

PM/SB/228

PLANNING COMMITTEE

(2nd Meeting)

2nd August 2018PART A (Non-Exempt)

All members were present.

Deputy R. Labey of St. Helier, Chairman (for items A2, A3 and A5-A11)  
 Deputy G.J. Truscott of St. Brelade (not present for items A7 and A10)  
 Deputy S.M. Wickenden of St. Helier (not present for items A4 and A12)  
 Deputy J.M. Maçon of St Saviour  
 Connétable D.W. Mezbourian of St. Lawrence (for item A4 only)  
 Connétable K. Shenton-Stone (for items A1 and A10-A13)

In attendance -

P. Le Gresley, Director, Development Control  
 A. Townsend, Principal Planner  
 J. Gladwin, Senior Planner  
 E. Stables, Senior Planner  
 G. Urban, Planner  
 R. Greig, Planner  
 T. Ingle, Principal Historic Environment Officer  
 P. Monamy, Senior Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meeting held on 5th July 2018, having been previously circulated, were taken as read and were confirmed.

La Vielle  
 Davisonnerie,  
 La Route de la  
 Hougue Bie,  
 St. Saviour:  
 proposed new  
 dwellings.  
 477/5/2(781)

A2. The Committee, with reference to its Minute No. A12 of 5th July 2018, considered a report in connexion with an application which proposed the construction of 2 x 4 bedroom dwellings with associated car parking and landscaping to the north of the property known as La Vielle Davisonnerie, La Route de la Hougue Bie, St. Saviour. The Committee had visited the application site on 3rd July 2018.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was represented.

P/2018/0219

Having considered the 3 reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

Northern  
 Storage (Field  
 No. 796),  
 La Rue de la  
 Mare des Près,  
 St. John:  
 proposed

A3. The Committee, with reference to Minute No. A11 of 23rd March 2017, of the Committee as previously constituted, considered a report in connexion with a retrospective application which sought permission for the use of certain outside areas known as Northern Storage (Field No. 796), La Rue de la Mare des Près, St. John for the storage and parking of vehicles. The Committee had visited the application site on 31st July 2018.

removal of  
condition of  
permit.  
477/5/3(182)

A site plan was displayed. The Committee noted that the application site was located within the Green Zone and that Policies NE7 and GD1 of the 2011 Island Plan were of particular relevance.

RC/2016/1044

The Committee recalled that permission had previously been granted for the permanent use of an existing agricultural shed for storage purposes. Condition No. 1 of the permit prevented any materials, goods, plant, machinery, equipment, skips, crates, containers, waste or any other item, being placed, stacked, deposited or stored outside the building on the site. This condition had been imposed to safeguard the appearance of the site and the amenities of the area. The applicant was now seeking permission retrospectively for the creation of designated parking bays to the north and east of the site for the parking and storage of vehicles and boats.

In this particular instance the use of the land as proposed would be intensified simply by increasing the proportion of the site which would be covered by stored vehicles and boats. Green Zone Policy NE7 (5) included, as a permissible exception to the presumption against development, the intensification of use of employment land. Having applied the prescribed policy criteria, the Department had concluded that the use of the site had already been justified by virtue of the fact that planning permission for commercial storage purposes had already been granted. In turn the storage use was considered to be a relatively low key, benign use wherein any resultant intensification of use was not considered to create undue noise, disturbance or a significant increase in travel and trip generation. Indeed, no objection had been raised by the Highway Authority. The extent of outside storage had been concentrated in 2 areas (to the north and east) and was well screened from the public domain and neighbouring land users. Accordingly, the proposals were considered to amount to a permissible exception to Green Zone Policy – NE7 (5), responding appropriately to the capacity of the site to accommodate the storage operation without causing serious harm to landscape character. Similarly, any perceived impact arising from the limited outside storage operation was not considered to be so significant so as to cause “unreasonable” harm (the test under Policy GD1) to the amenities of neighbouring land users, nor lead to unacceptable problems of traffic generation, safety or parking. The development was, therefore, deemed to be compliant with the requirements of Policy GD1 and 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. P.B. Le Sueur, Connétable of Trinity who outlined the concerns of the Parish which centred on the desirability of providing safe storage for boats away from the village settlements, with the proximity of the application site to Bonne Nuit harbour being a key factor in the Parish’s support of the application.

Mrs. S. Steedman of KE Planning, Agent for the Applicant, addressed the Committee and confirmed the intention that the existing hedge would be allowed to grow in order to better obscure the view of the parked boats, the maximum height of which from the ground (excluding any aerials) would not exceed 3 metres.

Mr. K. McIlwee, President of the Bonne Nuit Boat Owners Association addressed the Committee and confirmed that, as at present, no maintenance or other work would be undertaken on the boats to be parked at the application site.

2nd Meeting  
02.08.18

The Committee ascertained that no landscaping condition was presently applied to the site; and also that road safety requirements were considered by the authorities to be satisfactorily met.

The Chairman, having commented that he considered the provision of the safe storage for some fishermen's boats to be an important facility, approved the application.

Deputy S.M. Wickenden of St. Helier, having expressed some concern regarding the potential for incremental additional use of the site over time, nevertheless confirmed his support for the application.

Deputy G.J.Truscott of St. Brelade considered the operational arrangements for the site to be benign and, recognising that the site was maintained in a clean and tidy fashion, accordingly approved the application.

Deputy J.M. Maçon of St. Saviour indicated that he was content to approve the application, subject to the imposition of a condition relating to adequate roadside landscaping of the site.

The Committee therefore unanimously approved the application, subject to the imposition of the above-cited additional condition.

No. 20 La Motte Street, St. Helier: proposed additional storeys/ addition of balconies/ conversion to residential units.  
477/5/1(635)

A4. The Committee, with reference to Minute No. A8 of 5th July 2018, considered a report in connexion with an application which proposed the conversion of the office accommodation at No. 20 La Motte Street, St. Helier to provide 23 x one-bedroom and 4 x 2-bedroom apartments, the construction of 2/partly 3 additional storeys to the courtyard elevation, one additional storey to the elevation on La Motte Street elevation and the formation of balconies on the east elevation. The Committee had visited the application site on 3rd July 2018.

Deputies R. Labey, Chairman and S.M. Wickenden, both of St. Helier, did not participate in the determination of this application. Deputy J. M. Maçon of St. Saviour chaired the meeting for the duration of this item.

P/2018/0504

A site plan, drawings and a 3-dimensional model were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, 2, 3, 6 and 7, GD4, GD7, NE1, H4, TT4, TT8, WM1 and LWM2 of the 2011 Island Plan were relevant to the application.

The Committee recalled that it had deferred consideration of the above application as it had emerged that not all interested parties were aware of certain revisions which were being proposed and in order for the parties to meet and discuss how privacy issues might be best addressed. Since that time the applicant had met the residents of a neighbouring property to discuss how to mitigate the impact of the scheme and an amended east section/elevation plan had been submitted which showed a privacy screen measuring 0.65 metres to the top of the existing boundary wall to the rear of the site. An additional condition requiring the submission of the details of the screen, to include the height, materials and siting and details of landscaping to the rear wall was also recommended.

The Committee recalled that the application proposed the conversion of the existing office building to residential apartments, the remodelling and construction of one additional storey to the elevation on La Motte Street with a communal roof terrace and the construction of 2 additional storeys to the courtyard elevation, giving a total of 6 storeys to the east elevation of the rear building facing the communal courtyard.

The site was located in the Built-Up Area in a highly sustainable location close to all town centre amenities and employment opportunities, as well as within walking distance of the bus station and/or bus stops, Howard Davis Park and town centre car parks. The scheme was supported by the Island Plan Spatial Strategy and Policy H6. The character of the area was mixed with modern high density residential and office buildings to the north and east, with a more traditional lower density towards the west. The proposed development was of a higher density than the existing, but would restore the more traditional pattern of development in terms of design, plot widths and vertical emphasis to the buildings. The development was considered to be in keeping with the character of the area and would preserve the interest of nearby Listed Buildings. The proposed development would be higher than the existing building, but it was considered that it would not cause unreasonable harm to neighbouring properties. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA), pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended) to secure the following –

£20,000 to provide a bus shelter with real time information; and,  
£30,000 to provide a loading bay.

It was recommended that the Director, Development Control be authorised to grant planning permission under the powers delegated to him, subject to certain conditions and the completion of the POA. In the event that a suitable POA could not be agreed within 3 months, the application would be re-presented to the Committee.

4 letters of representation had been received in connexion with the application. The Committee noted that a late paper had been received from the owner of a neighbouring property owner opposite the application site requesting that the property to be developed should be limited to being no higher than that property opposite.

The Committee heard from Mr. M. Waddington, Architect, acting on behalf of the adjacent property owner who had made the late submission referred to above, who outlined the rationale underpinning the request for restricting the height of the applicant property. It was noted that, whilst the property owner concerned did not oppose the proposed development, and would not do so unless their request was not acceded to, they wished to ensure that the occupiers of their building were comfortable with the adjacent development.

Mr. T. Bonner, owner of a neighbouring property and a previous objector to the application under consideration, addressed the Committee and outlined that he had reached agreement through discussion with the developer regarding achieving the privacy he sought by means of raising the height of a boundary wall and through appropriate planting, which he considered adequately addressed the issues he had raised regarding the provision of a suitable habitat for wildlife.

Mr. E Smith of JS Livingston Architectural Services, Agent for the Applicant, emphasised to the Committee the wish of the developer to limit the extent of demolition and to retain at least the lower 3 floors. The need to accommodate the concerns of neighbours had been appreciated and this had been achieved through discussion. Whereas it remained a possibility that the floor plates of the upper levels to be developed might have to be lowered by approximately 100 millimetres, this matter remained under consideration.

2nd Meeting  
02.08.18

Deputy J.M. Maçon of St. Saviour, indicated that, subject to the conditions set out in the officer report, he was content to approve the application.

Deputy G.J. Truscott of St. Brelade, having emphasised the desirability generally of developers establishing dialogue with neighbouring property owners and the beneficial effect this could have on the planning application process, also approved the application.

Connétable D.W. Mezbourian of St. Lawrence, endorsed the sentiments expressed by Deputy Truscott and, noting that it was apparent that the issues of concern to neighbours had been adequately addressed in the present application, indicated her approval accordingly.

The Committee therefore unanimously approved the application, subject to the imposition of conditions (a) to ensure that the height of the proposed development matched that of the neighbouring building to the east; and (b) regarding landscaping in the courtyard of the adjacent property.

Durrell  
Wildlife  
Conservation  
Trust, La  
Profonde Rue,  
Trinity:  
proposed  
construction of  
single storey  
building/  
installation of  
bicycle  
racks/fencing.  
477/5/2(694)  
P/2018/0257

A5. The Committee considered a report in connexion with an application which proposed the construction of a single storey retail building on an existing overflow car park at Durrell Wildlife Conservation Trust, La Profonde Rue, Trinity. It was also intended to install bicycle racks and fencing. The Committee had visited the application site on 3rd July 2018.

A site plan, drawings and a 3-dimensional model were displayed. The Committee noted that the application site was located in the Green Zone, on a Primary Route Network, within the Water Pollution Safeguard Area and that the application site included a Listed Building. Policies NE7, SP1, SP2-SP7, GD1, GD5, GD7, HE1, NE4, ER2, ER8, ER10 and EVE1 of the 2011 Island Plan were relevant to the application.

The Committee noted that the proposal was to construct a single-storey retail building, owned and operated by Durrell as a charity shop, including 560 square metres of retail space. The proposed building would in total measure 39.8 metres in length by 24.5 metres width to a height of 6.3 metres with a pitched zinc roof and timber cladding.

It was recognised that the site was located within the Green Zone and therefore Policy NE7 was relevant, providing a high level of protection and a general presumption against development. It was considered by the Department that the proposed retail development did not fall within any of the listed exceptions and that therefore, in order for permission to be granted, it would have to be a departure from the Island Plan for which there would need to be sufficient justification.

It was noted that the Spatial Strategy in the Island Plan sought to concentrate development within the Built-Up Area within the Green Zone. The site was a grassed piece of open land, which although not in active agricultural use any longer as it was presently in use as an overflow car park, still had certain amenity value as grassed open land that had not been built upon. The Committee recognised that the proposed building would not be seen against the backdrop of adjacent buildings and would be a stand-alone building, albeit partially screened by landscaping. It was considered by the Department that, due to the scale of the building envisaged in this part of the application site, the proposal would indeed have an unreasonable impact on the character of the coast and countryside, contrary to Policies GD1 and GD7 and would seriously harm the landscape character of the Green Zone.

It was further noted that the Historic Environment Team had raised objections to the proposal due to its impact on the setting of Les Noyers (and to a lesser degree Les Augrès Manor) in terms of the scale of the development in close proximity to the Listed buildings. The Department had outlined that the test in Policy HE1 was whether proposals would preserve or enhance the setting of the Listed Building. Les Noyers was noted as being an important heritage asset as demonstrated by its Grade 4 listing. Due to the scale and proximity to this proposed development, it was considered that the setting of the Listed Building of Les Noyers would not be preserved or enhanced.

The clear presumption was noted that new retail development should be located in the Built-Up Area and that, as stated in policy ER2, the role of St. Helier as the main retailing centre was to be protected and promoted. It was noted that Policy ER10 directed retail development to the Built-Up area due to the potential unreasonable effect on St. Helier town centre and local shopping centres. The Committee recalled that the existing charity shop at Peacock Farm had been approved (P/2015/1510) as a temporary permission which would expire in 2018, due to the particular circumstances of the Applicant (hence a personal permission) and that it was using an existing employment building surrounded by other buildings that had formerly been in retail use for the sale of goods by Le Maistre Brothers. It was emphasised that this differed from the current proposal which was for a new retail building where no building existed at present and where the land for siting the proposed development had not been in retail use.

Consequently, the Department – taking into account the above – considered that the proposal as considered to be contrary to Policies ER2, ER8 and ER10 and that it would have an unreasonable effect on the vitality or viability of the St. Helier town centre and local shopping centres. Whilst it was noted that there would be a loss of 22 parking spaces as a result of the present proposal, given public transport links direct to the site, the likelihood of linked trips as set out in the transport statement, the existing retail use of Peacock Farm and the proposed travel plan and bus shelter improvements, the Department considered that the proposal would not lead to unacceptable problems of traffic generation, safety or parking. The recommendation of the Department was that the application should be refused.

It was noted that 120 letters of support for the application had been received; together with one letter of objection from the National Trust for Jersey which contended that the use of a countryside location required justification of demonstrable environmental gain (such as the repair and restoration of landscape character).

The Committee was addressed by Ms. L. Dickie, Chief Executive, Durrell, who outlined the increasing struggle faced by Durrell in attracting visitors to the Zoo, with attendance currently down to 190,000 annually. Durrell was seeking to diversify its income streams for the benefit of its animal collections. It was emphasised that one of the benefits provided to the Island by Durrell was that all school children visited the Zoo free of charge and participated in lessons there to learn about animal and habitat conservation. This represented approximately £1 million in 'lost' income to Durrell, particularly as the States of Jersey had, since 2010, withdrawn funding once provided for school visits. Durrell continued to work with various States departments, as well as with a large number of predominantly older volunteers, and it recognised that it was representative of the Island as a whole. The current application would be of tremendous benefit to the Zoo, providing much-needed sustainable activity, including additional planting. It was a perpetual challenge to Durrell to maintain income and the suggestion was made that vulnerable species of animals throughout the world should be valued more than a car park.

Mr. P.B. Le Sueur, Connétable of Trinity, distributed a number of photographs of the application site. The Connétable endorsed the sentiments expressed in the numerous written representations which had been made in support of the application. Although he considered the officer report to be disappointing in its conclusions and disagreed with the suggestion made by the Historic Environment team regarding the extent of the impact on the character of nearby Listed Buildings, he urged the Committee to compare the present application with that previously approved in relation to the recent development of retail facilities undertaken at Acorn Industries.

Senator L.J. Farnham, Minister for Economic Development, Tourism, Culture and Sport addressed the Committee in support of the application. He suggested that Durrell's long-standing presence in Jersey was now part of the Island's heritage. Durrell brought more than economic benefit to the Island, and it provided a unique visitor experience which was important for tourism in Jersey. The Minister totally supported the sentiments expressed by the Connétable of Trinity and, for his part, he had no wish to see Durrell relocate its headquarters elsewhere in the world to the Island's detriment. It was reiterated that the States did not presently provide Durrell with any form of subsidy, and that the development of additional income streams were of vital importance to Durrell.

Mr. N. Steele, representing Jersey Business, outlined the importance of Gross Value Added (GVA) and emphasised the value which Durrell's existing shops added to the Zoo, and also that this was supportive of the Island's economy. There was a general need to ensure that every business on the Island was as productive as possible, and this was especially important for Durrell which currently employed 125 staff. It was indicated that the development of a charity shop at Durrell was a hugely important factor for the organisation, particularly as it was evident that St. Helier was not ever likely to be able to provide a suitable site large enough for the Zoo's requirements.

Mr. M. Strawbridge, Heritage Consultant, indicated that of the 2 heritage assets associated with the site, only Les Noyers was considered to be potentially affected, and then not significantly. The wider landscape setting for the development was considered to be broadly suburban, with the site having been considerably altered over the years, from farmland and poly-tunnels to the current car parking use. It was emphasised that Policy EVE1 of the Island Plan – Tourism Strategy – supported the maximisation of tourism assets in order to sustain existing offerings.

Senator I.J. Gorst, Minister for External Relations, suggested that the Island Plan did not always serve the Island well in some respects. Quoting renowned naturalist Sir David Attenborough, Senator Gorst reminded the Committee that Sir David had said that "*the world needs Durrell*" and that from the Island's perspective, Jersey needed Durrell. Having outlined the 3 main aspects of the Department's recommendation for refusal of the application, the Senator contended that none of these outweighed the imperative need to support Durrell in achieving additional income streams to support the continuation of its activities in Jersey. It was emphasised that Durrell sought support by means of a 'hand up', rather than a 'hand out.'

Mr. M. Stein, of M.S. Planning, outlined the ability of the Committee to approve the present application even if it were to be considered contrary to the Island Plan, provided that the decision could be adequately justified. Having emphasised the importance to Durrell of achieving additional sustainable income as the beginning of a 20-year plan to secure its future in Jersey, Mr. Stein set out 14 reasons in support of the application. In conclusion, Mr. Stein cited a letter of support from a Singapore zoo which extolled the virtues of the conservation work undertaken throughout the world by Durrell.

The Committee heard from the Principal Historic Environment Officer, who outlined the main concerns of her team as being the scale and size (height and mass) of the proposed development, and its proximity and effect on the adjacent Listed historic asset of Les Noyers.

The Committee, having asked whether an alternative area elsewhere within the Durrell campus had been considered, was assured by Ms. Dickie that all potential sites had been examined in detail and discounted for various reasons. The Committee noted that 'Permitted Development' had been removed from the whole of the site occupied by Durrell.

Deputy S.M. Wickenden of St. Helier acknowledged that the present application was an emotive one, and significant insofar as it sought the establishment of a new building on a Green Zone site not previously built upon, with an additional factor being its relative proximity to a heritage asset. However, having taken into consideration overall the relevant factors, the Deputy resolved to approve the application.

Deputy G.J. Truscott of St. Brelade, having wrestled with the various conflicting elements of the application and the significance of the Green Zone policy, nevertheless decided to approve it.

Deputy J.M. Maçon of Saviour, having concluded that the historic asset aspects of the application were not as strong as in other circumstances, approved the application.

The Chairman, whilst recognising that approval of the present application would represent a clear departure from Green Zone policy, nevertheless accepted that on the basis of exceptional circumstances associated with the application, he was prepared to approve it.

The Committee accordingly unanimously approved the application on the basis of the very exceptional reason that it supported a unique Jersey institution in achieving sustainable income, which was vital to the Island's interests; and also subject to the agreement of a Planning Obligation Agreement to confine the agreed use to the applicant. Having noted that its decision to approve the application was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation. The officers were asked to produce a comprehensive list of conditions to be imposed on the consent and the Committee agreed that its approval of the present application should not be considered as a precedent for subsequent applications.

Le Clos du  
Petit Pont,  
Ruelle du  
Marais,  
St. Peter:  
proposed  
construction of  
single storey  
extension.  
477/5/3(1036)

A6. The Committee considered a report in connexion with an application which proposed the installation of a dormer window to the north elevation and the construction of a single storey extension at the property known as Le Clos du Petit Pont, Ruelle du Marais, St. Peter, together with various external alterations. The Committee had visited the application site on 3rd July 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and the Green Backdrop Zone and that the application site included a Listed Building. Policies SP1, SP2, SP6, H6, GD3 and BE6 of the 2011 Island Plan were relevant to the application.

2nd Meeting  
02.08.18

The Committee noted that the application related to a one-bedroom terraced property, located within a development of 10 houses within the Built-Up Area. Permission was being sought for a modest ground floor extension, a dormer window within the roof and minor window changes/additions. The Department considered the proposals to be minor in scale and they had been amended to reduce any impact or overlooking of neighbouring sites. Concerns had been noted regarding a lack of parking in the vicinity but it was considered unreasonable to refuse permission for the works proposed on this basis, given that the formation of a second bedroom within the property could be carried out in any event as 'permitted development' with the omission of the dormer projection. The Committee noted that the proposal accorded with policy and was therefore supported by the Department and recommended for approval.

There were no oral representations.

The Committee welcomed the inclusion of obscure glass and accordingly approved the application.

Adastral, La  
Route de la  
Pulente,  
St. Brelade:  
proposed  
rebuilding of  
ground floor  
and  
construction of  
first floor  
[REVISED  
PLANS]; and  
demolition and  
construction of  
wall and  
section of roof  
[RETRO-  
SPECTIVE].  
477/5/3(1037)

A7. The Committee considered a report in connexion with revised plans relating to P/2016/0823 which proposed the rebuilding of the ground floor and construction at first floor, together with various alterations, at the property known as Adastral, La Route de la Pulente, St. Brelade. Consideration was also given to a retrospective application to demolish and construct the north-west wall and section of the roof. The Committee had visited the application site on 3rd July 2018.

Deputy G.J. Truscott of St. Brelade 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 Coastal National Park and that Policies NE6, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application site was a vacant land-locked site located within the loop of Le Mont de la Pulente and accessed via a path between other properties and a series of steps. The land was steeply sloping and within the Coastal National Park, having been formerly occupied by a flat-roofed bungalow.

P/2018/0595

It was recalled that permission had been granted in 2016 to remodel the ground floor of the bungalow and to extend at first floor but to retain the lower ground floor level. The Committee noted that such permission came within the terms of the restrictive Coastal National Park policy which allowed for extensions to existing houses. Works had commenced but had gone beyond the terms of the permission and included the demolition of all but 2 walls of the lower ground floor. The Committee recognised that during the initial works undertaken, the removal of the back wall to the ground floor had resulted in the rear c til slipping down the site and into the remaining building. It was noted that this had been rectified by means of an engineering solution. The current application sought permission such that the front wall of the lower ground floor and roof of that section could be replaced. This would allow the works approved under the 2016 permission to proceed. The resultant house would be larger than the original bungalow,

The Committee recognised that the Coastal National Park policy allowed for a replacement house in situations where the property would not exceed the size of that to be demolished. However, the rebuilding of the basement together with the works

already approved for the ground and first floor would effectively result in a new house which would be larger in size than the original bungalow, and thus contrary to policy. The Department considered the present situation to be unusual and one where it felt able to recommend approval of the works now proposed, which would allow a satisfactory conclusion to the dilemma faced.

No written representations had been received and there were no oral representations.

The Committee unanimously approved the application.

Vale House,  
Le Mont Fallu,  
St. Peter:  
proposed  
construction of  
shed and  
greenhouse,  
and installation  
of fence.  
477/5/3(937)  
  
P/2018/0753

A8. The Committee considered a report in connexion with an application which proposed the construction of a shed and greenhouse to the south of the property known as Vale House, Le Mont Fallu, St. Peter, together with the installation of a fence and various external alterations. The Committee had visited the application site on 3rd July 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in Airport Noise Zone 3, Airport Public Safety Zone 2, the Green Zone, on a Primary Route Network and in the Water Pollution Safeguard Area. It was further noted that the application site included a Listed Building and that policies NE7, TT17, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application, which had been submitted by a member of staff of the Department of the Environment, related to a proposal for ancillary structures/works within the curtilage of Vale House, comprising: a replacement fence; the removal of a wall to create hardstanding; the erection of a greenhouse; the erection of a shed; and the repositioning of a Jersey Electricity meter box.

It was recognised that the property was listed which precluded the application of Permitted Development rights to much of the proposal. The Department considered the works to be acceptable in the context of the special interest of the house, and were not considered to have any unreasonable impact upon neighbours. The recommendation of the Department was that the application should be approved.

No written representations had been received and there were no oral representations.

The Committee approved the application.

Arc-en-Ciel,  
La Rue de  
Mahaut, St.  
Ouen:  
proposed  
conversion of  
garage into  
habitable space  
and  
construction of  
single storey  
link structure.  
477/5/3(1038)  
  
P/2018/0845

A9. The Committee considered a report in connexion with an application which proposed the conversion of an existing garage into habitable space and the construction of a single storey link to the north elevation of the property known as Arc-en-Ciel, La Rue de Mahaut, St. Ouen, together with the construction of a first floor extension to the west elevation and a double garage to the south of the site. The Committee had visited the application site on 3rd July 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that policies NE7, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application, which had been submitted by a member of staff of the Department of the Environment, related to a proposal to undertake relatively modest works. It was recognised that whereas the application site lay within the Green Zone wherein there was a presumption against development, in principle Policy NE7 of the 2011 Island Plan allowed for residential extensions and

2nd Meeting  
02.08.18

outbuildings as an exception to that presumption provided that set tests were met and, in particular, that the development did not seriously harm landscape character.

The Committee noted that the relatively modest works proposed met the necessary set tests and that the Department considered that the works would not result in serious harm to landscape character or any unreasonable impact upon any adjoining properties. The recommendation of the Department was that the application should be approved.

Two written objections had been received, including one from the National Trust for Jersey.

The Committee was addressed by Mr. C. Dunn, Architect, who commented that the off-side visibility at the application site would be improved as a result of the proposed development.

The Committee approved the application.

Jersey Masonic Temple,  
Stopford Road  
and 36 Oxford Road,  
St. Helier:  
proposed demolition of caretaker's dwelling and construction of flats.  
477/5/1(637)  
P/2017/1776

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which proposed the demolition of the caretaker's dwelling at the property known as the Jersey Masonic Temple and No. 36 Oxford Road, St. Helier, and the construction of 5 x one-bedroom and one x two-bedroom flats with associated amenity areas, together with various internal and external alterations to the Temple. The Committee had visited the application site on 3rd July 2018.

Deputy G.J. Truscott of St. Brelade 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 in the Built-Up Area, on a Primary Route Network, within the Regeneration Zone, in the Town of St. Helier, and that the application site included a Listed Building. Policies DG1, GD7, GD118, 4HE1, BE6 and the St. Helier Design Guide of the 2011 Island Plan were relevant to the application.

The Committee noted that the application site was bounded by Stopford Road, Common Lane and Oxford Road, and that it included the Masonic Temple (Listed Grade 2), the private car park and No. 36 Oxford Road. To the immediate south was No. 34 Oxford Road (Listed Grade 3); and it was further noted that Nos. 45 and 47 Oxford Road, opposite the site, were also Listed.

The application related to the proposed demolition of No. 36 Oxford Road, a 2-storey 1960's house, and its replacement with a 3- and 4-story flat-roofed apartment building to contain facilities for the Temple, together with 6 flats. The proposed building would be 4.5 metres taller and twice the depth of the house it would replace, and it would be located hard up against the neighbouring Listed house, No. 34 Oxford Road. It was noted that the design included balconies and a roof terrace. It was considered that any parking need could be negotiated within the private car park.

The Department considered the proposal to be out of scale, mass and design which would be out of character with, and therefore detrimental to, the street scene and to the setting of Listed Buildings adjoining it. The proposed building would also be overbearing on and cause shadowing and overlooking of neighbouring properties. Objections had been received from the Historic Environment Team, the Parish of St. Helier, the National Trust for Jersey and a neighbour opposite the site.

It was recognised that although there was no objection to the demolition of the existing house, and that this site might be currently underused, it was sensitively located between 2 Listed Buildings of starkly different design and scale. Consequently, it was considered that any replacement should take its cue from properties in Oxford Road as regards scale and roof design rather than the Temple, and also address the road with front gardens.

The Department considered the application to be contrary to policy and it had duly refused permission, which decision the applicant had asked to be reviewed. However, it was noted that the Department remained of the view that the proposal was unacceptable and recommended the Committee to refuse permission for the reason originally stated.

No oral objections to the application were received.

The Committee was addressed by Mr. J. Dyson, Architect, who confirmed that the height, depth and mass of the proposed development accorded with adjacent neighbouring properties. As regards overshadowing to be caused by the proposal, Mr. Dyson reiterated that a 3-dimensional sun path analysis indicated that only minor problems would occur during Spring months. It was considered by the applicant that any problems associated with overlooking could be addressed by the installation of screening. With regard to the suggestion that the design of the proposed building was inappropriate, Mr. Dyson responded that the architecture could be revised to present a pastiche solution under a subsequent application.

Mr. G. Spence, Chairman of the Jersey Masonic Temple Company, reminded the Committee that the present application followed on from successive previous applications which sought to assure the viability of the historic status of the Temple.

The Principal Historic Environment Officer confirmed that the present application centred on an unusually large Grade 2 Listed Building. It was considered that the application presented an opportunity for a new building to knot together with other properties in the street. It was also noted that some additional changes were also to be made to the inside of the Temple, the installation of lifts for example.

Deputy S.M. Wickenden of St. Helier questioned whether the whole of the street scene had been taken into consideration in the design of the present proposal. Mr. Dyson responded by indicating that there were many examples of new and modern buildings constructed up against Victorian properties.

The Committee, having resolved to adopt the advice of the Historic Environmental Team decided unanimously to maintain refusal of the application.

Field  
No. 0294, La  
Rue de Lecq,  
St. Ouen:  
proposed  
construction of  
fence to west  
and south field  
boundaries.  
477/5/3(1039)

A11. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated authority and which proposed the construction of a fence to the western and southern boundaries of Field No. 0294, La Rue de Lecq, St. Ouen. The Committee had visited the application site on 3rd July 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that policies NE7, GD1, GD7 and SP4 of the 2011 Island Plan were relevant to the application.

P/2017/1693

The Committee noted that the application sought permission retrospectively for the construction of a close-boarded fence along 60 metres of the boundary of Field No. 0294. It was recognised that the agent for the applicant had stated that the site

2nd Meeting  
02.08.18

was very exposed and that the fence was required in order to protect the applicant's residential property from strong winds. During the application process it was recalled that the applicant had stated that the existing fence would be removed once the hedge had thickened up, in response to which comment the Department had suggested that this had already occurred. In requesting the review of the Department's decision to refuse the application, the applicant had indicated that the fence would only be required for a further 12 months, which was taken to be from the date of the receipt of the review, namely 18th April 2018.

However, it was noted that the Department remained of the view that it was not appropriate to approve a domestic fence of the nature proposed and had suggested that it should be removed within 6 months of the Committee's meeting, which would be 9½ months from the date of receipt of the review request. The Committee further noted that a separate retrospective application had been made relating to the construction of granite walls and pillars either side of the field entrance off La Rue de Lecq, at the southern end of the unauthorised fence (reference P/2018/0705), which application remained to be determined.

No oral representations were received.

The Committee considered the potential effect of the removal, or not, of the fence on nesting birds within the 6-month period to February 2019. It was recognised that whereas the applicant sought a period of 12 months prior to the removal of the fence, the Department considered that the application should not be approved, which in any event could allow for a period of 6 months to elapse before enforcement action was taken.

The Committee, having considered that the hedge was already relatively mature, such that the fence was not required to protect it from strong prevailing winds, decided to maintain refusal of the application.

The Star at  
Legends, 15 La  
Colomberie,  
St. Helier:  
proposed  
change of use  
from bar to bar  
and restaurant  
with takeaway.  
477/5/1(638)

P/2018/0173

A12. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated authority and which proposed a change of use from bar, to bar and restaurant with takeaway, at The Star at Legends, 15 La Colomberie, St. Helier. The Committee had visited the application site on 3rd July 2018.

The Chairman and Deputy S.M. Wickenden, both of St. Helier, did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade acted as Chairman for this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area Core Retail Area on the Primary Route Network, within the Regeneration Zone, the Town Centre, Town of St. Helier and that the application site included a Listed Building. Policies GD1 and BE3 of the 2011 Island Plan were relevant to the application.

The Committee noted that objections to the application had been received from consultees, namely the Environmental Health Officer and the Department for Infrastructure Transport Section, and a representation from a near neighbour regarding odour emanating from the premises. It was recognised that the Department considered that the change of use from a bar/restaurant to that of bar/restaurant with takeaway gave rise to additional impact upon the amenities of local residents in terms of odour, and that the applicant had not demonstrated that the increase in

delivery/collection traffic would not result in unacceptable traffic generation. Consequently, the application had been refused by the Department on that basis.

Although the applicant had disputed the reasons for refusal, the Department – having considered the information submitted to it – maintained its position on the matter.

The Committee noted that further enquiries to the Parish of St. Helier had not ascertained any recorded or perceived increase in the issue of parking fines on vehicles causing obstruction whilst waiting to collect takeaway orders in La Colomberie during the preceding 12 months.

Mr. M. Dunn, speaking on behalf of the Applicant - who was unable to attend because of illness, outlined the background to the present application, citing the Applicant's previous involvement without incident in a similar bar/restaurant and takeaway establishment in St. Peter. It was suggested that the amenities in La Colomberie were improving as further restaurants and eateries opened for business, which attracted increasing numbers of customers. As regards The Star, Mr. Dunn confirmed that the premises had been in operation as a bar/restaurant when the Applicant had purchased it, at which time there had been no reference to a 'public house' – the current designation. It was contended that the move to providing takeaway food had not increased the incidence of odour emanating from the premises, which had given rise to a single complaint from a neighbour. Additionally, Mr. Dunn suggested that few personal customers visited the establishment to collect takeaway food, rather it was drivers sent out from the premises who delivered such orders as they were received by telephone.

Mr. R. Bowditch, Environmental Health Officer, answered questions from the Committee from which it became apparent that the existing odour extraction equipment at the premises was old and insufficient to deal with odours emanating from the cooking operations there, which it appeared had been exacerbated by the commencement of a takeaway service. The complaint, which had been received under the Statutory Nuisances (Jersey) Law 1999 shortly after the takeaway operation had commenced, was likely to be upheld if an unacceptable level of odour was present every day the kitchen was in operation. It was considered feasible to increase the height of the extraction point, which would take the odours away at a higher level, although replacement of the equipment was likely to be required given that additional abatement of the nuisance was considered likely to be difficult due to the age of the system.

The Committee received an explanation from the Director of Development Control regarding the differences in emphasis of factors taken into consideration under the Planning process and under the Statutory Nuisances process. Whereas change of use considerations centred on the impact generally which the new use might or would have outside the application site, under the Statutory Nuisances Law the process was triggered by complaints received regarding instances of nuisance occurring. Additionally under the Planning process, the degree to which the collection of takeaway food impacted on vehicle movements and traffic congestion might also be a factor to be taken into consideration. The Director indicated that often later opening hours for takeaway establishments tended to lead to pedestrian congestion of pavements and roads and additional noise. The Committee noted the possibility that a further application, following the installation of better, more efficient odour extraction equipment could lead to an approval.

The Committee decided unanimously to maintain refusal of the present application, but agreed to remove Reason 2 relating to traffic and parking. The Committee asked the Department to stay enforcement action in order to give the applicant time to implement an effective alternative odour extraction system.

2nd Meeting  
02.08.18

Planning and  
Building  
(Jersey) law  
2002:  
recommen-  
dations in  
accordance  
with  
Article 9A.  
410/99(1)

A13. The Committee, with reference to its Minute No. A4 of 5th July 2018, having considered whether to raise any recommendations in accordance with Article 9A of the Planning and Building (Jersey) Law 2002 arising from its assessment of planning policy, decided that there were no matters to raise at present.