

KML

PLANNING COMMITTEE

(37th Meeting)

(Business conducted via video link)14th January 2021**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 and R.E. Huelin of St. Peter, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
(not present for item Nos. A1 – A4)
Deputy G.J. Truscott of St. Brelade, Vice Chairman
Connétable P.B. Le Sueur of Trinity
Deputy L.B.E. Ash of St. Clement
(not present for item Nos. A1 – A4)
Deputy K.F. Morel of St. Lawrence

In attendance -

P. Le Gresley, Director, Development Control
E. Stables, Senior Planner
J. Gladwin, Senior Planner
S. de Gouveia, Trainee Planner
T. Ingle, Principal Historic Environment Officer
K.M. Larbalestier, Secretariat Officer, States Greffe
T. Stone, Research and Project Officer, States Greffe
T. Oldham, Assistant Greffier of the States, States Greffe (as an observer)

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

Thornhill
Farm, La Rue
de l'Epine,
Trinity:
proposed
conversion
(RFR).

A1. The Committee, with reference to its Minute No. A12 of 12th November 2020, considered a report in connexion with a request for the re-consideration of an application which had been refused by the Department under delegated powers and which sought approval for the conversion of Thornhill Farm, La Rue de l'Epine, Trinity to provide one x 4 and one x 3 bedroom dwellings with associated car parking and landscaping. Visibility splays on to La Rue de l'Epine would also be improved. The Committee had visited the application site on 11th November 2020.

P/2020/0605

Deputy R. Labey of St. Helier, Chairman and Connétable P.B. Le Sueur of Trinity did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chairman acted as Chairman for the duration of this item.

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 conditions, the application was re-presented.

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

Jersey Gas site,
Tunnell Street,
St. Helier:
proposed
redevelopment.
477/5/1(565)

PP/2016/1414

A3. The Committee, with reference to Minute No. A3 of 22nd March 2017, of the Committee as previously constituted, considered a report in connexion with a revised plans application in relation to the outline approval for the demolition of the existing gas works, office, showroom and staff accommodation in Tunnell Street, St. Helier and their replacement with a new residential development comprising 122 apartments with underground car parking and landscaping and a public open space with an underground public car park. This scheme proposed a total of 314 car parking spaces as compared to 272 spaces in the approved scheme. The Committee had visited the site on 12th January 2021.

Deputies R. Labey of St. Helier and L.B.E. Ash of St. Clement did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chairman acted as Chairman for the duration of this item.

A site plan and drawings were displayed. The application site was located within the Built-Up Area and Policies SP1, SP2, SP3, SP4, SP6, SP7, GD4, GD5, GD6, NE1, H4, ER4, TT4, TT8, TT9, NR7, WM1, LWM1 and GD1, GD3, GD7, GD8, BE1, HE1, HE5, H6 and E1 of the 2011 Island Plan were relevant to the application. Attention was also drawn to the North of Town Masterplan, which identified 9 key intervention sites, one of which was the Jersey Gas site. The Masterplan identified the site as suitable for significant new residential development, should it become surplus to the Gas Company's requirements and it could extend its site at La Collette onto States' owned land. In addition, the Committee noted the development brief for the site, which had been amended in response to the public consultation process.

The Committee noted that there were 2 principal areas of change to the approved application (reference PP/2019/0809); the first related to the siting of the 2 residential blocks and the second related to the replacement of the approved single level basement car park under Blocks A and B with a double basement car park covering a larger area under Block A, to the west of the town brook. The proposal was to re-site the 2 residential blocks on vacant land consented for redevelopment and set away from neighbouring properties. The site was located within the Built-Up Area and the principle of the re-siting of the blocks was acceptable in this location. Similarly, the principle of a change from a single basement car park to a double basement car park was considered acceptable in this location (subject to a condition to ensure that if any archaeological remains were found on excavation then appropriate measures could be taken to protect them). The archaeological assessment stated that the western part of the site (to the west of the town brook) lay within an 'Area of Archaeological Potential'. To the east of the town brook (on the eastern part of the site) there was no archaeological designation. The land to the north of the site contained the known archaeology of 'Dolmen du Pre des Lumieres' and was listed as a Site of Special Interest. The Committee recalled that, in 1952 excavations had been undertaken in the area which had revealed 2 groups of stones dating from the Neolithic period. On balance it had been concluded that the risk of discovering unknown archaeology at a horizon below the (already approved) parking deck was similar to that of discovering it on the land to east. Effectively, the revised scheme was broadly neutral in respect of archaeological risk. It was, therefore, deemed appropriate to recommend the imposition of the same planning condition as had been approved under the original outline planning permission. This condition would start with the archaeological monitoring of any geotechnical boreholes and a watching brief and evaluation to first establish the parameters before implementing mitigation measures as necessary.

It was also noted that the Highway Authority remained concerned about aspects of the car parking layout and a condition was proposed to address this prior to

construction.

The proposed changes to the approved scheme were considered to have a limited impact on the street scene and were not believed to cause unreasonable harm to the character of the area or the amenities of neighbouring uses and would preserve the setting of Listed Buildings in the locality. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

One letter of objection had been received in connexion with the application, together with representations from the Highway Authority and the Historic Environment Section.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who referred to the detailed written submissions she had prepared in connexion with the application and the independent expert advice received from Oxford Archaeology. She reminded members that part of the application site was a Grade 1 Listed Place which comprised a prehistoric monument (located outside of the application site, a few metres to the north, under the public highway) of outstanding importance to the archaeological heritage of Jersey. She referred to other such sites, such as La Cotte de St. Brelade, a Paleolithic site of early habitation. To illustrate the significance of the site, she advised that if it were a historic building it would be comparable to Elizabeth and Mont Orgueil Castles. The approved scheme allowed for basement parking at a ground level designed not to damage likely deep Neolithic archaeological remains beneath the remainder of the Listed Place. The current scheme proposed the excavation of well over half of the Listed Place to a deeper level below ground and the concern was that this would breach the likely archaeological horizon and remove any other archaeological remains, thereby destroying the significance of the site. It was clear, based on Island Plan Policies (SP4, HE1 and HE5), that the presumption should be in favour of the preservation of the monument and any associated archaeological remains in situ. The revised underground car park proposals were incompatible with that objective and could not be supported. It was considered that the probes used to test the proposed piling locations for the electricity substation did not conclusively prove that no archaeology would be impacted through the piling of the site. Ms. Ingle concluded by stating that if permission were to be granted then she would prefer to see the imposition of more targeted conditions which would require a series of interventions, to include archaeological geotechnical boreholes and targeted excavations to understand the archaeological horizons which would be lost.

The Committee heard from Mr. B. Francisco, Waddington Architects, who advised that the design team and the contractor had gone through a detailed cost analysis and had concluded that the construction of a basement over the entire site would render the scheme unviable. The revised scheme would see the number of car parking spaces increased and the car park would be fitted with electric charging points. The scheme complied with the space standards and all units would have a balcony or a terrace. It was also noted that the Millennium Town Park would be extended as part of the scheme.

The Committee heard from Mr. J. Nicholson of M.S. Planning, who outlined the main changes to the scheme and referred the Committee to the written submissions. He stated that part of the site was a Listed Place – the dolmen to the north - and there had been a stone row projecting to the south east, which had been re-sited at La Hougue Bie in 1952. He contended that omitting the basement from half of the site reduced the risk to some of the archaeology and the project team had been very careful with the re-organisation of the basement. The site had previously been

extensively developed and when the foundations for the gas holder and other structures had been removed nothing of significance had been found in the main part of the site. Trial holes had been dug – one of which had been right on the line of the ‘avenue’ and had gone down below the architectural horizon and no significant deposits had been found. Having regard to this data, the applicant was confident that nothing of significance would be found in the proposed new basement area. The applicant was not asking to remove archaeological deposits and the scheme accorded with the relevant Island Plan Policies and the adopted Supplementary Planning Guidance. The cautious approach adopted in the previous approval would remain and a condition was proposed in the respect. In concluding, Mr. Nicholson stated that the scheme delivered new homes and an extended Town Park on a sustainable brown field site and he asked the Committee to balance the objections of the Historic Environment Section against the wider planning gains.

In response to a question from a member, it was confirmed that the trial pit which had been dug had been approximately 6 metres by 6 metres and 5 metres deep. It had extended one metre below the archaeological horizon.

The Committee heard from Mr. D. Seeley, Museum of London Archaeology, who advised that he had been involved with the Town Park scheme approximately 10 years earlier and had continually provided advice in relation to the site. He stated that the archaeological potential had been assessed in great detail. It was noted that the foundations of the gas holder had been in excess of 4.5 metres deep so any archaeology would have been removed when those foundations had been constructed. In terms of structural remains considered for preservation in situ – these would be protected by proposed condition No. 11 and it was noted that portable objects such as flint and stone tools had been recovered. The intrinsic value of these ‘secondary deposits’ related directly to the value of the object itself and did not add a great deal to the archaeology of the area. The value of objects was enhanced if they were recovered from a defined contemporary feature of the primary location as this provided information on the people who had used them and how they were manufactured. The archaeological assessment of the scheme had been properly managed and had been considered acceptable in the context of the previous applications. Mr. Seeley was confident that the site could be dealt with to a standard acceptable to all.

The Committee heard from Mr. R. Matthews of Rok Construction who advised that a lot of time and effort had been expended improving construction methods to alleviate heavy manual lifting for workers and to enhance the quality of the product. In terms of the proposed development, this would be most beneficial to the local economy and would provide jobs for local people. Government was a true enabler of the recovery phase of the pandemic and Mr. Matthews urged the Committee to support the application.

The Committee heard from Mr. M. Waddington, Waddington Architects, who asked for the perspective drawings of the park to be displayed. He discussed the architectural and environmental benefits which would arise and asked Members to weigh these against Policy HE5. He referred to the links to schools, the green pedestrian connectivity and the extended Town Park. A basement free Town Park extension would allow specimen trees to fully mature and a real eco system to develop in the park, which would enhance wellbeing and aligned with the Government’s pledge to ‘put children first’. The scheme proposed refinements and improvements over the previously approved application and extensive community engagement had been so successful that there had been no public objections.

Mr. Francisco addressed the Committee again, speaking on behalf of Mr. S. Lilley

of Andium Homes. Mr. Lilley had advised that the aim was to provide affordable housing. The application site had been purchased with a permit and the price paid was reflective of this. In approving a report and proposition of the Council of Ministers (P.114/2017) – ‘Jersey Gas Works site – development by Andium Homes Limited’, the States had set a number of key objectives, to include the extension of the Town Park and the provision of a high quality residential development with below ground parking. Outline planning consent had been granted for the scheme with conditions. The scheme would result in significant public gains and the redesign of the car park would see only minor changes above ground and would deliver a large Town Park extension (60 percent of the site area) with high quality residential accommodation with parking and amenity for residents, all at no additional cost to the public. The Committee was urged to approve the application.

Ms. Ingle was afforded the opportunity of responding to Mr. Seeley’s comments. She advised that she had the utmost respect for Mr. Seeley and confirmed that she was not an archaeologist and relied on Oxford Archaeology for advice. To this end she read aloud from an email received from Mr. S. Foreman of Oxford Archaeology in relation to the applicant’s strategy to minimise impacts to the monuments. Mr. Foreman had stated that concerns regarding the loss of intact, deeply buried, prehistoric deposits in the area immediately surrounding the monument had not been addressed. One particular concern was the installation of a sheet pile retaining wall around the basement. The method of construction proposed meant that a deep, one metre wide impact would occur along the edge of the site, immediately adjacent to the recorded location of the dolmen.

Ms. Ingle concluded that she was not convinced that the scheme would not impact on deep deposits and could not support the application. In response to a question regarding the depth of the trial pits which had been dug, she concluded that these had not gone down deep into the archaeological area as they had been dug for engineering and not archaeological purposes.

With regard to her proposal to strengthen the conditions if permission was granted, Ms. Ingle recommended that archaeological boreholes be dug to characterise deep deposits to allow an understanding of the likely impact. This should be followed by targeted excavation across the site, and not limited to the area of designated archaeology. On finding any significant deposits development would be required to cease to allow investigation. The Director, Development Control confirmed that a suitably worded condition could be worked up in consultation with Ms. Ingle if permission was granted.

Connétable P.B. Le Sueur of Trinity asked whether it might be possible to construct a single basement under block B with its own access and egress. He was advised that this would have an impact on traffic flows in the wider area. There was some discussion regarding the objection from the Highway Authority and the number of spaces proposed and the conflicting requirements of the Parish of St. Helier and the Infrastructure, Housing and Environment Department in this regard. A discussion regarding the Planning Obligation Agreement followed and the requirement to provide car parking for the Ann Court development.

The Committee moved to determine the application and resisted an offer from Mr. Waddington to give further consideration to the archaeological observations at this stage. With the exception of the Vice Chairman, Deputy G.J. Truscott of St. Brelade, who supported the application based on the strengthening of condition No. 11 as suggested by Ms. Ingle, the remaining members concluded that they could not endorse the recommendation to grant permission. The potential impact on this Grade 1 asset to facilitate the creating of car parking was considered too great and was

believed to be contrary to Policies HE1, HE5 and SP4 of the 2011 Island Plan.

The Committee recognised that its decision was contrary to the Department's recommendation to approve the application and it was noted that it would be re-presented at the next scheduled meeting for formal decision confirmation and to set out the reasons for refusal.

With regard to a related reserved matters application for the site, it was noted that this would not be determined as it was directly linked to the revised application which the Committee had refused. Mr. Francisco asked that consideration of the application be deferred.

The Committee went into recess and reconvened at 12.05 pm to consider the remainder of the agenda items at the scheduled times.

Jersey Yacht
and Boat yard,
Old South Pier,
South Pier, St.
Helier:
proposed
change of use
of unit.

A4. The Committee considered a report in connexion with an application which sought approval for the change of use of a small part of the ground floor of the Jersey Yacht and Boat yard, Old South Pier, South Pier, St. Helier to facilitate a retail use. The Committee had visited the application site on 12th January 2021.

Deputy R. Labey of St. Helier did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade, Vice Chairman acted as Chairman for the duration of this item.

P/2020/1015

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and the French Harbour was Listed. Policies TT15, ER9, HE1 and GD1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application site was located on the South Pier of the French Harbour and was centrally positioned between buildings which were used for a variety of purposes. The building was a 2-storey granite structure, historic in appearance and had previously been used for boat manufacture and as a sail loft, as evidenced by the large main door. It was currently used as a gin distillery.

The application related to a small part of the ground floor on the western side of the building, which was already physically separated from the larger area. It was proposed to use this as a small retail outlet for the sale of gin from the distillery.

A previous application for the change of use of both floors of the building to facilitate an office use had been refused on the grounds that it was contrary to Policy TT15 and a failure to provide adequate car parking for potential occupants.

The Committee noted that the whole of the harbour was covered by a blanket policy which safeguarded the land for port operations and related activities. However, a separate policy allowed for the retail sale of products from the industrial area. In this particular case, the Department was mindful of the small amount of floor area concerned, the suitability of the building for artisan craft and the relatively small amount of activity that this would generate, which was unlikely to affect the wider operation of the port or remove a facility which could be used for port related activities. It was noted that planning permission was not required for the manufacturing process.

Given the historic nature of the building, its location on the fringe of town, and the existing car parking provision, the Department had no objection to the creation of this small retail space to sell the product made on site. Consequently, it was recommended that permission was granted, subject to the imposition of certain

conditions detailed within the Department's report.

5 letters of support had been received in connexion with the application and Ports of Jersey had raised no objection to the application.

Deputy K.F. Morel of St. Lawrence sought clarification on a number of points, including how long the unit had been empty and why permission had not been required for the non-maritime related gin distillery use. The case officer advised that she had received varying accounts in terms of the length of time the unit had been empty. Permission was not required for the gin distillery use as a light industrial use was already permitted in the building. The Deputy also noted that whilst Ports of Jersey had not objected, there was a benefit to that body in terms of the rental income generated from the unit.

The Vice Chairman sought advice from Ms. T. Ingle, Principal Historic Environment Officer in relation to the impact of the application from an historic building perspective. Ms. Ingle noted that no external changes were anticipated and the proposed use was an ancillary component in terms of the cultural heritage.

The Committee heard from Mr. L. Curtis, who objected to the application. He advised that the unit had been occupied until relatively recently. This was a maritime area so any change of use would, he believed, be significant and could set an undesirable precedent. Mr. Curtis understood that maritime related businesses had been interested in leasing the unit, but had not been able to reach agreement with Ports of Jersey on an affordable rent.

The Committee noted that no persons present wished to speak in support of the scheme.

The Committee discussed the application and noted the view of Deputy Morel that, if permission was granted, a time limited permit should be issued – he suggested 5 years - with a view to renewing the permit if the business was still operating. The Director, Development Control advised that time limited permits were generally used where non-agricultural users were permitted to use agricultural buildings, and where there was a prospect of that building returning to its former approved use. If the Committee felt that there was a good planning reason for time limiting the permit then the Department could formulate an appropriate condition. Deputy Morel informed the Committee that he believed that the imposition of such a condition would align with Policy TT15. The Deputy was concerned that non-maritime businesses might not be in a position to pay higher rates of rent and that this could ultimately lead to a change in the character of the harbour area. The Director advised that whilst the Department could prepare a condition to facilitate a temporary use, this could be challenged on appeal. He added that it was possible that policies like TT15 might not survive the Island Plan review – he could not be certain of this but wanted to ensure that members were aware that a time limited condition might not be sustainable in perpetuity. Deputy Morel noted the Director's comments, but reminded the Committee that applications had to be determined in the context of the adopted 2011 Island Plan. In terms of the setting of a precedent, the Vice Chairman stated that each application had to be considered on its own merits. However, it was recognised that the Committee was frequently presented with the details of approved applications in support of new proposals for 'similar' development.

In conclusion, the Committee decided to grant permission, subject to the conditions detailed within the officer report and without the need for a time limited permit.

At the conclusion of the determination of the item Deputy Morel noted that Deputy

L.B.E. Ash of St. Clement had participated in the determination of the application. He pointed out that as an Assistant Minister for Treasury and Resources it could be perceived that the Deputy was conflicted. The Deputy accepted this and withdrew his vote.

St. Aubin's
Bay
promenade, La
Route de la
Haule, St.
Brelade:
proposed
installation of
railings to sea
wall at La
Haule.

A5. The Committee considered a report in connexion with an application which sought approval for the installation of railings to the sea wall on the promenade at La Haule, St. Aubin's Bay promenade, La Route de la Haule, St. Brelade. The Committee had visited the application site on 12th January 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and both the anti-tank wall to the east and La Haule Slipway to the south west were Grade 2 Listed structures. Policies SP4, GD1, GD7, NE7, HE1, TT2 AND TT5 of the 2011 Island Plan were of particular relevance.

P/2020/0177

It was proposed to install a 200 metre long section of metal railings on the edge of the sea wall between La Haule slipway and the anti-tank wall. The improvements to the safety of users of the footpath and cycleway had to be balanced against the visual impact of the railings and the loss of the uninterrupted views over St. Aubin's Bay and the village of St. Aubin.

It was noted that the Historic Environment Section had stated that the proposed works would significantly change the character of the open sea front and suggested that an analysis of the public risk should be made. To the eastern end the railings would impact the setting of the Grade 2 Listed anti-tank wall, which was the best example of its kind in Jersey. Whilst the need for public safety was understood, the potential to stop the railings short of the larger anti-tank wall guarding the slipway was preferable. The railings could terminate where the fall risk was minimal or low and this would remove the need for a proposed granite bollard; which in itself was considered to be a superfluous additional piece of street furniture in the setting of the wall. The Committee noted the applicant's response to the Historic Environment Section's comments. It was advised that there appeared to be no detailed record of injuries arising from walls, other than one anecdotal report by the applicant without further details given. The applicant had commissioned a Road Safety Review, which assessed the proposed installation of railings and considered alternative options for improving the safety of pedestrians and cyclists – raising the height of the sea wall, installing bollards, creating a segregated cycleway/footway, relocating the cycleway/footway, or retaining the existing layout. The review had concluded that the installation of railings was the best option as it would provide significant safety benefits by lowering the risk category from "high to medium" to "low to medium". It would also provide a cost effective solution compared with the other options.

On balance, it was considered that the benefit which would arise (in the form of increased safety) would outweigh the harm to the landscape and the loss of the uninterrupted views of the foreshore and the sea. Consequently, it was recommended that permission was granted, subject to the imposition of certain conditions detailed within the officer report.

4 letters of support and 7 letters of objections had been received in connexion with the application. One representation was supportive of the provision of the railings, but considered the colour unsympathetic.

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14.01.21

The Committee heard from Mr. R. Hayward, Senior Transportation Planner, Growth Housing and Infrastructure Department who advised that the proposed solution was considered to be the most unobtrusive. Whilst there was no history of accidents, the risk was considered sufficient to warrant intervention.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that this was one of 8 anti-tank walls in the Island. Ms. Ingle advised that the extent of the Listing had been incorrectly stated in the consultation response. However, the railings would be mounted on top of the Listed sea wall and she expressed a preference for a reduction in the extent of the railings and the removal of the proposed granite bollard.

Members discussed the application and noted a suggestion from Deputy K.F. Morel of St. Lawrence that a small wall might present a more appropriate solution. However, it was noted that this was likely to be insufficient in the context of safety standards and Ms. Ingle stated that a tactile pavement could be considered. The Committee discussed the competing and increased usage of the cycle track/promenade during the Covid-19 pandemic and noted that whilst numbers had risen during the spring/summer months they dropped away in the winter months. The crux of the matter was the potential for accidents.

The Committee, with the exception of Deputy L.B.E. Ash of St. Clement, concluded that it could not support the application for the reasons set out in the consultation response from the Historic Environment Section; that is, the significant change which would arise in the character of the open sea front and the impact on the setting of the Grade 2 Listed anti-tank wall, which was the best example of its kind in Jersey. The Committee was convinced that with more work a better and more appropriate solution could be identified.

Draft Island
Plan:
consultation
meeting with
Planning
Committee
members.

A6. The Committee asked the Director, Development Control to arrange a meeting of members and officers to discuss the draft Island Plan. This would be a closed meeting.

Mr. T. Stone,
Research and
Project
Officer, States
Greffé: thanks.

A7. The Committee expressed its gratitude for the valuable assistance provided by Mr. T. Stone, Research and Project Officer, States Greffé in facilitating this video conference meeting of the Planning Committee.

The Committee recalled that the scheduled meeting in December 2020, had been cancelled due to Government restrictions in response to the pandemic. Consequently, the January 2021 meeting had been held by via video link and Mr. Stone's expertise was much appreciated.