the approval of the dwelling, which had been permitted to house key agricultural workers. The 2011 Island Plan applied strict criteria to the construction of new dwellings in the countryside and it was maintained that agricultural occupancy conditions should not be removed as long as there was a need for the dwelling within the relevant industry. The application did not include any evidence that the dwelling was no longer required within the industry or a substantial justification for making an exception to key Island Plan Policies. Whilst the Department was sympathetic to the applicant's personal circumstances, the removal of the agricultural occupancy condition could not be supported. Consequently, the application was recommended for refusal.

The Committee noted that permission was sought for the removal of the aforementioned conditions attached to a historic planning permission (reference 13526/G) which related to the construction of a 2 storey dwelling approved in 1990. The *Corpus Fundi* condition tied the development to the surrounding fields and restricted the occupancy of the dwelling to persons solely or mainly employed in agriculture. The removal of this particular condition was considered acceptable as such conditions were no longer imposed as the sale of property could not be controlled by planning legislation. However, the removal of the agricultural occupancy condition was not supported as it remained pertinent to the approval of the dwelling, which had been permitted to house key agricultural workers. The 2011 Island Plan applied strict criteria to the construction of new dwellings in the countryside and it was maintained that agricultural occupancy conditions should not be removed as long as there was a need for the dwelling within the relevant industry. The application did not include any evidence that the dwelling was no longer required within the industry or a substantial justification for making an exception to key Island Plan Policies. Whilst the Department was sympathetic to the applicant's personal circumstances, the removal of the agricultural occupancy condition could not be supported. Consequently, the application was recommended for refusal.

4 letters of support for the application had been received.

The Committee discussed the application and noted that whilst Connétable P.B. Le Sueur of Trinity and Deputy G.J. Truscott of St. Brelade were most sympathetic to the applicant's personal circumstances, they wished to maintain refusal for the reasons set out above. The remaining members took the view that the property had not been occupied by a bona fide agriculturalist for some considerable time and they also questioned whether it was, in fact, suitable for use as modern day agricultural

worker accommodation. The Committee also noted that approval of the application would have no impact on the amenities of any neighbouring properties. Consequently, on this particular occasion, the Committee was satisfied that sufficient justification existed for making an exception to policy and granted permission for the removal of the conditions.

The Committee noted that formal confirmation of the decision would be sought at the next meeting. It was likely that this meeting would be conducted electronically given the Covid-19 restrictions.

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

A11. 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 give some consideration to allowing for improvements to lodging houses which may not meet the standards set out in Planning Policy Note No. 6;

that the Minister consider policy revisions which permitted the extension of older (Listed) buildings in the Green Zone which had been used as habitable accommodation to make them viable for modern living and to bring them back into use, particularly where there was no increase in size or landscape impact; and

that the Minister consider updating the Policy in respect of agricultural workers' accommodation.