

KDC

PLANNING COMMITTEE

(28th Meeting)

(Business conducted by live video conference)7th May 2020**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian 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 S.M. Wickenden of St. Helier
 Deputy J.M. Maçon of St. Saviour (not present for item No. A4)
 Deputy R.E. Huelin of St. Peter
 Deputy L.B.E. Ash of St. Clement
 Deputy K.F. Morel of St. Lawrence

In attendance -

P. Le Gresley, Director, Development Control
 G. Duffell, Senior Planner
 T. Ingle, Principal Historic Environment Officer
 T. Stone, States Greffe
 M. Clark, Secretariat Officer, States Greffe
 K.de Carteret, Secretariat Officer, States Greffe

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

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

A1. The Committee, with reference to its Minute No. A1 of 19th March 2020, noted that in accordance with Government advice, and in an attempt to support efforts to contain the spread of Covid-19, the Committee had suspended its usual public meeting procedure and would undertake meetings electronically, where possible.

For the record, the Chair noted that the meeting was the Committee's first electronic meeting. It was held via the Microsoft Teams platform and the public was able to watch proceedings live on the internet. It was confirmed that applicants and contributors had been provided with access details for the meeting, in order to speak, either through Microsoft Teams or telephone dial in.

Santa Sofia
 Cottage, La
 Rue de la
 Sente,
 Grouville:
 proposed
 extension to
 eastern

A2. The Committee, with reference to its Minute No. A6 of 19th 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.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally

- elevation of dwelling. confirming its decision and setting out the reasons for approval (as detailed within the officer report), the application was re-presented.
- P/2019/0573 The Committee confirmed its decision to approve the application.
- Le Pressoir, La Rue de Bechet, St. John: proposed removal of conditions. A3. The Committee, with reference to Minute No. A10 of 19th March 2020, considered 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.
- P/2019/1478 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 (as detailed within the officer report), the application was re-presented.
- The Committee confirmed its decision to approve the application.
- Georgetown House, Elizabeth Street, St. Saviour: proposed remodelling and extension. A4. The Committee, with reference to its Minute No. A5 of 19th 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.
- P/2019/1127 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 (as detailed within the officer report), the application was re-presented.
- The Committee confirmed its decision to approve the application.
- 2 Belle Terre Close La Vieille Rue, Grouville: proposed extension to northern elevation of dwelling. A5. The Committee, 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 an existing garage and construction of a single storey front and rear extension and a 2 storey side extension to the north elevation of 2 Belle Terre Close, La Vieille Rue, Grouville. The Committee had not visited the application site.
- A site plan and drawings were displayed. The Committee noted that the application site was in the Eastern Cycle Route Corridor and the Green Zone. Policies GD1, GD7, NE7, and BE6 of the 2011 Island Plan were relevant.
- P/2019/1652 The Committee noted that the application property was one of a group of 3 dwellings, constructed 5 years previously on the site of a former agricultural building. The complex was arranged to echo the shape of a traditional Jersey farm complex, including a central house, with further dwellings in each of the 2 side wings. The application property was located on a side wing of the complex and it was noted that the Department had refused the application on the grounds that the design of the proposed extension would not be appropriate on the site as it would not meet the requirement of subservience in relation to the original dwelling. There were no representations received in opposition to the application.

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The Committee heard from Mr. A. Roberts, on behalf of his wife, Mrs. G. Roberts (the applicant) who explained that the proposed extension was sought in order to extend the living space for their family, however, the number of bedrooms would remain the same. Mr. Roberts referenced the Department's reasoning for recommending refusal of the application on the basis of size and scale, however, he suggested that the proposals did not negatively impact the wider environment and continued to respect the other buildings in the 3-building group. He explained that matching materials would be used to construct the extension and the design took great care to be appropriate with the existing building and not modern, or 'flashy'. He added that, due to the levels of the site, the addition would not be visible from the main entrance and would also not be seen by the public from the west or the south. Mr. Roberts confirmed that consultation had taken place with the neighbours and that they were supportive of the application. Mr. Roberts indicated that a site visit would have provided the Committee with a better perspective of the scale and impact of the changes, and he opined that it did meet the requirements of the Island Plan policies.

The Committee noted the difficulty in assessing the impact of the size, scale and mass of the extension, having not had the opportunity to visit the site. With the consent of the applicant, the Committee agreed to defer its decision on the application until such time as a site visit could be undertaken.

Field No.
O1842A
La Cache es
Fresnes,
St. Ouen:
Retrospective:
proposed
change of use.

P/2019/1473

A6. The Committee 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 retrospective permission for the change of use of part of field O1842A to residential use, in connexion with the property Manor Farm, La Cache es Fresnes, St. Ouen. The Committee had not visited the application site.

A site plan, photographs and drawings were displayed. The Committee noted that the application site was impacted by a listed building, the Green Zone, and the Water Pollution Safeguard Area. Policies NE7, ERE1, GD1, HE1, and NR1 of the 2011 Island Plan were relevant.

The Committee noted that the application site was part of Field O1842A, located in rural St. Ouen, immediately north of La Rue du Manoir and with direct road access. The field was surrounded by agricultural land to the south and east and there was a redeveloped farm group to the west. The authorised use of the site was agricultural, but the site had been used for a number of years as a garden space by the applicant's family, who lived in part of the adjacent farm complex. The application sought to regularise the unauthorised usage of the field and designate it for residential use in connection with Manor Farm.

Officers advised the Committee that, as there was evidence that the site had been used in such a way for at least 8 years, it was immune to enforcement action and the applicant would be able to continue to use the site in its current form.

There were no representations received in opposition to the application.

The Committee heard from Mr. G. Vibert, the applicant, who explained the background to the retrospective application. Mr. Vibert advised that he had lived at the adjacent property intermittently for 30 years and confirmed that the field had not been used for agricultural purposes throughout that time. The space was used as a garden and the applicant confirmed that he wanted to continue to use it in the same way, as a space to grow vegetables [REDACTED]. Mr. Vibert explained that the farm complex had been developed in 2009 and that Field O1842A had been split, with his neighbours to the north being able to use that portion for

their garden. He opined that he wished to use the southern portion of the field in the same manner as his neighbours, but with the official right to do so.

The Committee heard from Mr. J. Nicholson, representing the applicant, who challenged the Department's reason to refuse the application on the basis that it was against the Island Plan policy to see the loss of agricultural land. Mr. Nicholson noted that the land had not been farmed for 30 years. He explained that the portion relevant to the application was a triangle that was "leftover" when the farm group was developed in 2009 - 2010. He further referenced the property to the north of the applicant's property, where permission was granted to create a garden and establish an east to west wall. He opined that the application of policy to one part of the field and not all of it was unusual. Mr. Nicholson highlighted that there was no harm caused by the proposed change of use and that the application sought to correct an outstanding unresolved issue.

The Committee queried the reasoning for the application to change the use of Field No. O1842A, noting that the continued use of the field in its current arrangement was beyond the enforcement powers of the Department and, as the applicant had indicated that this was how he would intend to use the field following the change of use, asked what would be gained by the reclassification.

The Director, Development Control, following a query from the Committee, confirmed that if the change of use of Field No. O1842A was approved, any future application including the construction of a shed, or similar, would still require a further application to be made to the Department. He explained that 'domestic curtilage' would only apply to the land on which a building sat and the immediate surrounding area. In the applicant's case, Field No. O1842A sat to the east of the residential property as a separate portion of land and therefore it would not be considered to form part of the domestic curtilage. However, in answering a further question, the Director advised that it would likely be easier for the applicant to obtain permission for any future applications on the land if it was classified for residential use, rather than land which was classified for agricultural use.

Having considered the application, the Committee unanimously refused the application. In doing so, the majority of members noted that the situation of the neighbouring property had no bearing and noted concerns that the approval of planning permission and formally reclassifying the land would provide a stepping stone to consent for a further application.

Villa Rose
Le Chemin du
Moulin,
St. Ouen:
proposed
extension to
northern and
southern
elevations of
dwelling.

A7. The Committee, with reference to its Minute No. A10 of 19th September 2019, considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for a single storey extension to the north elevation and first floor extension, with balcony, to the south elevation of Villa Rose, Le Chemin du Moulin, St Ouen. It was also proposed to replace the roof, install decking to the south elevation and a gate to the south of site. The Committee had not recently visited the application site, but noted that it had undertaken a site visit on 17th September 2019, in relation to a previous application.

P/2019/1604

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Coastal National Park. Policies SP4, SP7, GD1, GD7, NE1, NE2, NE6 of the 2011 Island Plan were relevant to the application.

The Committee noted that it had previously refused an earlier application on the site, as it had considered that there was too great of a change proposed to the existing building, and that it was closer to a demolition and rebuild than an extension. As the property was located within the Coastal National Park, the strict requirements of policy NE6 applied and the Committee noted that one of these was that any extensions or alterations were required to be subservient to the existing property. The Department felt that the proposals had failed to meet that test, as the proposal comprehensively changed the character of the building to be replaced.

The Committee heard from Mr. B. Godel, representing the applicant, who advised that minor alterations had been made to the plans, but that the structural engineer had provided confirmation that the vast majority of the existing building could be retained, which was a requirement for the application to be classified as an extension.

Mr. Godel referenced the policy requirements for extensions to be subservient to the original structure, however, he explained that there was no allowance in the Island Plan for remodelling. He explained that one of the principles for the scheme was to improve the look of the building, which he opined, was dated and sat incongruously within the landscape as its current form did not take into account the special qualities of the area. Mr. Godel noted that the improvement to the building design was fighting against the idea of subservience and he advised the Committee that care had been taken to select materials in forms and shapes that significantly helped the building to recede into the landscape. Mr. Godel was unable to confirm the exact increase in volume of the building to the Committee. However, he advised that there were already habitable rooms in the roof of the existing building, therefore the floorspace was there, but the form and shape did appear to be more prominent due to the replacement of the roof and the changed shape of the eaves. Mr. Godel suggested that the intent of the policy NE6, paragraph 2.6, was that the key test should be the capacity of the site and that there should not be harm caused to the landscape or character. He stated that the scheme sought to enhance the existing building, but that the changes would not cause any harm to the area or its character.

In relation to other properties, the Committee noted that Villa Rose was set back from the road on a large plot, but that it was close to its neighbouring buildings. Mr. Godel confirmed that the new first floor terrace would include a privacy screen, at the request of the neighbour, to avoid overlooking. With respect to concerns surrounding overbearing impact and / or loss of light, Mr. Godel emphasised that the Department's report had not identified any concerns about overbearing impact on neighbours and highlighted that no immediate neighbours had objected to the scheme. He further advised that the amenity for the property to the north west of Villa Rose could improve, as the height of the site would be reduced in that area. It was explained that there was a height restrictive covenant with a neighbouring property up the hill, but that neighbour was content that the design was compliant.

Following queries from the Committee it was confirmed that the building would be re-clad in a granite-type stone, in a modern interpretation form. It was explained that the granite from the existing building would be repurposed as part of a dry-stone wall on the roadside of the property. The Committee discussed the use of glass in the property and was advised that the type to be used had not been specified at this stage, however, Mr. Godel confirmed that it would be possible to use low reflective glass.

The Committee was persuaded by the arguments made and decided to grant permission, contrary to the officer recommendation, subject to the addition of a condition for pre-approval of the glazing materials to be used. The Committee confirmed that its approval was on the basis that the application design had sought to enhance the area and that the scale back from the previous design had alleviated fears of “creep” in the Coastal National Park.

Having noted 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 decision confirmation and to set out the formal reasons for approval.