

KS

PLANNING COMMITTEE

(31st Meeting)

8th July 2020PART A (Non-Exempt)

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence, Deputy J.M. Maçon of St. Saviour, Deputy L.B.E. Ash of St. Clement 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 (not present for items A1, A2, A5-A6 and A9)
 Connétable P.B. Le Sueur of Trinity
 Deputy S.M. Wickenden of St. Helier (not present for items A3 and A7-A11)
 Deputy R.E. Huelin of St. Peter

In attendance -

P. Le Gresley, Director, Development Control
 E. Stables, Senior Planner
 L. Davies, Planner
 A. Parsons, Planner
 G. Urban, Planner
 K.L. Slack, Secretariat Officer, States Greffe

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

Son Vida, La
 Route du Petit
 Port, St,
 Brelade:
 proposed
 conversion of
 garage/
 construction of
 single storey
 extension to
 create
 residential
 accommodat-
 ion.

A1. The Committee, with reference to its Minute No. A5 of 11th June 2020, considered a report in connexion with an application which had been refused by the Department under delegated powers and which proposed the conversion of a garage at the property known as Son Vida, La Route du Petit Port, St, Brelade and the construction of a single storey extension to the south elevation to facilitate the creation of a 2 bedroom residential unit with integral one bedroom residential unit and associated car parking.

Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.

Whilst site visits by the Committee had not been possible due to the COVID-19 restrictions, some members had visited the site independently and the Department had also provided video footage of sites.

P/2019/1377

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. Permission was also conditional upon the entering into of a Planning Obligation Agreement pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following –

Occupancy restrictions on the development so that the unit was ancillary to the main dwelling.

It was recommended that the Director, Development Control be authorised to grant planning permission under powers delegated to him, subject to conditions and the completion of the POA referred to above. In the event that a suitable planning obligation was not agreed within 3 months, the Director would be required to review the application.

The Committee confirmed its decision to grant permission, subject to the imposition of the conditions detailed within the officer report and the entering into of a POA, as detailed above.

Tramonto, La
Route du Petit
Port, St.
Brelade:
proposed
extension/
erection of
fence.
P/2019/0945

A2. The Committee, with reference to Minute Nos. A10 and A11 of 21st November 2019, considered a report in connexion with an application, which proposed the construction of ground floor extensions to the north and south elevations of the garage at the property known as Tramonto, La Route du Petit Port, St. Brelade and the construction of a first floor above. The Committee had visited the site on 7th July 2020.

Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.

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

The Committee recalled that Tramonto was a large detached property at the top of Le Mont du Petit Port. The original 1960s property had been extensively remodelled in line with recent permissions. More recently, there had been 3 unsuccessful applications for similar development on the site to provide a unit above the garage, with a first party appeal pending.

The application under consideration proposed ground floor extensions to the existing attached garage and also a first-floor extension above the garage. This extension would provide a small integral unit [REDACTED] and it was considered to be acceptable in principle. Architecturally, the extension had been designed to reflect the style of the existing dwelling and the scheme sought to address concerns previously expressed by the Committee, including further reductions in scale and mass, together with the repositioning of the new extension further to the north – away from the property know as Rose Maris. The Department was satisfied that the scheme successfully addressed concerns regarding the impact on neighbours and was now recommending approval of the application. It was noted that the Committee had received additional details [REDACTED]

A total of 8 letters of representation had been received in connexion with the application.

The Committee heard from Mrs. C. Auffret, a neighbour and her agent, Mr. C. Buesnel. Mr. Buesnel indicated that Mr. and Mrs. Auffret did not object to the principle of constructing accommodation [REDACTED]. However, the application, in its current form, whilst seeking to mitigate the impact on Rose Maris, now caused unacceptable visual harm to the property known as La Hougue Farm, by virtue of the new extension being repositioned further to the north. Mr. Buesnel stated that all of the previous applications at Tramonto had been similar, with proposals to construct a unit over the garage and, in this iteration, over an extended garage. There had been no attempt to submit a proposal with a ground floor, or lowered solution, which would keep the height of the development below the height of the hedge between the applicant property and La Hougue Farm to the east. Mr. Buesnel urged the Committee to dismiss the statement contained within section 14(d) of the Planning Officer’s report that the proposed building ‘would project only a small amount above the height of that hedge’. The Committee was informed that the additional height would be approximately 1.7 metres. Mr. Buesnel also queried how the proposed rooftop planting area would be maintained, because there was no access to facilitate its upkeep and his clients were concerned that it might, at a later juncture, be transformed into a balcony.

Mrs. Auffret voiced her strong objection to the current application, which was sited very close to the boundary with La Hougue Farm and would have a detrimental impact on the property. She did not understand why the garage at Tramonto could not be converted into an integral unit [REDACTED] or space found within the current property. She informed the Committee that the applications and appeals [REDACTED] [REDACTED] that the politicians, who had expressed their support for the application at the meeting on 21st November 2019, had not spoken to her, or her husband, or visited their property. She suggested that, as Senators, they had an Island-wide mandate and, as such, should represent all residents, whereas they had only spoken to the Applicant.

[REDACTED]

However, whilst he was accepting of the need to accommodate [REDACTED], in his view the approach taken was flawed. He stated that Tramonto already had 6 bedrooms in addition to an independent 2-bedroom cottage in the garden. He indicated that previous applications had been refused and questioned “when does ‘no’ mean ‘no’?” [REDACTED]

[REDACTED]

The Committee received the husband of the applicant, Mr. J. Sheehan and his agents, Messrs. M. Waddington and J. Nicholson, together with Mr. A. Montague, [REDACTED].

Mr. Sheehan indicated that he understood the frustration of the neighbours at the time taken in bringing this and previous applications to the Committee, but emphasised the importance of resolving the matter [REDACTED]. He was respectful of the views that had previously been expressed by the Committee and had sought to address the same by making material changes to the application, which he believed represented an improvement for all parties, by virtue of the reduction in scale and mass. He had taken into consideration the advice and support provided by the Department.

Mr. Montague informed the Committee [REDACTED]. He expressed his support for the scheme. [REDACTED]

[REDACTED]

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located in the Built-Up Area. [REDACTED]

[REDACTED] he expressed support for the application. Consequently, permission was refused, contrary to the officer recommendation and the Committee noted that formal confirmation of the decision would be sought at its next meeting.

BOA
Warehouse,
L’Avenue et
Dolmen du Pré
des Lumières,
St. Helier:
demolition and
redevelopment
– revised
plans.

A3. The Committee, with reference to Minute No. A5 of 18th February 2016, of the Committee as previously constituted, received a report in connexion with an application which sought approval for certain revisions to the approved scheme in respect of the BOA Warehouse, L’Avenue et Dolmen du Pré des Lumières, St. Helier. The Committee had visited the application site on 7th July 2020.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area, an Area of Archaeological Potential and a Regeneration Zone. Policies SP1 – SP7, GD1, GD3 – GD8, NE1, HE5, BE5, E1, H4, H6, SCO5, TT4, TT8, NR2, 3 and 7, WM1, LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee noted that this was a substantial commercial site in St. Helier. Following an appeal, permission had been granted for the comprehensive redevelopment of the site to provide 169 apartments, distributed across a series of individual blocks, 2 new commercial units, associated parking and landscaping. Since the original permission had been granted, a series of revisions had been approved, taking the total number of new apartments to 181. The current application proposed further changes, to include the addition of a further 14 apartments, together with associated changes to the form and design of the new blocks.

The additional units were to be created through the re-configuration of the approved floor-space (there would now be more smaller units), as well as utilising the previously unused roof space. Changes to the form and design of the development included an increase in height of around half a metre, together with changes to the external materials. The design of the communal courtyard amenity spaces between the blocks had also been revised. The Department was of the view that the changes were acceptable and would not materially change the relationship of the development with neighbouring buildings.

Each of the new units would have one parking space, which was in line with the original permission, although there would be a reduction in the level of visitor parking within the site. The amount of bicycle storage/parking would increase for both residents and visitors.

The applicants had agreed to make a further financial contribution towards public realm improvements, at the same rate as had been agreed as part of the original application, as well as contributing towards an additional bus shelter.

It was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee received Mr. R. Bryans, a resident of Stopford Road, who reminded the Committee that this was not the first time that he had spoken in opposition to the application. Whilst he did not disagree with the use of the *locus* for housing, he objected to the significant number of people being ‘shoe horned’ into a cramped site and the

resultant adverse impact on the surrounding infrastructure. The lack of adequate parking within the development would have a negative bearing on the neighbouring streets, where there were already insufficient parking spaces for residents. He also indicated that the surrounding schools would be unable to accommodate additional children. Mr. Bryans referenced the proposed Andium Homes development at Gas Place, which had been reduced in size as a result of such issues. He stated that the north of Town was weary of becoming a 'tipping area' for high density housing and indicated that with the developments at *inter alia* Ann Street, Gas Place, Belmont Court, Convent Court and the Hotel de France, almost 900 additional units were being constructed, with which the infrastructure could not cope. One of his original concerns had been the height of the building, with the resultant overshadowing of nearby residences and this revised scheme was even taller and was designed to house more people. The additional 14 units would merely increase the pressure on the neighbouring area in order to provide a greater return for the investors. The current scheme was not an improvement on the previous applications and the iteration which had received approval in 2016 was more aesthetic and could have been constructed by now. He urged the Committee to put a stop to the scope creep and to consider the context of the application site, the excessive height of the proposed development and to be mindful of the neighbours and those who would be accommodated in the development and to reflect on the resultant pressure on parking, roads and schools.

The Committee heard from Ms. C. McMullen, a resident of Stopford Road. [REDACTED], which were closest to the proposed development and which already received minimal natural light. She expressed concern that with the increase in height of the proposed development, her property would lose more light, as it would be under the 'monolith'. She opined that the previously approved pitched roof had been quite attractive, but it now resembled a block. She reiterated the concerns raised by Mr. Bryans in respect of the pressure that the development would place on the schools and the infrastructure, emphasising that the roads were already unable to cope with the current volumes of traffic. She indicated that it was not realistic to expect everyone to walk, or to travel by bicycle or public transport and stated that the proposed development was designed to accommodate too many people, mindful that it had already increased from 169 to 181 apartments, without taking into account the additional 14.

Connétable A.S. Crowcroft of St. Helier indicated that the Parish had made no negative comments in respect of the proposed scheme and welcomed some aspects thereof. The application did enable the residents of the apartments to have a car and the Parish had previously lobbied for those living in St. Helier to be able to have cars, in the same way as residents of other Parishes. However, the Connétable did not consider that the development would negatively impact on the volume of traffic in the area, as he envisaged that most people would either walk, or travel by bicycle. He was pleased to note that generous provision was made for the storage of bicycles and that charging points for e-bikes would be included. He expressed disappointment that a cycling strategy for the whole Island had not yet been drawn up, despite being over a decade overdue. He noted that the developer would be paying a considerable sum as part of the Planning Obligation Agreement and indicated that he had received reassurances from the Minister for the Environment that this money would be spent on the regeneration of the surrounding area, such as creating more tree-lined roads and installing pedestrian crossings, in order to enhance this part of St. Helier. Such expenditure should be in consultation with the residents of the area and the Connétable informed the Committee that the Parish would be happy to facilitate this.

The Committee heard from the applicant's agents, Mr. M. Bridge and Mr. S. Buckley. Mr. Bridge stated that the additional 14 apartments would be achieved by altering the unit mix in the development and making use of unused roof space in the central and

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eastern blocks. In relation to the density of the development - at 176 dwellings per hectare - it was lower than Ann Court (195) or the Le Masurier site (200) and fulfilled the Island Plan policy GD3. With regard to the height of the central and western blocks, this had increased by approximately 680mm, but the removal of the gable ends to the east and west elevations had enabled the establishment of a new terrace area, which would be 2 metres lower, thereby reducing the overall visual mass of the building. Mr. Bridge indicated that a daylight and sunlight report, which had been prepared by Waldrums, had concluded that when compared with the previously approved scheme, there would be no noticeable additional material impact on the neighbouring residential properties' daylight and sunlight. The application site was in a central location, in easy walking distance from Town, on good bus and cycle networks and the provision of over one parking space per apartment was greater than in the previously approved scheme and exceeded the parking provision at other developments in the centre of St. Helier. Mr. Bridge emphasised that the current application was for an additional 14 apartments, which would be unlikely to adversely impact the schools or the neighbouring infrastructure. He described the development as being at an appropriate density and 'spade ready'.

Mr. Buckley referenced this significant and highly important development of a brown field site in the north of St. Helier, which would be constructed at no cost to the public purse. [REDACTED], at the sole risk to the investor, would result in the development of 195 much needed, high quality units, which would bring socio and economic benefits to the local area and see a poor quality, industrial site removed. The apartments would exceed minimum standards and result in significant additional revenue for the utility companies and local businesses. The Committee was reminded that a contribution of £1,000 per unit of accommodation had already been paid and was held by the Department for the Environment to be invested in the neighbouring community. Mr. Buckley indicated that the development would give the construction industry the chance to take on apprentices and afford young people opportunities in that sector. He did not believe that the additional 14 units would be overly burdensome on the surrounding area and whilst he understood the concerns that had been voiced, wished to allay any fears. He reiterated that work on the development could start imminently.

The Committee questioned whether the aesthetic integrity of the scheme had been lost in the revised version and having discussed the application, with the exception of Connétable P.B. Le Sueur of Trinity, expressed support for the application, in line with the officer recommendation. Consequently, it was approved, subject to the applicant entering into a planning obligation agreement, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended), as set out in the Planning Officer's report.

Highview, La
Route de
Noirmont, St.
Brelade:
proposed new
dwelling/
replacement
garage roof.
477/5/3(1063)

A4. The Committee, with reference to its Minute No. A4 of 16th January 2020, considered a report in connexion with an application which sought permission for the construction of a new dwelling to the east of the property known as Highview, La Route de Noirmont, St. Brelade. The Committee had visited the application site on 7th July 2020.

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 and 7, GD1, GD3, GD7, H6 and TT2 of the 2011 Island Plan were of particular relevance.

P/2019/0020

Highview was a large detached dwelling, with a substantial rear garden and was located on the eastern side of La Route de Noirmont. The property was surrounded by other residential developments, including Portelet Drive (a 1950s close of 8 detached dwellings) to the north, as well as recently-constructed dwellings to the south and east.

The application proposed the construction of a new single storey, 3-bedroom dwelling within the rear garden of Highview, together with the formation of a new footpath along the site's roadside boundary. The application followed on from the rejection of 2 previous schemes on the grounds of the impact upon neighbouring dwellings – specifically No. 4 Portelet Drive (to the north) and Cicadella (to the east). The applicants had sought to address the Committee's earlier concerns and had re-designed the new dwelling and reduced the height. Architecturally, the scheme was considered to be well-designed and its wider impact on the character of the area was viewed as acceptable. The formation of a new footpath and improved visibility splays, meant that the scheme would result in significant safety improvements for pedestrians and drivers.

Concerns raised by nearby neighbours were acknowledged, but had to be balanced against the wider requirements of the Island Plan and, in this particular case, the requirement to make best use of land within the Built-Up Area. In the Department's view, the proposed development would not cause *'unreasonable harm'* (the test under Policy GD1) to neighbouring residents. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mr. R. Denton of [REDACTED], who read out a statement, which had been prepared by Mr. A. Layzell of [REDACTED]. Mr. Layzell indicated that the current application was the latest of repeated attempts to shoehorn a new dwelling into the garden of Highview. He referenced pre-application advice previously provided by the Department in respect of an earlier scheme and stated that to create a 3-bedroom, single storey property, in an area that had been completely overdeveloped, was a step too far. [REDACTED]

[REDACTED] Mr. Layzell questioned the merit of reducing the front garden at Highview in order to improve sightlines and suggested that the small garden, which had been paved, would become a parking space and he queried the practicality of providing a 'pavement to nowhere', which would further urbanise a country road. Moreover, the proposed development would take one third of the garden of Highview for a parking and turning area and the remaining garden would be compromised by the proposed dwelling. Mr. Layzell emphasised the impact that the new dwelling would have on Highview and *vice versa*, indicating that both would suffer prejudice and unreasonable harm. He suggested that this had not been raised as a concern because Highview was [REDACTED] so there was no occupant to highlight it.

The Committee heard from Dr. R.A. Dodding, of the property known as [REDACTED], who suggested that the application simply relied on there being a presumption in favour of development in the area. He described the roof on the proposed property as being intrusive and overbearing, but indicated that the absence of a 3 dimensional model made it difficult to quantify its impact. He was particularly concerned about the close proximity of the property to the south and west boundaries of Cicadella and the subsequent effect on his private amenity space, which would be overlooked. He indicated that there would be a loss of outlook from the rooms on the western side of Cicadella, which was currently over a pleasant green space, but, if the application was approved, would instead be over an incongruous build mass. Mr. Dodding believed that it was unlikely that the existing trees on the application site would survive the deep

trenching that would be required for the footings. He referenced the permission that had been granted in 2018 to construct a 2-storey extension at Highview, thereby transforming it from a 3 bedroom to a 4 bedroom property and suggested that what was required was more amenity space, rather than additional development. Mr. Dodding expressed concern over the narrow access road, which led to his property and the applicant site, which he suggested was too narrow to safely service 3 properties. It also had an awkward right-angle turn, which had the potential to be dangerous, given the likelihood of simultaneous access by the occupants of Cicadella and the proposed development. Mr. Dodding also believed that any future occupants of the proposed new dwelling would be condemned to 'life in the shade', as Highview would tower over it. He also made reference to the pre-planning advice, which had been given in 2017 in relation to a proposal for a smaller dwelling on the application site, which was to have been positioned further away from the boundary. He suggested to the Committee that if a small bungalow was already on the site and an application had been made for several 2 storey properties in close proximity, these would be unlikely to gain approval. In his view, the only person benefiting from the application was the Applicant, as the occupiers of the proposed new dwelling would suffer from amenity constraints.

The Committee heard from Mr. J. Corfe of [REDACTED], who concurred with the views previously expressed. The proposed development would be overlooked and whilst any future occupiers of that property were not able to represent themselves at the current meeting, that did not mitigate the impact that existing properties would have on the application site. Policy GD7 of the Island Plan required consideration to be given *inter alia* to the scale, form, massing and the inward and outward views of the development. Mr. Corfe stated that the outward views at the development site would be compromised by the surrounding buildings. He emphasised the need to consider what was 'reasonable', indicating that over the previous few years, developments at Lismore, Cicadella and Highview had all been deemed appropriate and the Committee was now being requested to approve a further 'reasonable' change. However, when considered cumulatively, these affected the character and amenity of the area to a substantial extent. On a separate note, Mr. Corfe raised 2 procedural points which he stated had been prejudicial to his ability to provide full information, namely that he had not been informed that the site would be visited by the Committee on 7th July 2020 and that his application comment, which had been uploaded onto the gov.je website, had been significantly redacted. The Director, Development Control, informed Mr. Corfe that site visits by the Planning Committee were not advertised, because they were for the information of the Committee and not part of the public process. In respect of the redaction, the Department took a cautious approach to the information that it made public, having previously received some criticism from the Information Commissioner. However, he provided reassurance that the members of the Committee received unredacted versions of all comments.

The Committee heard from Mr. R. Denton of [REDACTED], who refuted the conclusion in the Planning Officer's report that the proposed development would not cause unreasonable harm to neighbouring properties. Whilst the latest application was now for a single storey dwelling, there was no reference to the height of the apex of the roof in the elevation drawings and, in his view, it would extend up at least a further 1.3 metres from the level of the gutter. He drew the attention of the Committee to the 3D Projection (drawing no. 765-023), which did not appear to show that the proposed development would have a sloped roof. Mr. Denton questioned whether the information contained in the Planning Officer's report that the property would have a maximum height of around 3.6 metres and be around 3.4 metres from its northern boundary satisfied the requirements of Policy GD7 in respect of massing, scale and form. His property shared a southern boundary with the application site and its close proximity would have a detrimental impact on his property and garden. He emphasised

that the enjoyment of the garden would be affected by the noise and pollution. Mr. Denton argued that the application site did not have sufficient amenity space or parking and would unreasonably affect the level of privacy of the occupiers, on the basis of overlooking from his property and all eastern windows in Highview. He expressed concern that an attempt was being made to squeeze a property onto the last piece of 'green lung' in the area and referenced the link between mental wellbeing and green outdoor spaces. He indicated that there had been a gradual erosion of amenity space and privacy in the area and that a developer had acquired Highview for £1.3 million and increased it in size from a 3-bedroom to 4-bedroom property and it was now on the market for £2 million, without any meaningful outdoor space. If the application complied with the provisions of the Island Plan, Mr. Denton stated that it would be a sad reflection on the community. In concluding, he asked the Committee, if it was minded to approve the application, to restrict working hours on the site to between 8.00 a.m. and 6.00 p.m. Monday to Friday and between 8.00 a.m. and 1.00 p.m. on a Saturday. He further requested that any future permitted development rights be removed.

The Committee heard from the applicant, Mr. S. Webster and his agent, Mr. M. Collins. Mr. Collins addressed comments which had been made and indicated that the area on which the proposed development would be constructed was not a green open space, but the garden of Highview. In terms of that property's garden being too small, he indicated that once the proposed dwelling was constructed, it would measure over 300 metres from end to end. With regard to the reference to pre-application advice having been given, this had been for a different design and had nothing to do with the current proposals. Mr. Collins confirmed that the height of the proposed apex of the roof would be 3.628 metres at its peak and that the roof material would be interlocking slate. He did not think that it would be possible to widen the access to the property and improve visibility without constructing the footpath on the main road and in respect of the access road to the application site, he believed it conformed to the Department's standards. This was the third attempt to secure permission for development on the site. Previous applications had requested a 2-storey building, but the current iteration was for a single storey in order to address concerns around scale. The impact on Cicadella had been removed and the proposed dwelling would not overlook any neighbour. It was positioned appropriately on the site and would have a large garden and adequate parking. In his view, it aligned with the policies contained within the Island Plan.

The Committee heard from Mr. S. Webster, [REDACTED] purpose of undertaking this development, [REDACTED] to meet the demand for housing in the area. [REDACTED] He had sought to address all the issues raised by the neighbours in connexion with the applications. [REDACTED]

He did not believe that the proposed development would adversely impact on anyone living in Highview in the future and informed the Committee that the new building would be constructed in the least used part of the garden.

The Committee asked officers whether the Department had a view on the creation of homes 'where there was nowhere to hide'. The Director, Development Control, indicated that it was a principle of the Island Plan that development should be in the Built-Up Area and those living therein had to accept that there would be change and that it would not always be 100 per cent comfortable, even if it met planning standards. The States Assembly had approved the Island Plan and it was incumbent upon the Committee make a judgment call and to protect the Green Zone by permitting construction in the Built-Up Area. It was noted that there were plans to improve

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visibility from the access road onto the main road and in respect of the proposed footpath, the Committee was informed that the Highway Authorities actively sought to secure sections of pavement, where possible, in order to ultimately create a more joined-up network of footpaths.

Having considered the scheme, the Committee unanimously approved the application, subject to the removal of any future permitted development rights. It was informed that the appropriate way in which to control periods during which building could be undertaken was not through the planning process, but through the Environmental Health Department and statutory nuisance powers.

Pizza Express,
La Route de la
Baie, St.
Brelade:
proposed
signage.

A5. The Committee considered a report in connexion with an application which sought permission for the installation of 2 illuminated projecting signs and 3 illuminated fascia signs, one illuminated roundel sign and one window vinyl sign to the south elevation of Pizza Express, La Route de la Baie, St. Brelade. It was also proposed to install 2 illuminated fascia signs to the west elevation, replace an illuminated pole mounted sign to the north of site and 2 non-illuminated signs to the car park to the north. The Committee had visited the application site on 7th July 2020.

Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area, the Shoreline Zone and a Tourist Destination Area. Policies SP7, GD1, GD7, GD9, BE4, BE6 and EVE2 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought consent for various advertisements in relation to the rebranding of the existing Pizza Express in St. Brelade. The Highway Authority had been consulted and had raised concerns over the height of the 2 projecting signs. The Department had subsequently received amended plans, which showed the signs at a revised height, giving a 2.2 metre clearance from ground level. The revised height of the signs was considered to be acceptable. However, the applicant would be required to obtain an encroachment permit from GHE Transport.

The siting, size, design, materials, colouring and illumination did not detract from the visual amenity of the building and would have no adverse impact on the character of the surrounding area. In addition to this, there was no adverse effect on public safety as a result of the proposal. The scheme was also considered to satisfy the requirement of the Shoreline Zone policy.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the Planning Officer's report.

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

The Committee heard from Ms. M. Scott of the St. Brelade's Bay Association. She indicated that the concern that she had raised in her application comment in respect of the height of the projecting signage had been addressed, as a consequence of a revision to the height, following the objection by the Department for Infrastructure. She was content that the revised height complied with the relevant legislation. However, she expressed disquiet over the volume of commercial signage in the area and questioned why it was necessary to include the address of the pizzeria on the sign. If this set a precedent and every building in the Bay included its address on its signage, it would start to resemble a telephone directory, she suggested.

Members of the Committee concurred with the views expressed by Ms. Scott in relation to the inclusion of the address in the signage. However, the Director, Development Control, indicated that the Department did not intervene on the content of signs, as it was not a planning issue.

Having considered the scheme, the Committee unanimously approved the application, subject to the aforementioned conditions.

Pizza Express,
La Route de la
Baie, St.
Brelade:
proposed
cladding.

A6. The Committee considered a report in connexion with an application which sought permission for the installation of cladding to the south and west elevations of Pizza Express, La Route de la Baie, St. Brelade. The Committee had visited the application site on 7th July 2020.

Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area, the Shoreline Zone and a Tourist Destination Area. Policies SP7, GD1, GD7, BE4, BE6 and EVE2 of the 2011 Island Plan were of particular relevance.

This application sought consent for the existing fascia cladding on the southern and western elevations of Pizza Express to be wrapped in a black vinyl, in order to update the existing building to complement the proposed signage and branding detailed in Minute No. A5 of the meeting.

The Department had assessed the visual impact of the proposal, taking into consideration all of the points raised in objection letters and considered that the proposed scheme would not unreasonably impact the site or the character of the surrounding area. The proposal presented no policy conflict with Policy BE4 - Shoreline Zone. Overall, the proposed works were relatively minor in scale and nature and were not considered to result in any significant, or unreasonable, harm to the amenities of nearby users.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the Planning Officer's report.

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

The Committee heard from Ms. M. Scott of the St. Brelade's Bay Association. She indicated that many decisions were subjective and was not convinced that black was the best colour for the cladding, but acknowledged that it was a matter for the Committee.

Having considered the scheme, the Committee unanimously approved the application.

Windsor
Court,
Windsor Road,
St. Helier:
proposed
installation of
antennae/
microwave
dish.

A7. The Committee considered a report in connexion with an application which sought permission for the installation of 3 antennae and one microwave dish to the north, east and south elevations of the property known as Windsor Court, Windsor Road, St. Helier. The Committee had visited the application site on 7th July 2020.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and a Regeneration Zone. Policies BE10, NR10 and GD1 of the 2011 Island Plan were of particular relevance.

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The Committee noted that the application sought consent for the erection of 3 communications antennae, one microwave dish and associated equipment on the roof of Windsor Court (formerly Caesarea Court). The antennae and associated equipment were required to support the Island's current 4G network, contrary to the objections received by the Department, which made reference to 5G equipment.

The equipment was to be positioned at the top of the existing lift motor room of the building.

The siting of the antennae in this elevated position was necessary in order to provide coverage and to minimise the 'shadowing' effect caused by the edges of the building blocking the signal from the equipment. In addition to the above, the elevated position ensured sufficient distance from the top floor of Windsor Court, a residential building, in accordance with good practice and the guidelines of the International Commission on Non-Ionizing Radiation Protection ('ICNIRP'), an independent regulator of EMF emissions.

This site was a necessary part of a project to replace the coverage lost at Cyril Le Marquand House.

Policy BE10 stated that the siting of roof plant equipment, or other structures, was not normally permitted where it projected above a roofline. The policy did, however, indicate that in exceptional circumstances essential equipment might be permitted provided that it was located in a position that would not have an unreasonable impact upon the character of the area, or on neighbours, through visual intrusion, public health or the safe operations of the airport.

In this case, the antennae was being located centrally on the top of a tall building and would not be readily visible from the street. The most prominent views would be from elevated positions and inside other tall buildings, where it was not unusual to have views of equipment and antennae.

Policy NR10 stated that proposals for antennae should be assessed in accordance with GD1 'General development considerations'. Policy GD1 stated that development should not unreasonably impact upon the health and safety of the public. In relation to this, it was noted that the applicant had submitted a certificate which outlined the expected level of EMF emissions produced by the equipment. A condition was proposed which stated that a post commissioning test would be required to confirm these levels. If the levels were to exceed those recommended by the ICNIRP, then permission would cease to be valid.

Policy NR10 also stated that the installation of masts and antennae on new sites would only be permitted where it could be demonstrated that all practicable possibilities of sharing facilities had been fully explored. The Department had agreed in principle that all 3 main telecommunications operators on the Island could share this prime location, with the hope of reducing the need for a number of other small antennae. The site owner had also agreed the use of this site with other operators.

The proposed works were relatively minor in scale and nature and unlikely to result in any significant or unreasonable harm to the amenities of nearby users by way of any EMF emissions, or visual intrusion. The proposal was also unlikely to have any significant detrimental impact upon the wider setting of the site, or on the character of the area.

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

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

The Committee heard from Mr. Lebegue, who posed a number of questions to the Committee *inter alia* how many mast applications had been made to the Committee, what their knowledge was of the effect of electromagnetic radiation on the human cell and of the effects of exposure to radiation on the immune system. The Committee declined to respond to the questions, indicating that its role was purely to determine the planning application before it.

The Committee heard from Mrs. Lebegue, [REDACTED]
[REDACTED]
She sought assurances that [REDACTED] health would not be adversely affected by the installation of the masts.

Mr. A. Parsons, Planning Officer, informed the Committee that, as part of the application for the masts, Airtel Vodafone had provided a certificate for electro-magnetic levels, which demonstrated that the combined EMF levels were anticipated to be less than one per cent of the recommended ICNIRP level. It was noted that if the application was approved, it would be on a temporary 3-month basis and would be withdrawn if, following post-commissioning testing, the levels were exceeded.

The Chairman asked the applicant, Mr. R. Cutting, on behalf of Airtel Vodafone, if these additional masts were required, mindful that the Committee had recently approved the installation of dishes at Hue Court to replace the coverage lost at Cyril Le Marquand House. Mr. Cutting indicated that the latter had been its prime site and the loss of coverage meant that both locations were required in order to balance the need.

Having considered the scheme, the Committee unanimously approved the application, subject to the conditions contained within the Planning Officer's report.

Canada
Cottage, La
Grande Route
de Rozel, St.
Martin:
proposed
conversion and
extension of
outbuilding
(RP/2019/
1591)

A8. The Committee, with reference to its Minute No. A8 of 7th February 2019, considered a report in connexion with an application which sought permission for the extension and refurbishment of an existing outbuilding to provide a gymnasium, study and store 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 7th July 2020.

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 potential Listed Building. Policies GD1, GD7, HE1 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee recalled the planning history of the site, to include the refusal of an application to convert and extend the outbuilding to form a residential unit. This application had been refused by the Minister on the recommendation of an independent Planning Inspector on the grounds of the impact on the property known as Catherine House.

The Committee was advised that the current scheme proposed alterations and extensions to the existing outbuilding to allow for a vehicular access through to the rear garden, to provide for additional on-site car parking. The building would be used as a gym, study and store in association with the house. The house itself was of historic interest and was a Potential Listed Building. The main issue was whether this proposal would unreasonably harm the amenities of neighbouring uses. The alterations to the

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building were considered to complement the house and the proposed use would be ancillary. Consequently, the application was considered to be in accordance with policy and it had been concluded that it would not unreasonably harm Catherine House. The application was recommended for approval, subject to the imposition of a condition detailed within the Planning Officer's report.

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

The Committee heard from Mr. G. de Sousa, who lived near to the application site and indicated that the proposed development had the same footprint and massing as the application that had previously been refused by the Planning Inspector on appeal in 2018. It was acknowledged that the ground floor windows, which had been included within that application, had been removed from the current proposal and that the applicant's stated aim was to create a gym, study and store, but Mr. de Sousa expressed concern that it might be converted into habitable accommodation at a later date and that the inclusion of the dormer windows was suggestive of this. He also referenced the roof details of the proposal, which would result in a split gutter and a rain water pipe along the boundary with Catherine House, which had been referenced by the Planning Inspector in his report. Mr. de Sousa informed the Committee that he could not comprehend why it was proposed to introduce rendered blockwork onto a 19th century building, which failed on Island Plan policies GD1 and GD7. He questioned how render could be considered a quality material and indicated that, at Catherine House, it had always been a requirement that the materials should be sympathetic to the structure. He also aligned himself with the views expressed by the Historic Environment Team, that consideration should be given to including the proposed gym, study and store within the existing building and conserving the rear outbuilding.

The Committee heard from the applicant, Mr. R. Killen and his agent, Mr. A. Pickup. Mr. Pickup indicated that the Planning Inspector's principal concern in 2018 had been the loss of privacy for Catherine House if the outbuilding had been converted into a residential unit, by virtue of overlooking from ground floor windows. The current application addressed those concerns by removing the windows facing Catherine House and installing a solid door. With respect to the suggestion that the new uses should be accommodated within the existing building, without extending the same, Mr. Pickup stated that the creation of the vehicular access, which had previously been approved, would result in the loss of space, leaving 18 square metres, which would be insufficient for a gym, study and storage. Moreover, the existing headroom was too low for a gymnasium. With regard to the use of materials on the outbuilding, the western façade would be rendered in order to match Catherine House. At the end of the gable, between the roofs, leadwork would be installed. Mr. Pickup indicated that the constraints around Catherine House would be more stringent than for the development site because the former was Grade 3 listed and, whilst the latter was a potential listed building, it formed part of a group 4 listing. He did not believe that the extension and refurbishment would challenge the setting of Catherine House or be unreasonably harmful, or overbearing. Moreover, the appearance of the outbuilding would be simplified.

The Director, Development Control, informed the Committee that the Senior Planning Officer had recommended that, if approved, a condition should be attached that the application site could not be used as an independent habitable space. He described this condition as 'belt and braces' and indicated that the position in law was that planning consent was required to create a residential unit.

Having considered the application, the Committee unanimously approved the scheme.

Affaric and
Brookewood,

A9. The Committee considered a report in connexion with an application which sought retrospective permission for the installation of a fence at the properties known

La Route Orange, St. Brelade: as Affaric and Brookwood, La Route Orange, St. Brelade. The Committee had visited the application site on 7th July 2020.

installation of fence (RETROSPECTIVE). Deputy G.J. Truscott of St. Brelade, Vice Chairman, did not participate in the determination of this application.

P/2020/0199 A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee noted that retrospective permission was sought for a close boarded timber fence which had been erected in early 2019, on the northern edge of the bank; directly abutting the public road. The fence was approximately 96 metres long, 44 metres of which were located at the road frontage of Affaric and 52 metres at the frontage of Brookwood. The fence was approximately 1.7 metres high and consisted of closely spaced vertical timber slats.

The current application was a resubmission of an earlier (also retrospective) application, with minor changes. The chosen design and materials, combined with the length of the fence, were considered to unreasonably affect the character and amenity of the area. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies GD1 and GD7.

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

The Committee heard from Ms. S. Steedman on behalf of the applicants. She indicated that the applicants were apologetic that the application was retrospective. They had previously received some incorrect advice and had no wish to act in a way that was contrary to the policies of the Island Plan. By way of background, it was noted that a substantial row of leylandii trees had previously been planted at the location site by the Department for Infrastructure. One tree had collapsed in 2013, leading to concerns over safety, particularly in light of the siting on the main pedestrian route to La Moye primary school. As a consequence, the trees had been removed and this had left the bank open, which led to security issues, people behaving in anti-social ways and dog fouling. The fence had been erected in good faith and since it had been installed, it had weathered and some plants had started to grow through, thereby softening its appearance. The fence provided security to the applicants' properties, was easy to maintain and in light of the long boundaries along La Route Orange, was felt to be appropriate for the location. The current application included the installation of a visibility splay for the vehicular entrance at the eastern end of the fence.

Having considered the application, the Committee unanimously approved the scheme, contrary to officer recommendation and indicated that this was conditional upon the visibility splay being constructed within 2 months. As a consequence of the approval, the Committee noted that formal confirmation of the decision would be sought at its next meeting

Le Hurel Tower, La Grande Route des Sablons, Grouville: A10. The Committee considered a report in connexion with an application which sought permission for the construction of a first-floor extension to the west elevation of the property known as Le Hurel Tower, La Grande Route des Sablons, Grouville. The Committee had visited the application site on 7th July 2020.

proposed extension. A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area, the Shoreline Zone, the Green Zone and was on the Eastern Cycle Route Corridor. Le Hurel Tower was a Listed Building and Policies

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GD1, GD7, BE4, BE6, H6 and HE1 of the 2011 Island Plan were of particular relevance.

The Committee noted that it was proposed to construct a first-floor extension above the existing garage (which was oriented parallel to La Grande Route des Sablons) on the principal (west) elevation of the property. The proposed extension would be 7.7 metres wide and would project 3.0 metres from the existing building. The roof would be mono-pitch and lean-to, which would continue the line and angle of the roof on the main building. The roof would be 2.9 metres above the level of the garage at its highest point, sloping down to 2.0 metres at the western edge of the extension. The eaves height on the west elevation would be 4.3 - 4.6 metres (owing to the fact that the ground sloped towards the north).

The proposed design, dimensions, materials and impact on the setting of a Listed Building were considered to be acceptable. The proposal had been designed in accordance with Departmental advice and the application accorded with all relevant policies. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Planning Officer's report.

9 representations had been received in connexion with the application.

The Committee heard from Mr. C. Floyd, who indicated that his concerns incorporated those of other neighbours in respect of the application. He acknowledged that the 2015 refurbishment of the site had been architecturally elegant and was a rare and welcome relief from other 'offerings'. The current application was attractive and an improvement on the previous scheme. However, this did not justify its approval in this heritage and environment setting. Mr. Floyd stated that if the application had been for a development at Fauvic Tower, he would not be before the Committee, because that Tower was relatively solitary and was not sited in a wider heritage setting, such that Le Hurel Tower had, with its proximity to Le Hurel slipway and Farm. Moreover, he was of the view that an extension at first floor level on the roadside could not be successful, in light of the precedents set by other applications in the vicinity, where restrictions had been imposed. Policy HE1 of the Island Plan *inter alia* required the development to protect the setting of a listed building and whilst the application did not directly block views of the sea, it impacted upon the framing of the setting and what 'viewers' could see as they approached and left the area. Mr. Floyd suggested that the heritage impact in the current application was too limited and emphasised that it should have included Le Hurel Farm and the sea and shore views. He was puzzled by the disjoint between the heritage impact in this case and that for the application for Les Homets, which was separated from the Tower by a modern house and yet had a wider potential heritage impact zone, covering the Tower, slipway and Farm, in addition to the approaches from the north, south and east. The applicant in that case had been required to 'manage the impact on the wider setting of the adjacent Listed Building and those in the wider context' and Mr. Floyd opined that that wider context should be rigorously applied to the Tower.

The Committee heard from Mr. T. Skudder, the agent of the applicant, Mr. M. Walker. Mr. Skudder [REDACTED]

[REDACTED] Mr. Skudder acknowledged that the location of the application site, adjacent to Le Hurel Tower, had its difficulties, but stated that they had worked with the Department to develop a step into the roofline and to introduce wooden cladding and were mindful of the impact on the Tower. In conclusion, they did not believe that the application caused detriment to the Tower, or the existing property.

The Chair indicated that it was very helpful to hear from people, such as Mr. Floyd, who championed the retention of historic and listed buildings.

Having considered the scheme, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, indicated its support for the application, in line with officer recommendation.

VARSLimited,
Princes Tower
Road, St.
Saviour:
proposed
conversion of
commercial
premises to
residential.
(RFR).
477/5/2(798)

A11. The Committee, with reference to its Minute No. A15 of 13th June 2019, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the conversion of the ground floor of the premises known as VARS Limited, Princes Tower Road, St. Saviour to form a parking area, the demolition of the first floor and the construction of new first and second floors with balconies to the south elevation to form 2 x one bedroom residential units. The Committee had visited the application site on 7th July 2020.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP5, GD1, GD7, E1 and H6 of the 2011 Island Plan were of particular relevance.

P/2018/1847

The Committee was advised that the application site comprised a two-storey detached building with a pitched roof, which was currently in commercial use, with workshops and a garage on the ground floor and a number of offices on the first floor.

The Committee recalled the planning history of the site, to include the refusal of a previous application for the conversion of the building to provide residential accommodation.

It was proposed to convert the building from commercial to residential use by demolishing the existing first floor and constructing new first and second floors, with 2 x one-bedroom units proposed.

The Committee noted that the application had been refused for the following reasons –

the proposed development would intensify the use of the site, which was located on a section of road with a high injury collision record. The proposed development, by reason of the location of the proposed garage, had the potential to require the reversing of vehicles onto a road carrying high volumes of traffic. The vehicular accesses had zero pedestrian and vehicular visibility. The proposed development would lead to unacceptable problems of road safety and therefore failed to satisfy the requirements of Policy GD1; and

the application failed to demonstrate in sufficient detail that the site was inappropriate for any employment land use to continue, having regard to market demand, or that the overall benefit to the community of the proposal outweighed any adverse effect on employment opportunities and the range of available employment land and premises. The proposal therefore failed to satisfy the requirements of Policy E1.

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

The Committee heard from Mr. and Mrs. Hebert of [REDACTED] and Mrs. Le Brun of [REDACTED], which properties were accessed off the yard to the south of the application property. They indicated that vehicular access from Princes Tower Road was already extremely challenging and narrow and that many people damaged the side of their vehicles on the walls. The residents of [REDACTED] were required

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to reverse in off the main road. Whilst they did not object to the principle of the units being constructed, they were concerned that the development would result in a narrowing of the shared access road and that the privacy of their homes would be compromised.

The Committee heard from Mr. S. Wyatt, who informed the Committee that he was a Roads Inspector in St. Saviour and that the main issue in the area of the application site was the delivery of goods, because the vans would unload on Princes Tower Road and there was a pedestrian crossing in close proximity. He expressed support for the replacement of the former commercial property.

The Committee heard from the applicant, Mr. S. Walker and his agent, Mr. P. Davey. Mr. Davey indicated that following the comments which had been made by the Committee in June 2019, the scheme had been overhauled and the current iteration was lower and shorter than had previously been proposed. Moreover, a roof terrace had been removed and replaced with balconies, albeit the Department had been in favour of the former. The Committee was informed that an approach had been made to Quemard Properties to market the commercial premises, but this had been declined, on the basis that they were in a poor state of repair and in an unsuitable location. As a commercial property, the floorspace was such that 8 people could work there, but by constructing 2 x one-bedroom units, the maximum people that could be accommodated would be 4, resulting in a reduction in the traffic to the *locus*.

Mr. Walker acknowledged that there was restricted visibility in the area, but did not believe that the proposed project would have a further negative impact, because it would stay the same and he did not believe that this should be a reason for refusal.

The Committee, having considered the application was unable to support the scheme and maintained its refusal thereof, but urged the applicant to consult further with the Department.