

KML/MH/028

PLANNING COMMITTEE

(8th Meeting)

10th January 2019**PART A (Non-Exempt)**

All members were present with the exception of Deputy S.M. Wickenden of St. Helier and Connétables P.B. Le Sueur of Trinity, D.W. Mezbourian of St. Lawrence and K. Shenton-Stone of St. Martin.

Deputy R. Labey of St. Helier, Chairman
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 (not present for item No. A6)
 Deputy J.M. Maçon of St Saviour
 Deputy R.E. Huelin of St. Peter
 (not present for item No. A4)

In attendance -

P. Le Gresley, Director, Development Control
 (item Nos. A5 and A6)
 J. Nicholson, Principal Planner
 (item Nos. A1 – A4)
 E. Stables, Senior Planner
 G. Duffell, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 K.M. Larbalestier, Committee Clerk, States Greffe

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

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| Minutes. | A1. The Minutes of the meeting held on 13th December 2018, having been previously circulated, were taken as read and were confirmed. |
| The Lodge, La Vallée de St. Pierre, St. Lawrence: proposed new dwelling.
477/5/3 (1042) | A2. The Committee, with reference to its Minute No. A4 of 13th December 2013, considered a report in connexion with an application which sought permission for the construction of a new 2 bedroom dwelling with car parking and landscaping to the west of the property known as The Lodge, La Vallée de St. Pierre, St. Lawrence. The Committee had visited the application site on 11th September and 11th December 2018. |
| P/2018/0743 | The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation on the grounds that insufficient information had been submitted to demonstrate that the proposed development was adequately serviced in terms of the disposal of surface water. As such, the proposed development failed to demonstrate that it would not cause or exacerbate flooding to adjacent properties, resulting in unreasonable harm to the living conditions of neighbouring properties, contrary to Policies GD1.1(d) and LWM3 of the 2011 Island Plan. |

For the purpose of formally setting out the reason for refusal, the application was re-presented. The Committee confirmed its decision to refuse the application.

Kleinwort
Benson House,
West Centre,
Bath Street, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(644)

P/2018/0932

A3. The Committee, with reference to its Minute No. A6 of 13th December 2018, considered a report in connexion with an application which sought permission for the demolition and redevelopment of the premises known as Kleinwort Benson House, West Centre, Bath Street, St. Helier. The Committee had visited the application site on 13th November 2018.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation, on the grounds that the proposed scheme made no provision for on-site vehicle parking and was, therefore, contrary to Policy GD1 (5b & 5c) of the 2011 Island Plan.

For the purpose of formally setting out the reason for refusal, the application was re-presented. The Committee confirmed its decision to refuse the application

Amador,
Tower Road,
St. Helier:
proposed
demolition and
redevelopment.
477/5/1(646)

P/2018/1182

A4. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of a garage at the property known as Amador, Tower Road, St. Helier and its replacement with 2 x one bedroom and one x 2 bedroom residential units with associated landscaping and parking. Amended plans had been received which proposed the establishment of a vehicle passing bay, the installation of a privacy screen to the first floor terrace, the removal of 2 first floor windows and the creation of 2 additional car parking spaces. The Committee had visited the application site on 8th January 2019.

Deputy R.E. Huelin of St. Peter did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and that Policies SP1, GD1, 3 and 7, BE3 and H6 of the 2011 Island Plan were of particular relevance.

The Committee noted that Amador was located at the northern end of a large site which was accessed from Tower Road. The property shared a private access road with other residential properties. The application related to the southern part of the site and proposed the demolition of an existing garage and its replacement with a new 2-storey building containing 3 apartments. The scheme complied with the published residential standards and the contemporary design approach proposed was considered to be appropriate for the location. The concerns of immediate neighbours had been taken into account and the scheme had been amended in response, to include the introduction of a privacy screen and the formation of a passing bay along the access road. The principal outlook from the new development was to the west (taking in distant sea views), and the building was positioned lower than, and to the north of, the nearest neighbouring dwellings. In the Department's view the new development would not unreasonably harm the residential amenities of neighbours. The proposed development would not be widely visible beyond the immediate site area. In longer views, there would be no significant impact on the skyline or loss of Green Backdrop Zone. The Department was satisfied that concerns regarding car parking and access had been properly addressed and no issues had been raised by the highway authority (the Parish of St Helier). In respect of the structural implications of the development (the stability of the retaining wall which ran along the access road had been raised), an appropriate engineering solution would need to be devised in due course.

The Department was recommending approval of the application, subject to the imposition of certain conditions detailed within the officer report.

A total of 15 letters of representation had been received in connexion with the application and these had been included within members' agenda packs.

The case officer responded to questions from members regarding impact on the Green Backdrop Zone, density and vehicle movements and compliance with Policies and residential standards, all of which were addressed above. It was noted that one of the amenity areas measured 18 square metres as opposed to the minimum 20 square metres.

The Committee received Mr. and Mrs. J. Chinn and Mr. N. Dodd. Mr. Chinn addressed the Committee, expressing concerns regarding the design, mass and scale of the proposed building, which he believed would be overly dominant. Mr. Chinn also believed that the construction of an apartment block in an area which was comprised of single dwellings would alter the fabric of that area. He was also concerned about loss of privacy and the impact of intensifying the use of the existing access driveway in the context of both pedestrian safety and emergency access. Mr. Chinn explained that the driveway was extremely narrow and if 2 vehicles met, it was necessary for one vehicle to reverse out on to Tower Road. Reversing up the hill was just too precarious. In terms of the proposed passing place, Mr. Chinn expressed the view that this would need to be quite large to make it useable as getting in and out would be difficult given the constraints of the driveway. Ultimately, he believed that the passing place was more likely to be used as a car parking space.

Mr. Dodds advised that he lived in a property which was situated above the application site. He too was concerned about the impact of the introduction of an apartment block into the area and the prospect of additional vehicle movements on the existing narrow access driveway. He advised that his children frequently walked and cycled along the single track driveway and he was concerned about safety. Mr. Dodds believed that the boundary line had been shown incorrectly on the submitted drawings, giving rise to a potential encroachment issue. This made him concerned more generally about the accuracy of the plans. He too believed that the proposed passing place would be used as a car parking space and stated that it needed to be much longer to make it useable. Finally, Mr. Dodds stated that, if permission was granted, there would be disruption during the construction period and he informed the Committee that, as a doctor working in the emergency department, he was frequently on call and required unimpeded access.

Mrs. Chinn addressed the Committee, echoing comments regarding safety on the access driveway. She explained that pedestrians had to stand on a narrow ledge in order to allow vehicles to pass. Increasing the number of residential units on the site would exacerbate an already difficult situation.

The Committee heard from Mr. and Mrs. D. Yetram and Mr. N. Weston. Mr. Weston referred the Committee to his written submissions, which were most comprehensive and which members had received and considered. He advised that the existing dwellings on the site had been designed and constructed in a manner which afforded privacy for each individual dwelling. The proposed development would 'drive a coach and horses through this arrangement' as it would be larger than many of the existing properties. Mr. Weston believed that the proposed development would be prejudicial to his privacy. He understood that privacy issues had been raised at a distance of 25 – 30 metres in other instances; the proposed development would be a minimum of 5 – 7 metres from his house and the pleasant outlook would be replaced by a concrete wall. In terms of the access, Mr. Weston stated that the scheme did not comply with guidelines established by the former Department for Infrastructure, now the Transport Section, Growth, Housing and Environment Department. He informed the Committee that a wider vehicular access (and a pedestrian access)

would be required for a development of this size. He too believed that the proposed passing place would be used for car parking and this would present difficulties as vehicles would have to park proud of the wall to enable car doors to be opened. There was currently an issue with indiscriminate parking and some residents were considering installing a gate to prevent vehicle access beyond a certain point. Mr. Weston concluded by stating that this was 'an unbelievably inappropriate scheme in this location'.

Mrs. Yetram addressed the Committee, also discussing the difficulties encountered by drivers when faced with a vehicle coming down the driveway. She recounted an incident where she had met Mr. Weston's father in his vehicle coming down the driveway and had been forced to reverse down on to Tower Road. Reversing up the driveway was almost impossible and Mrs. Yetram had, in the past, damaged her car whilst doing so. She informed the Committee that she was a keen walker and frequently had to stand on a narrow ledge hard up against the wall on the driveway when vehicles passed. At present the area was made up of individual houses and had the feel of a private estate or small enclave. The proposed development would make it feel more like 'a street with a massive block of flats'. Mrs. Yetram tended a small garden near to her garage which was a peaceful oasis at present. If permission was granted for the proposed development there would be a large building only 3 metres away from this garden and this would be overbearing and intrusive. There was also a beautiful pond area where there had previously been many toad sightings. Mrs. Yetram stated that her daughter had used the area to skateboard and cycle on, just as the children of other residents and visitors did. She questioned whether the development proposed sufficient car parking and expressed fears about the potential for vehicles associated with the development parking in her space, as this had happened in the past with other vehicles. She concluded by stating that she was also worried about construction traffic using the access driveway.

Mr. Yetram addressed the Committee, expressing concerns regarding access and car parking. He pointed out just how difficult it was for vehicles to turn on the site – as evidenced during the site visit – and advised that his garage door and vehicle had been damaged in the past by vehicles manoeuvring. Mr. and Mrs. Yetram had also encountered problems with vehicles parking in their spaces. If the scheme was approved, the residents intended to install a gate to prevent access beyond a certain point and Mr. Yetram believed that this would cause access problems for Amador. When the existing houses had been constructed, vehicles were much smaller and families tended to have only one car – this was no longer the case and it was anticipated that the number of vehicles associated with the proposed new development would be greater than the provision of car parking. Mr. Yetram advised that he had, in the past, been concerned about his parents' safety when they had walked along the narrow driveway. Pedestrian safety was already an issue and the proposed development would only exacerbate the problem. He asked the Committee to consider whether it would be prepared to approve a development of this nature with a single track driveway, if the existing access drive did not exist? He did not believe that the access was sufficient for a development of this size.

The Committee received Mrs. S. Steedman, who advised that she would also be making representations on behalf of residents. Mrs. Steedman stated it was clear from the Island Plan that development in the Built-Up Area should not be permitted at any cost. She focussed specifically on Island Plan Policies SP7, GD1 (paragraphs 2(c) and 6), GD3 and BE3. In Mrs. Steedman's view, the proposed development did not meet the requisite policy tests. In terms of the Green Backdrop Zone, a lower density of development was required and a higher degree of open space with new planting appropriate to the landscape character of the area. This was not apparent from the submitted plans. Turning her attention to the access driveway, Mrs. Steedman advised that the intensification of use of the same was of concern,

particularly as recent highway improvements appeared to have resulted in vehicles travelling faster on Tower Road. She referred the Committee to the relevant standard for assessing the impact of development proposals on highway safety - Access Standards for Small Housing Developments - 2016. This provided applicable guidance for developments of up to 25 houses for altered private access onto public roads. Mrs. Steedman stated that it did not appear that this guidance had been taken into account and the guidance made no distinction between parish and public roads. She advised that whilst Amador had a right to use the private access driveway up to its southern extent, there were no rights for vehicles accessing Amador to drive any further than this point. The intention of residents was to install a gate to prevent access beyond that point and this constraint should be considered in the context of the application. Mrs. Steedman stated that tracking information had been requested to illustrate how many turns would be required to gain access to the application site from the access driveway. Mrs. Steedman asked how construction vehicles would access the application site. She also requested information regarding surface water run-off. The proposed development went right up to the boundaries and information had been requested regarding how boundaries would be maintained and how stability issues would be addressed – several properties had been underpinned in the past. Mrs. Steedman asked whether landscaping on neighbouring properties was being relied upon to protect the privacy of neighbours. She concluded by stating that the scheme would result in the overdevelopment of the site and would have a detrimental impact on the character of the area.

The Committee received the applicant, Mrs. D. Carter and her agents, Messrs. A. Farman and J-L Eglishaw of M.S. Planning. Mr. Farman stated that the application was recommended for approval and complied with Policies GD1, BE3, SP1, 2 and 3 and Policy H6. The Island Plan required a more efficient use of the Built-Up Area and the scheme aligned with this. The applicant intended to live in one of the proposed apartments, freeing up the principal dwelling. The proposals were restrained and the linear form of the building followed the shape of the site. The part 2 storey structure would not be as high as neighbouring properties and natural materials and planting were proposed. The scheme recognised the dominance of the Green Backdrop Zone, as evidenced by the 3 dimensional model. The character of the area was mixed with a number of dwellings being immediately adjacent to each other. The proposed new building would be 10 metres away from its nearest neighbour and the first floor would be 16 metres away. This relationship between properties was acceptable in the Built-Up Area and was more generous than some established relationships. The proposed design safeguarded neighbouring amenities, with views to the west over sailing existing properties. 2 windows had been removed from the north elevation and much of the first floor terrace would be enclosed. There would be no direct overlooking and neighbouring properties were not reliant upon the site for amenity as aspects were towards the coast. The scheme had been amended to include additional car parking and vehicle movements had been tracked. Amador was the only property with the ability to improve the access and the private driveway had been assessed by the Highway Authority and the Department as suitable. The provision of a passing bay would be a significant and permanent improvement. A structural engineer would be commissioned to assess the proposals and the applicant was willing to comply with a condition requiring the submission of an environmental management and construction plan. In concluding, Mr. Farman stated that the scheme would make the best use of a brown field site in a sustainable location. In terms of the boundary line, the drawings had been based on a topographical survey of the site.

Mrs. Carter advised the Committee that she had lived in her property for 32 years and for much of that time had cared for her late husband at home. During her husband's illness, emergency vehicles had accessed the site with no difficulty. Mrs. Carter explained that she had funded care fees and supported her family during her

husband's illness and the proposed development was not merely a cynical bid to make money, but the provision of 3 apartments made the scheme financially viable. Several of those who had objected to the proposed development wished to improve their own properties by various means and Mrs. Carter advised the Committee that she had raised no objections to proposed developments in the vicinity of her property, to include a scheme which proposed a number of apartments and a 7 bedroom dwelling just off Tower Road. She also understood that one of the objectors used their property as a holiday home. She was satisfied that the proposed amendments to the scheme would deal with concerns expressed. Mrs. Carter stated that the boundary stones were very clear and she had absolutely no desire to encroach on anyone's land. She was aware that Mr. and Mrs. Dodds had recently purchased their property and stated that any boundary issues would have been raised during the conveyancing process. Mrs. Carter had absolutely no objection to the installation of a gate as she felt this would slow traffic down and provide a safe area for children playing.

Mrs. Steedman interjected asking whether the parish of St. Helier had assessed the refuse collection arrangements in the knowledge that a gate was proposed. Mr. Farman stated that he had been unaware of the proposal to install a gate when he had consulted the Parish, but that the Parish was satisfied with the refuse collection arrangements as proposed. Members were advised that whilst the existing driveway did not comply with standards, the Parish of St. Helier had raised no concerns and the applicant was proposing improvements by virtue of the creation of a passing bay.

The Committee discussed the application and noted that Deputy G.J. Truscott of St. Brelade was satisfied with the scheme as presented and was in favour of approving the application. However, the Chairman took the view that whilst the scheme appeared to 'tick all of the boxes' in terms of compliance with Island Plan Policies (and the Department was recommending approval on this basis) it would not enhance the character of the area. The Chairman stated that he had no issue with the design of the proposed building, but felt that the introduction of an apartment block in this area, whilst permissible, would be alien and not in keeping. For this reason he felt unable to support the application. Deputy J.M. Maçon of St. Saviour took a similar view, but was also concerned about the intensification of traffic and the highway safety implications of the same. Consequently, the application was refused on the grounds that it was contrary to Policies SP7, GD1 and GD7.

Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Castel
Sedement, La
Rue de la
Falaise,
Trinity: review
of planning
condition
(RETROSPEC
TIVE) (RFR).
477/5/2(351)

A5. The Committee, with reference to its Minute No. A8 of 15th November 2018, considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought a review of condition No. 2 of the permit which had been issued in respect of the temporary change of use of an agricultural shed to a haulage depot at the property known as Castel Sedement, La Rue de la Falaise, Trinity. The Committee had visited the application site on 13th November 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Policies GD1, GD7, NE7, E1 and ERE5 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to the Supplementary Planning Guidance (SPG) in respect of the protection of employment land.

The Committee recalled the planning history of the site, which included the granting of a time limited permission in 2007, for the change of use of the shed at Castel

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Sedement to a depot for the haulage company, Fetch and Karrie Limited. This temporary 3-year consent had subsequently been extended for a further 6 years (application reference RC/2010/1009 refers). The permit had now lapsed but Fetch and Karrie continued to operate from the site.

Subsequently, application reference P/2017/1548, had sought a permanent change of use and the Land Controls and Agricultural Development (LCAD) Section had raised an objection to the loss of the shed from the agriculture industry. The applicant had responded by requesting a further 5 year temporary consent, for which permission had been granted, subject to the imposition of certain conditions, to include a condition which required the shed's former agricultural use to be reinstated, if necessary, at the end of the period in the interests of the agricultural industry and in accordance with Policy ERE5. In addition, the description of the development as set out in the permit, had been modified by the Department in error. As the decision notice had been issued, and a third party objection received, the applicant had had no alternative but to seek the removal of the condition. However, this would not alter the fact that the decision notice would still state that the development was permitted for a 5 year period only.

The Committee recalled that Policy ERE5 presumed against the change of use of modern farm buildings unless redundancy had been demonstrated and the applicant had already undertaken a marketing exercise which had clearly demonstrated redundancy, in accordance with the guidelines set out in the SPG: Protection of Employment Land.

Having previously considered the matter, the Committee had concluded that it would not wish the applicant to be penalised as a result of an error in the wording of the description of the development which had been used in the permit. The Committee had also been concerned to learn that the applicant had expended a considerable sum of money in an attempt to rectify this matter. Members had noted 2 suggested approaches which were designed to address the confusion which had arisen as a result of the wording of the condition. Both suggestions were considered cumbersome and unsatisfactory and the Committee had ultimately decided to defer consideration of the application pending the receipt of legal advice with regard to the ability of the Minister to modify or revoke the consent.

Members noted that it had been confirmed that the Committee could vary the description of the application and the condition attached to the permit, in accordance with Article 22(a) of the Planning and Building (Jersey) Law 2002, to facilitate the approval of the permanent change of use of the shed.

Accordingly, the Committee agreed that it would wish to proceed on the basis of the advice received and formally confirmed approval of the permanent change of use of the agricultural shed to a haulage depot.

Lyndhurst, La
Route des
Quennevais,
St. Brelade:
proposed
alteration of
vehicular
access (RFR).
477/5/3(1049)

A6. 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 powers and which sought permission for the alteration of the vehicular access at the property known as Lyndhurst, La Route des Quennevais, St. Brelade. The Committee had visited the application site on 13th November 2018.

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

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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, GD7, BE6 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the applicant wished to improve the safety of the vehicular access by removing a wall and making it wider. Whilst the removal of the wall was considered to be acceptable and would not be detrimental to the appearance of the street scene, other concerns had been raised. The existing driveway had space to park 2 vehicles side by side, but the roadside access was narrower than the driveway, thus discouraging vehicles from making the difficult manoeuvre to achieve parallel parking. Widening the access would increase the chances of side by side parking. The Transport Section of the Department had objected to the application on the grounds that the parking of a second vehicle on the drive adjacent to the road, would reduce southbound visibility for both traffic and pedestrians to an unacceptable level. This was compounded by the likelihood of a significant increase in the number of students in the area attending the new secondary school, currently being constructed opposite the application site. The proposal was not, therefore, supported due to the fact that it could lead to unacceptable road safety problems. It was recommended that the Committee maintain refusal of the application on the basis of the strong objection from the Highway Authority.

The Committee heard from Mr. W. Prendergast, Senior Transportation Planner, Growth, Housing and Environment Department, who advised that the road currently had 800 combined movements during peak times and it was predicted that there would be over 850 vehicles movements when the new school opened. Mr. Prendergast confirmed that, if the access had not existed, the Department would not have supported the creation of any access in this location. Furthermore, on-site turning was preferable where an access existed on a primary strategic route. Mr. Prendergast noted that the applicant reversed into the site and wished to widen the access to make the manoeuvre easier. However, at 3.9 metres wide the access was already 0.9 m wider than the minimum standards required. Mr. Prendergast was of the view that widening the access as proposed would make no difference to the manoeuvre and the only way safety could be improved was by converting part of the front garden to enable vehicles to use this area for turning.

The Committee received the applicant, Mr. D. Le Marquand and his father, Mr. S. Le Marquand. Mr. D. Le Marquand referred the Committee to his written submission, in which he had set out his position. He had taken the decision to submit the application based on his experience of coming in and out of the property. He was aware that traffic volumes were set to increase and felt that it would be sensible to take the necessary steps to make it safer to enter and exit the property prior to the completion of the new school. Mr. D. Le Marquand failed to see how the proposal would have a detrimental impact on safety, as widening the access would make manoeuvring easier and would, in turn, mean that his vehicle was on the highway for a shorter period of time. He had not envisaged the application being controversial and pointed out that the grounds for refusal (the potential for parking vehicles side by side) was already possible and he asked the Committee to consider whether this decision was soundly based. He stressed that the purpose of the application was not to facilitate side by side parking, but to make accessing the property safer. In terms of the suggestion that part of the front garden could be converted to enable vehicles to turn on site, Mr. Le Marquand understood that this ran contrary to another Island Plan Policy relating to frontage parking.

Mr. S. Le Marquand addressed the Committee, stating that he disagreed with Mr. Prendergast's statement that widening the access would not make the manoeuvre any easier. He advised the Committee that, in the past, whilst reversing into the driveway, a motorbike had collided with his car. Consequently, he would now only make the manoeuvre if the road was completely clear. The existing wall had been knocked down on 2 occasions and had also been damaged by vehicles, which illustrated that this was perhaps not as simple a manoeuvre as had been suggested.

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Having considered the application, the Committee, with the exception of Deputy J.M. Maçon of St. Saviour, endorsed the officer recommendation to refuse permission on the grounds set out above. Members took the view that it would be foolhardy to contradict the opinion of professionals responsible for highway safety. It was recognised that the origin of the objection appeared to relate to the potential danger of 2 cars parking alongside each other in the driveway and the future protection of the safety of the entrance.