

KML

PLANNING COMMITTEE

(19th Meeting)

10th March 2022**PART A (Non-Exempt)**

All members were present, with the exception of Deputies R.E. Huelin of St. Peter, K.F. Morel of St. Lawrence and J.M. Maçon of St. Saviour, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chair
 Connétable M. Troy of St. Clement
 Connétable D.W. Mezbourian of St. Lawrence
 Deputy L.B.E. Ash of St. Clement
 Deputy M.R. Le Hegarat of St. Helier
 (joined the meeting from item No. A9 onwards)
 Deputy S.G. Luce of St. Martin

In attendance -

G. Duffel, Principal Planner
 C. Jones, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 G. Palmer, Planner
 K. Ambrassa, Trainee Planner
 J. Gibbons, Trainee Planner
 G. Vasselin, Trainee Planner
 K.M. LARBALÉSTIER, Specialist Secretariat Officer, States Greffe

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

Overdale
 Hospital,
 Westmount
 Road, St.
 Helier:
 proposed
 demolition.

A1. The Committee, with reference to its Minute No. A1 of 3rd February 2022, considered a report in connexion with an application which sought approval for the demolition of all buildings and structures at Overdale Hospital, Westmount Road, St. Helier. The Committee had visited the application site on 2nd February 2022.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

P/2021/1398

The Committee recalled that it had refused the above application on the grounds that it failed to satisfy the requirements of Policy GD1.1(a) and on the grounds of health safety. This decision was contrary to the Department's recommendation and the application was re-presented for the purpose of formally confirming the decision and setting out the reasons for refusal, as detailed within the Department report.

The Committee confirmed its decision to refuse permission for the above reasons.

Le Clos d'Or,
La Grande
Rue, St. Mary:
proposed
variation of
condition of
permit.

RC/2021/1407

A2. The Committee, with reference to its Minute No. A4 of 3rd February 2022, considered a report in connexion with an application which sought approval for the variation of a condition attached to the permit in respect of application reference P/2014/1949, which related to a shed located at the eastern end of Field No. 683, Le Clos d'Or, La Grande Rue, St. Mary. The Committee had visited the application site on 2nd February 2022.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

The Committee recalled that it had approved the above application, contrary to the Department's recommendation and the application was re-presented for the purpose of formally confirming the decision and setting out the reasons for approval, as detailed within the Department report.

The Committee confirmed its decision to grant permission.

Green Roofs,
La Grande
Route de la
Côte, St.
Clement:
various works
(RFR).

P/2021/1276

A3. The Committee, with reference to its Minute No. A8 of 3rd February 2022, considered a report in connexion with an application which sought approval for the demolition of an extension to the south of the property known as Green Roofs, La Grande Route de la Côte, St. Clement and its replacement with a new 2 storey extension with a terrace at first floor level. It was also proposed to extend a ground floor utility room and construct an extension to the first floor east elevation. A demountable car port to the west elevation, an extended entrance with new internal staircase and timber cladding to the north elevation, the installation of a new zinc clad roof and the creation of a second floor, together with the installation of 3 Juliette balcony dormer windows to the south elevation were also proposed. The Committee had visited the application site on 2nd February 2022.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

The Committee recalled that it had approved the above application, contrary to the Department's recommendation and the application was re-presented for the purpose of formally confirming the decision and the reasons for approval, as detailed within the Department report.

The Committee confirmed its decision to grant permission subject to the imposition of the condition detailed within the Department report.

No. 1
Rosemount
Mews,
Rosemount
Estate, James
Road, St.
Helier:
erection of
fence
(RETROSPEC
TIVE).

P/2021/1622

A4. The Committee, with reference to its Minute No. A6 of 3rd February 2022, considered a report in connexion with an application which sought retrospective approval for the erection of a timber fence on top of a boundary wall to the south-east of No. 1 Rosemount Mews, Rosemount Estate, James Road, St. Helier. The Committee had visited the application site on 2nd February 2022.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

The Committee recalled that it had refused the above application, contrary to the Department's recommendation and the application was re-presented for the purpose of formally confirming the decision and the reasons for refusal, as detailed within the Department report.

The Committee confirmed its decision to refuse permission.

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Northern
Storage, La
Rue de la Mare
des Pres, St.
John: proposed
new storage
unit (RFR).

P/2021/0281

A5. The Committee, with reference to its Minute No. A9 of 3rd February 2022, considered a report in connexion with an application which sought approval for the construction of a 4 bay storage unit to the east of an existing storage facility on La Rue de la Mare des Pres, St. John. The Committee had visited the application site on 2nd February 2022.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

The Committee recalled that it had approved the above application, contrary to the Department's recommendation and the application was re-presented for the purpose of formally confirming the decision and the reasons for approval, as detailed within the Department report.

The Committee confirmed its decision to grant permission subject to the imposition of the conditions detailed within the Department report.

Apollo Hotel,
St. Saviour's
Road, St.
Saviour:
proposed
redevelopment.

P/2020/1656

A6. The Committee considered a report in connexion with an application which sought approval for the demolition of the Apollo Hotel, St. Saviour's Road, St. Saviour and its replacement with 78 residential units with associated landscaping and car parking. The Committee had visited the application site on 8th March 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP1, 2, 4, 5 and 7, GD1, 3, 4, 5, 7 and 8, NE1, HE1, H4 and 6, TT3, 4 and 8, NR2 and 7, WM1, LWM2 and 3 of the 2011 Island Plan were of particular relevance. Attention was also drawn to the revised North of St. Helier Masterplan and the St. Helier Urban Character Appraisal.

The Committee noted that the site currently housed an 84 bedroom hotel, arranged in a series of large 3 - 4 storey blocks fronting onto St Saviour's Road, and centred around a swimming pool courtyard area. The rear part of the site was occupied by a surface car park (with space for approximately 40 vehicles) which was accessed from Pleasant Street. The application proposed the comprehensive redevelopment of the site to provide 78 new apartments spread across 4 blocks.

This application site was considered to be an appropriate location for new residential development and the Department accepted the applicant's position that refurbishment and conversion of the existing outworn building would not be practical or feasible. Following amendments to the scheme, which included a reduction in scale and a re-designed roof profile, the scale, form and design of the development and its townscape impact were now considered to be acceptable. Similarly, the impact upon the setting of neighbouring Listed Buildings was viewed as satisfactory and the formation of a new vehicle access onto St Saviour's Road and the relatively low level of car parking proposed (a ratio of around 0.3 spaces per unit) were considered appropriate in this central location. The scheme included 103 bicycle parking spaces and the applicants had agreed to provide a series of other sustainable transport measures as part of the development, to include a new public footpath through the site and a widened pavement, as well as contributions towards bus shelters, cycle infrastructure, road improvements and car club membership. On this basis, the Department was satisfied with the travel and transport implications of the proposed development. The scheme had been amended in response to comments received from immediate neighbours and whilst it was recognised that a significant proportion of the site was currently undeveloped, in view of the urban location and the surrounding built context, redevelopment was inevitable and this would have an impact on established neighbouring uses. The test set out within Policy GD1 of the 2011 Island Plan was one of 'unreasonable harm'. The Plan also required the achievement of the 'highest reasonable density' commensurate with good design and

without unreasonable impact on adjoining properties' (Policy GD3 refers). The Department's position was that a reasonable balance had been struck in terms of neighbouring impact and the wider aspirations of the Island Plan. Consequently, it was recommended that permission be granted, 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) to secure the following –

- the widening/formation of a public footpath/pavement along the St Saviour's Road roadside boundary with the site to a width of 3 metres, to accord with the requirements of the Transport section of the Infrastructure, Housing, and Environment (IHE) Department. The work was to be undertaken to a technical specification agreed by IHE and at the applicants' expense. Thereafter, any new sections of footpath would be ceded to the Public of the Island and the new section of footpath must be in place prior to first occupation of the new development;
- a financial contribution [REDACTED] towards the provision of a new northbound bus shelter in St Saviour's Road;
- a financial contribution [REDACTED] towards the public bus subsidy;
- a financial contribution [REDACTED] towards pedestrian and cycle infrastructure improvements within the vicinity of the site;
- a financial contribution [REDACTED] towards junction/pedestrian improvements in the area at the bottom of College Hill;
- a financial contribution [REDACTED] towards new/upgraded street lighting within Pleasant Street, Clarence Street and St Saviour's Road;
- the provision of a [REDACTED] voucher towards an electric car club/bicycle club, together with appropriate education, to be provided to the first occupant(s) of each new residential unit, and;
- the provision of [REDACTED] bus service voucher, to be provided to the first occupant(s) of each new residential unit.

In the event that a suitable POA could not be agreed within 3 months of the date of consent, the application would be returned to the Committee for further consideration.

A total of 14 letters of representation had been received in connexion with the application. Additional representations received after the publication of the agenda had also been distributed.

In response to a question from Connétable D.W. Mezbourian of St. Lawrence regarding shadowing and the impact on neighbouring properties, it was confirmed that a daylight/shadow analysis had been included with the applicant's submission. In the Department's view, the most significant impact would be on No. 19 St. Saviour's Road.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who referred to the objection submitted by the Historic Environment Team (HET) in response to the original scheme, which stated that certain measures would be required in order to address the impact on Listed buildings. Ms. Ingle advised that it

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had been considered that the original scheme had not enhanced the setting of nearby Listed Buildings and although the revised scheme had many positive attributes, in heritage terms the balance had not been struck. She advised that whilst the east to west link was welcomed, it was believed that there were better ways to integrate this link. The ‘arrival space’ on St. Saviour’s Road was viewed positively but the opportunity also existed to ‘knit the road back together’. In conclusion, Ms. Ingle welcomed the reduced scheme but believed that more could be done to enhance this part of town. In response to a question from Deputy G.J. Truscott of St. Brelade, Vice Chair, regarding the proposed mansard roof, Ms. Ingle advised that there was a strong tradition of mansard roofs in St. Helier. However, she offered no view as to whether this was the correct approach in the planning context.

The Committee heard from Ms. ■ Hart and ■■■■■ Mr. and Mrs. ■■■ Pallet, ■■■■■ Ms. Hart explained that ■■■■■

■■■■■ Whilst the need for affordable housing and building to the highest reasonable densities was understood, the 3 dimensional model revealed that the proposed development would have an adverse impact in terms of loss of light and shading. Sky vistas would also be lost. The proposed development would be dominant and would have an overbearing impact on the 2 homes at No. 19 St. Saviour’s Road, where ground levels were lower. The siting and scale of the proposed development were also considered to be detrimental. Ms. Hart stated that ■■■■■ there had been no communication from the applicant. Ms. Hart stated that ■■■■■ garden was a haven for wildlife and she felt that disturbance from the construction works would cause upset and further affect ■■■■ enjoyment of ■■■■ property. In concluding, she stated that she did not believe that the scheme passed the test of unreasonable harm (as set out in Policy GD1) and did not strike a reasonable balance.

Mrs. Pallet advised that she was most concerned about the height of block D and the impact this would have on ■■■■ property. In the wider context she also raised the issue of the impact on Elysian Terrace.

The Committee viewed a model which illustrated the level of shadowing which would occur. The applicant’s agent pointed out that the model showed the original and not the revised scheme and highlighted the fact that block D had been greatly reduced and block C had been reduced by one storey.

The Committee heard from Mr. ■ Church ■■■■■ who concurred with the views expressed by Ms. Hart. Mr. Church also expressed concerns regarding the potential highway and pedestrian safety impacts arising from the location of the access. He suggested that car parking should have been located on Pleasant Street. He also believed that the proposed development would result in a loss of visual amenity as block D would obscure views of existing trees and the ‘green backdrop’, which provided relief in this urban area. Mr. Church also highlighted the potential for subsidence arising from the demolition works and the impact this could have on a neighbouring property.

The Chair reminded those present that the grant of planning consent did not give the applicant the right to do anything which was not legally permissible.

The Committee heard from the applicant’s agents, Messrs. ■ Nicholson and M. Farman of MS Planning and ■■■ Huckson of Dandara Limited. Mr. Huckson explained that the scheme had first been submitted in December 2020, and had been extensively revised to ensure that it contributed positively to the regeneration of St. Helier.

Mr. Nicholson stated that a 'fabric first approach' had been adopted in respect of the building design. This was a brown field site in the heart of St. Helier which currently accommodated a tired and outworn building and Mr. Nicholson clarified that the site was not in the Green Backdrop Zone, as had perhaps been implied by Mr. Church. The scheme delivered design improvements, new pavements, set-backs, improved access arrangements (which had been agreed with the highway authority) and an appropriate scale of development and detailing. The policy context required the highest reasonable density on sites like this and the scheme would reduce the pressure on green field sites. There had been no concerns regarding the architectural approach and the provision of car parking and amenity space were considered appropriate. An active travel package had been included and this would be secured by the POA. 20 units per hectare were proposed in line with the Urban Character Appraisal [REDACTED]

[REDACTED] The scale of the development had been significantly reduced and it was noted that relationships between buildings meant that mutual overlooking currently existed. The east/west orientation meant that there would be no direct overlooking and there would also be substantial gaps between the blocks. Mr. Nicholson concluded by stating a full shadow/daylight analysis had been submitted and that the scheme would not result in unreasonable harm to neighbouring amenities.

Mr. Farman addressed the Committee, advising that there were no Listed Buildings on the application site and that the setting of neighbouring properties was well defined by high boundary walls. The existing buildings were of no architectural merit and there was no justification for their preservation. The proposed development would enhance the streetscape and remove the negative impact arising from the existing structures, which was harmful to the setting of Listed Buildings in the vicinity. At present the public realm was of a poor quality and the submitted landscaping scheme and the provision of public space would enhance the site and allow views through to Listed Buildings. Buildings would be set further away from the boundary wall, enhancing the setting of the rear of Elysian Terrace. The proposal would complete the streetscape and was entirely appropriate in the context of adjacent Listed Buildings. The scheme had been amended to take account of the concerns expressed by HET and would have a positive effect on Grosvenor Street, St. Saviour's Road and Pleasant Street and was appropriate in the townscape context.

Mr. Huckson summed up, advising that the scheme would be a catalyst in the ongoing regeneration of St. Helier and would provide much needed homes on a brown field site with easy access to the town centre. Public realm improvements would enhance the character of the neighbourhood and the design had been revised in response to neighbour representations and consultation responses. Mr. Huckson highlighted the sustainability of the proposed development in the context of both energy and transport proposals. With regard to the latter, a financial contribution [REDACTED] [REDACTED] would secure a number of improvements, which would be secured via the POA. In conclusion, the scheme proposed high quality characterful buildings in a low density scheme which was respectful to neighbouring development (the Committee noted that an independent assessment of the impact on daylight had been commissioned and submitted by the applicant).

Deputy S.G. Luce of St. Martin stated that financial considerations were not a material planning consideration but Mr. Nicholson reminded the Deputy that the financial contributions referenced by Mr. Huckson were required by policy.

Ms. Hart did not believe that the daylight assessment included the cottage at No. 19 St. Saviour's Road, which was north facing. It was not believed that the scheme would have any impact on this particular property.

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Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence (who was opposed to the scale and mass of the proposed development and was concerned about the impact on Listed Buildings), endorsed the Department's recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above. In doing so, the Chair expressed considerable concern about the number of one bedroom flats which were being constructed in St. Helier, which he believed was short-sighted. He was also concerned about capacity in local schools for the many children who would live in new developments such as this one and noted that the POA contributions required by IHE Transport would not assist with this in any way and ultimately drove up the cost of units for potential purchasers.

Land to the south of La Vallee de Rozel, St, Martin: proposed demolition of garage structure/ construction of new dwelling.

P/2021/1321

A7. The Committee considered a report in connexion with an application which sought approval for the demolition of a garage structure with lean-to elements on an area of land to the south of La Vallée de Rozel and its replacement with a one bedroom dwelling with associated car parking and landscaping. The Committee had visited the application site on 8th March 2022.

Connétable D.W. Mezbourian of St. Lawrence and Deputies L.B.E. Ash of St. Clement and S.G. Luce of St. Martin did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies SP1, 2, 3, 6 and 7, GD1 and 7, SP4, NE1, 2, 3, 4 and 6, HE1, H6, TT4, WM5, LWM2 and 3, EO1, 3 and 4 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the northern end of the site included a built structure. To the south the land sloped away steeply and was forested and to the north of La Vallée de Rozel the terrain sloped steeply towards La Rive Cottage. The existing building appeared to comprise an original garage structure with lean-to elements added to the east and west elevations. [REDACTED]

[REDACTED] the garage building had once been used by the residents of the cottage. The scheme proposed the removal of all structures and their replacement with a one bedroom dwelling on the footprint of the existing building. The dwelling would have a clerestory roof with a ridge height of approximately 4 metres and an eaves height of approximately 2.5 metres and would be timber clad with a sedum roof. The existing access would be used and 2 car parking spaces were proposed. A residential boundary was suggested immediately to the south-east of the proposed dwelling.

Whilst it was noted that there was no record of planning consent for the existing structures on the site, the breaches appeared to have occurred more than 8 years ago, meaning that enforcement action was no longer an option. It was noted that whilst the applicant claimed that the building and the site had been used for employment and storage purposes for more than 8 years, this had not been demonstrated to the satisfaction of the Department.

The application site was situated in the Coastal National Park, which was afforded the highest level of protection from development and where the strongest presumption against all forms of development existed. As the buildings and the use of the site were unauthorised, there were no policy exceptions to this presumption against development. The countryside location of the site meant that it was not a sustainable location for development and it had not been demonstrated that the proposed dwelling would be connected to the main foul sewer network. Consequently, it was recommended that the Committee refuse permission on the

grounds that the scheme was contrary to Policies NE6, SP1, SP2, SP3, SP6, H6, GD1 and LWM2 of the 2011 Island Plan.

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

The Committee heard from Mr. ■ Nicholson of MS Planning, representing residents of the area. He described the application as a 'long-shot' in the planning context and highlighted the complex history of unauthorised activity on the site, the inadequate visibility splays, the absence of a comprehensive planting scheme. Most fundamentally, the Coastal National Park location and the relevant policy context were at the heart of the decision to refuse permission.

The Committee heard from the applicant, Mr. ■ Feltham and his agent, Mr. ■ Bull.

■
■ With regard to Mr. Nicholson's comments regarding visibility splays, Mr. Bull noted that these were acceptable from the perspective of the highway authority. The applicant accepted that unauthorised development had been carried out on the site and understood the constraints of the Coastal National Park policy context. Mr. Felton cared greatly about the environment and his intention was to continue to make improvements. Approval of the scheme would allow him to free up a rental property and create an attractive Passive House.

Mr. Felton advised that he needed a home and could not afford to purchase on the open market. ■

■ He would continue to collaborate with Nurture Ecology in the context of enhancing the natural beauty of the area. In concluding, Mr. Felton referenced a restrictive covenant which he believed precluded objections to development on the application site from a neighbouring owner. Mr. Bull added that some of the photographs which had been submitted with representations appeared to have been taken from the application site and this was a matter of concern. It was noted that as these were not planning matters the Committee could not take them into account.

Having considered the application, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chair, endorsed the recommendation to refuse permission for the reasons set out above. In doing so, the Chair expressed disappointment at the current state of the site.

Former
Treasures of
the Earth, La
Route de
l'Etacq, St.
Ouen:
construction of
first floor
conservatory
(RETRO-
SPECTIVE).

A8. The Committee considered a report in connexion with an application which sought retrospective approval for the construction of a first floor conservatory on an existing terrace at a property situated on the former Treasures of the Earth site, La Route de l'Etacq, St. Ouen. The Committee had visited the application site on 8th March 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies SP1, 2, 3 and 7, NE6, GD1 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought retrospective consent to cover the external terrace to the east with a glazed roof and windows above the southern wall of the existing terrace. The conservatory would not increase the number of bedrooms and would be subservient to the existing building as it had been constructed below the ridge line. The proposed design and materials of the conservatory were in keeping with the existing modern glazed gable to the south and would not have a detrimental impact upon the wider setting of the site or on the landscape character.

P/2021/1881

weekends or Bank Holidays. However, this did not limit the use of the pitch when the floodlights were not in use.

The Department was of the view that the floodlights would not have an unreasonable impact on neighbouring properties and the application was, therefore, in accordance with policy. Consequently, it was recommended that permission be granted, subject to the imposition of the conditions detailed in the Department report.

A total of 15 letters of representation had been received in connexion with the application and the Committee was also in receipt of a number of representations received after the publication of the agenda.

The Committee heard from Mr. ■ Travert, ■ who advised that he also represented ■ neighbours. Mr. Travert believed that ■ property would be adversely affected by the proposed development. Whilst he was not opposed to the daily use of the pitch, he was opposed to the floodlights as he felt that this would intensify and extend the use into the evening. Light pollution and noise late at night were concerns. Mr. Travert advised that the original application for the 3G pitch had not included proposals for floodlights or a wider community use and, for this reason, he had not objected to the application. When he had subsequently become aware of the intention to install floodlights Mr. Travert had sought to obtain further information. In this context he provided the Committee with a most comprehensive account of interactions with the contractor and Jersey Property Holdings over a 12 month period to ascertain the exact details of the same. He alleged that Jersey Property Holdings had attempted to by-pass the planning process by installing the floodlights without permission and stated that the Department had been most unco-operative. He added that responses from the Environmental Health Department in relation to the proposals appeared to be contradictory. He urged the Committee to refuse permission.

The Committee heard from Mr. ■ Walker, Head Teacher, Plat Douet School. Mr. Walker explained that the children were very excited about the 3G pitch, which would be used by the school until 8.00 pm 3 nights a week and not at weekends. Other junior football clubs had also enquired about using the pitch. Mr. Walker advised that 40 per cent of the pupils at the school were eligible for the pupil premium and many did not have gardens. Some of the children arrived at school at 7.30 am for a pre-school club and attended an after school club and this was often the only chance they had to play outside. The school was a hub for the community and was used by a number of other groups. Mr. Walker urged the Committee to approve the application and not to punish the children for failures in the process.

The Committee heard from Mr. ■ Tumelty, Vice President of St. Clement's Sport Club, who repeated that many of the pupils did not have a garden to play in at home so the provision of outdoor sports facilities at school was vital. Whilst the sports club intended to mainly use the facilities at St. Clement's School, the opportunity to use the facility at Plat Douet School was welcomed.

The Committee heard from the school football coach, who discussed the benefits which would arise from the provision of this facility and highlighted the fact that it would mean that parents would not have to travel to St. Helier to collect children from other facilities.

The Committee heard from Ms ■ Lewis, of Golden Cockerels play care facility, which was located at Plat Douet School. Ms. Lewis also highlighted the benefits of the facility in terms of the provision of outdoor play space and she stated that the floodlights would enable children to play outside for longer in the winter.

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The Committee heard from 3 pupils of Plat Douet School, all of whom were very enthusiastic about the provision of a floodlit 3G pitch and explained what this would mean to them. One of the children produced a drawing which illustrated his vision of the pitch.

Having considered the application, the Committee endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed within the officer report. In doing so, the Committee expressed disappointment at the conduct of Jersey Property Holdings in terms of adhering to the planning process and communicating with neighbours. However, the Committee did not feel that the school should be disadvantaged as a result of this.

La Maison
Sans Soucis,
La Route des
Cotils,
Grouville:
proposed
extension.

A10. The Committee, with reference to its Minute No. A7 of 3rd February 2022, considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the construction of a ground floor extension with first floor terrace to the west and a second floor extension with balcony at the property known as La Maison Sans Soucis, La Route des Cotils, Grouville. The Committee had visited the application site on 2nd February 2022.

P/2021/0950

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this item.

A site plan and drawings were displayed. The Committee recalled that the application site was situated in the Green Zone and was on the Eastern Cycle Route Corridor. Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The application sought consent for a number of changes to the property, as detailed above. Policy NE7 required that proposals for residential extensions within the Green Zone should not cause serious landscape harm. Moreover, a high-quality of design which was sympathetic to the surrounding area and which conserved and contributed positively to the diversity and distinctiveness of the landscape was required. In this particular case, the Department was of the view that the scheme did not meet the strict policy test, given the landscape harm that would arise from the inappropriate and poor design approach. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and 7 and NE7. It was recommended that the Committee maintain refusal of the application.

The Committee recalled that it had deferred consideration of the above application pending the receipt of relevant background information in connexion with certain allegations which had been made by the applicants. This information had been set out in a report prepared by the Department, which explained that the application had been validated on 19th July 2021, and allocated to a trainee Planning Officer. Following a site visit on 8th September 2021 by that officer a potential conflict of interest had been identified and the application had subsequently been re-allocated to the trainee Planning Officer's line manager (a Senior Planning Officer) as an interim measure, until such time as another officer with sufficient capacity could be identified. It was clarified that no view had been offered on the application by the Senior Planning Officer. Ultimately the application had been allocated to the current case officer, also a trainee Planning Officer, who had visited the site on 26th November 2021, and had assessed the application against the relevant policies and had recommended refusal. This recommendation had been checked and verified by a Senior Planning Officer. Following the meeting on 3rd February 2022, at which certain allegations had been made regarding perceived inaccuracies which might have prevented an informed decision, the application report had been re-considered

by 2 other Senior Planning Officers, both of whom had endorsed the assessment of the application and the recommendation made. Queries had been raised by the Senior Planning Officers in relation to some of the terminology contained within the report but this had not resulted in them arriving at a different conclusion to the case officer. Consequently, the Department's recommendation to maintain refusal on the basis that the application was contrary to Policies GD1 and 7 and NE7 remained.

On a related matter, it was recalled that differing views between the applicants and their architect had been noted at the previous meeting as to whether the ground floor of the property was intended to be a self-contained unit of accommodation. This had not been included within the application description, nor was it noted on the submitted drawings. Had this been proposed, the application would have been specifically assessed against Policy NE7.1c(i-iii).

Having heard from the applicants and their agent at the previous meeting, the Committee moved to determine the application, endorsing the recommendation to refuse permission for the reasons set out above.

Les Vaux
Farm Cottage,
La Verte Rue,
Trinity:
proposed
extension.

A11. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the construction of a lean-to single storey extension to the east elevation of the property known as Les Vaux Farm Cottage, La Verte Rue, Trinity. The Committee had visited the application site on 9th March 2022.

P/2021/1512

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

A site plan and drawings were displayed. The Committee recalled that the application site was situated in the Green Zone and Les Vaux Farm was a Grade 3 Listed Building. Policies GD1, GD7, HE1, BE6, NE7 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Department records showed that, prior to 2003 a lean-to structure had existed on the eastern elevation of the cottage. However, this had been removed as part of the refurbishment works in 2003.

The Committee was advised that the proposed extension failed to satisfy the requirements of Policy NE7.1a by virtue of its siting and design. It was considered to be disproportionately wide when compared with the host building. Furthermore, the structure would obscure 3 openings and involved the loss of a door screen. The use of timber cladding was also considered to be incongruous. The Committee noted a strong objection from the Historic Environment Team stating that the principle of an extension to the east elevation was not acceptable and the proposal was considered to be contrary to Policy HE1. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mrs. ■ Butel and her agent, Mr. ■ Osmand. Mr. Osmand stated that the scheme proposed a very small extension which would future-proof the family home and create a covered entrance and study, which in-filled a corner area, replicating the previous lean-to extension. Mr. Osmand responded to the reasons for refusal stating that lean-to extensions were commonplace in this context and that the proposed development would be subservient to the host dwelling. No new large openings were proposed and the stonework would remain exposed. There would be a minimum amount of disruption to the existing building and the lean-to would be half the length of the host building.

Lightweight cedar cladding would be used [REDACTED]
[REDACTED] The applicant was, however, willing to accept conditions on materials and finishes. Mr. Osmand stated that it was unfair to allow the removal of the previous extension to influence the decision in relation to the application under consideration. In concluding he advised that the applicant’s neighbour supported the scheme and had offered to attend the meeting to make this support known.

Mrs. Butel advised that the family merely wished to future-proof their home [REDACTED]
[REDACTED]
[REDACTED]

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that this Grade 3 Listed building formed part of a wider farm group, which had been converted in 2003. Whilst a previous lean-to extension had been removed, this and other similar development should not be viewed as setting a precedent for future development. Ms. Ingle understood the applicants’ aspiration to improve the property and the need for additional space but explained that the issue was one of proportion relative to the host dwelling, albeit that it was accepted that the proposed extension was modest. The scheme would also obscure 3 existing openings and timber cladding was not considered to be an appropriate material.

The Committee discussed the application and unanimously agreed to endorse the recommendation to refuse permission for the reasons set out above. During the course of the discussion one member had initially suggested that he could support the application if the materials were revised. In response to this the applicant’s agent had suggested that a condition could be attached to the permit which related to the specific materials which were to be used. However, it was noted that the Committee had to determine the scheme as submitted and that a revised application would have to be re-assessed. Moreover, the reasons for refusal did not relate solely to the materials.

Little Fairfield,
La Rue des
Arbres,
Trinity:
proposed
demolition of
garage and
shed/con-
struction of
extension.

A12. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the demolition of an existing garage at the property known as Little Fairfield, La Rue des Arbres, Trinity and its replacement with a single storey extension to the north. The Committee had visited the application site on 9th March 2022.

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

P/2021/1512

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD7, BE6, NE7, TT13 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that there was a presumption against development in the Green Zone. However, certain exceptions were permissible, including extensions which were appropriately designed, did not disproportionately increase the size of the dwelling or facilitate a significant increase in occupancy and did not cause harm to the landscape character.

The application site comprised 2 semi-detached dwellings, Fairfield, and Little Fairfield, with Little Fairfield being the smaller of the 2 properties. It was proposed to demolish the existing garage and shed and construct a single storey extension and

external flue to the north elevation. The proposed extension comprised a kitchen/diner, utility and shower room and a garage which would approximately double the existing ground floor area. The proposal would also triple the width of the dwelling and the design of the mono-pitched roof over the extension was considered to be overly large. The change in roof types was considered to result in a disjointed appearance, which would be dominant and harmful to the landscape character. It was understood that the proposed extension would be screened from public view with mature planting to the roadside to the west and high walls to the north and east. However, Policy GD7 required a high quality of design which respected, conserved and contributed positively to the landscape and the built context in all developments and the proposal failed to address this. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7, BE6 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee noted that the Environmental Health Section had objected to the location of the flue as the discharge point was lower than the height of the surrounding properties.

The Committee heard from the applicant's agent, Mr. [REDACTED] Winchester of Dyson and Buesnel Architects. Mr. Winchester advised that the applicant was unable to attend the meeting. He explained that this was the second iteration of the scheme, following discussions with the Department. The scale of the proposed development had been reduced and positive pre-application advice had been received. However, the application had subsequently be allocated to a different officer and had been refused under delegated powers. The case officer advised that she had viewed the relevant file and did not believe that positive pre-application advice had been given. A request from the Department for certain revisions to the scheme had proved unsuccessful so the application had been refused. Mr. Winchester explained why these particular elements were important to the applicants.

Having considered the application, the Committee decided to refuse permission for the reasons set out above.

House No. 6,
Petite Route de
Campagne, La
Rue du Petit
Aeval, St.
Peter:
proposed
change of use
of part of Field
No. 520.

A13. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the change of use of part of Field No. 520, St. Peter to facilitate its incorporation into the residential curtilage of House No. 6, Petite Route de Campagne, La Rue du Petit Aeval, St. Peter. The Committee had visited the application site on 9th March 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD7, HE1, NE7 and NR1 of the 2011 Island Plan were of particular relevance.

P/2021/1360

The Committee recalled that there was a presumption against development in the Green Zone, including the change of use of land to extend domestic curtilage. The pre-amble to the policy set out the strongest presumption against extensions of domestic curtilages, which could result in the incremental loss of land and the erosion of landscape character in the countryside. The proposal was, therefore, contrary to Policy NE7. The Historic Environment Team had objected to the change of use of the land on the basis that it would compromise the setting and historic interest of a Grade One Listed Occupation structure, contrary to Policy HE1. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer,

the decision to refuse permission hinged on a difference of professional opinions. In this context she recalled that, during a recent appeal to an Independent Planning Inspector, a Departmental officer had stated that in such cases it was a matter of judgement. She too referenced another bunker on in the immediate vicinity which had been restored. At present the bunker structure was not used and could be repurposed like others in the Island. The application would not result in the loss of agricultural land and the circumstances justified an exception in her view.

Ms. Ingle stated that, contrary to Mrs. Steedman's view that the decision was based on a difference of professional opinion, realistic concerns existed regarding the proposal to incorporate the field into the domestic curtilage in the context of the setting of the bunker.

Having considered the application, the Committee, with the exception of Deputy L.B.E. Ash of St. Clement (who did not believe that any harm would arise from the proposal), refused permission for the reasons set out above.

La Coupe
House, La Rue
de la Coupe,
St. Martin:
proposed
rooftop
pergola.

A14. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the construction of a rooftop pergola at the property known as La Coupe House, La Rue de la Coupe, St. Martin. The Committee had visited the application site on 9th March 2022.

Connétable D.W. Mezbourian of St. Lawrence was not present and Deputy S.G. Luce did not participate in the determination of this item.

P/2021/1061

A site plan and drawings were displayed. The Committee noted that the application site was situated in both the Green Zone and the Coastal National Park and that Policies NE6 and NE7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the Green Zone and the Coastal National Park benefitted from the strongest presumption against all forms of development, although exceptions such as the extension of a dwelling, may be permissible where they did not cause harm to the landscape character. The application proposed a single storey rooftop pergola on the centre portion of the dwelling. The site was located in a highly sensitive area of the Coastal National Park over La Coupe Bay and the dwelling was visible from the bay and various other locations.

The Committee noted that planning permission had been granted for the construction of La Coupe House in 1996, and a number of subsequent applications to extend the dwelling and increase its height had been submitted. The primary purpose of the Coastal National Park designation was for the conservation and enhancement of the natural beauty, wildlife and cultural heritage. Further to this, the policy stated that the cumulative impact of proposals had to be assessed relative to the planning history. The existing dwelling had a substantial footprint on this sensitive site and was overtly modern. The view from the bay was largely dominated by this dwelling and a further increase in height via the installation of a rooftop pergola was considered to have a negative impact on the character of the Coastal National Park and the Green Zone. No justification had been provided as to why further amenity space was required, particularly given the size of the existing dwelling and its extensive domestic curtilage. Further development on this site was likely to compromise the character of the coastline and La Coupe Bay. The application had, therefore, been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. ■■■ Gibb, representing St. Martin's Conservation

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Trust, which organisation objected to the application. The Trust was surprised that the applicants and their agents believed that the approval would be forthcoming, given the policy context. The property was highly visible from the sea and Rozel and Mr. Gibb did not accept arguments that the use of glass somehow made a structure invisible as glass was a reflective material. The application effectively proposed making an existing large structure even bigger and Mr. Gibb stated that La Coupe House had changed the nature of the coastline and was highly detrimental to the Coastal National Park. [REDACTED]
[REDACTED]
[REDACTED]

The Committee heard from the applicant's agents, Messrs. [REDACTED] Godel and [REDACTED] Wenham of Godel Architects. Mr. Wenham read from a pre-prepared statement from the applicants in which they advised that [REDACTED]
[REDACTED]

[REDACTED] they had given an undertaken to do their utmost to care for both the house and the land. In pursuit of the same, they had employed many local companies and all works had been carried out sensitively. The land had been cultivated to encourage more birds and wildlife to flourish, with a number of bird boxes and a wildlife pond having been installed. Within the house the family had concentrated on enhancing internal spaces to meet their particular needs. They appreciated the 360 degree view but, nevertheless, the exposed location meant that opportunities to use the top floor terrace were limited and their desire to utilise this unique space as much as possible throughout the year was the driving force for the proposed pergola. The applicants were aware that the property was viewed by some as 'an arrogant building' but were keen to highlight that it was occupied by a 'hard-working multi-generational family' who felt privileged to live there and took their responsibility as custodians of the land seriously.

Mr. Godel advised that Godel Architects had much affection for La Coupe House, having designed the house. [REDACTED]
[REDACTED]

[REDACTED] Mr. Godel advised that similar types of development existed in Cornwall and these were seen as positive additions to the landscape. He argued that the Coastal National Park designation should not prevent the Committee from approving the application as exceptions to the policy existed. Specific reference was made to paragraph 1(a) and Mr. Godel stated that the proposed development was subservient to the host dwelling, would not result in a disproportionate increase in size or occupancy, would be no higher, there would be no increase in floorspace and the visual impact would be minimal. Mr. Godel believed that the proposed pergola would complement the existing house. He noted that there had only been one objection to the application from the National Trust and Mr. Godel felt that this was merely because the house was a 'bête noire' for the organisation. He referenced comments in the Department report regarding historic applications for development on the site, which he felt implied that no further development was permissible and he did not consider this to be a valid position. He advised that the only significant development which had been carried out was the construction of a single storey wing to the west in 2015, and these works had been carried out in a most sensitive manner. The application had been approved on the basis that the proposed development was proportionate to the host dwelling and had been constructed in a complementary style with no harm to the landscape or increase in occupancy. Mr. Godel clarified that he had never sought to argue that the use of glass would make the structure invisible.

Having considered the application, the Committee unanimously refused permission, for the reasons set out above.

Nos. 1 and 2
Victoria Court,
Victoria Road,
St. Saviour:
proposed
residential
development.

A15. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which sought approval for the demolition of an existing garage and part of Nos. 1 and 2 Victoria Court to facilitate the creation of 7 x one bedroom dwellings with associated amenity space, landscaping, external parking, bicycle storage and stores. It was also proposed to alter and raise the roof height and construct an extension to the south. The Committee had visited the application site on 9th March 2022.

P/2021/0559

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route. Policies GD1, 3, 4, 7 and 8 and H6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application related to a 2 storey pitched roof 1930s style property which currently accommodated 2 flats. The scheme sought to remove various additions to the original dwelling, extend it to the east and west and form a new floor within the roof space, raising the roof height. 7 x one bedroom flats arranged over 3 floors were proposed and the remaining garden area would provide amenity space for the flats.

The Department was mindful of the location of this site within the Built-Up Area and the need to make best use of such sites to deliver housing. However, consideration had to be given to neighbouring uses so as to avoid unreasonable harm, which was the test set out in Policy GD1. The Department accepted that the site was under-utilised at present but took the view that the scheme would increase the size of the property to an unacceptable degree. The increase in footprint and height would result in a development of a scale that would be out of character with the pattern of development in the locality and would be overbearing on the property known as Shallom Cottage. In addition, the position of windows would allow full surveillance of the whole of this neighbouring site, causing unreasonable harm. On this basis the application was considered to be contrary to Policies GD1 and GD7 of the 2011 Island Plan and had been refused on this basis. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr [REDACTED] Breese [REDACTED] who expressed concerns about the size, length and height of the proposed development, the impact it would have on [REDACTED] property in terms of loss of light and the appropriateness of the development in this context. He was also concerned about the provision of car parking, which he believed was inadequate.

The Committee heard from Mr [REDACTED] Baylee [REDACTED] who supported the comments made by Mr. Breese and written comments submitted by the occupants of No 28 Victoria Court. Mr. Baylee was particularly concerned about the provision of car parking on the application site and he referenced a previous decision to refuse a scheme submitted [REDACTED] in 2016, largely on the grounds of car parking. Mr. Baylee considered the current scheme to be worse than the previously refused scheme. He also noted that private roads within the estate were not policed, meaning that it would be impossible to prevent indiscriminate parking, which he believed was inevitable given the demands for car parking in the area. He suggested that, if approved, an enforceable mechanism would have to be found to prevent residents of the new development from parking on private roads.

The Committee heard from Mr. [REDACTED] Le Bray, [REDACTED]. He too expressed concerns at the potential for indiscriminate car parking at Victoria Court. He advised that the number of parked cars on the estate made emergency access impossible. Mr. Le Bray added that the proposed development was too large and would be overbearing and that consideration should be given to a much more modest and sympathetic development.

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The Committee heard from the applicant's agent, Mr ■ Wildbore-Hands and Mr. ■ Falle. Mr. Wildbore-Hands advised that the estate roads did not form part of the application and that there was no right of way through to Victoria Court. The application site was in the Built-Up Area and the scheme accorded with Policies SP1, SP2 and SP3. The site was currently underutilised and the strategic policy framework supported the efficient use of land and the development of sites like this would help to prevent the rezoning of green land. The internal and external spaces complied with the standards and with Policy GD1. Mr. Wildbore-Hands stated that the footprint of the proposed development would not double as stated in the Department report but would result in a 25 per cent increase. In terms of overlooking, it was noted that a drawing had been submitted which illustrated how overlooking to Shalom Cottage would be reduced. The proposed development was linear and would not be out of character with the scale of development in the area and the increase in the roof height would be marginal. Mr. Wildbore-Hands went on to read extensively from Royal Court judgements from 2012 and 2014, which he considered to be relevant in the context of the application; the general thrust being that expectations of privacy must be relevant to the environment and the potential loss of light and privacy had to be accepted in the Built-Up Area.

Mr. Falle advised that the site had been purchased from Andium Homes following the previous refusal. It was the largest building on the road and comprised only 2 flats. The building had not been constructed to modern standards and was not insulated. The proposed remodelling and extension would provide good quality accommodation and each unit would have a private garden which would be in excess of 40 square metres. The scheme was big enough to accommodate a development of this site and new, smaller window openings would address the existing overlooking to Shalom Cottage. The scheme would provide much needed housing and would make best use of this site in the Built-Up Area. Mr. Falle believed that the benefits outweighed the concerns.

Having considered the application, the Committee was unable to arrive at a unanimous decision, with Connétable M. Troy of St. Clement and Deputies L.B.E. Ash of St. Clement and G.J. Truscott of St. Brelade, Vice Chair expressing support for the application and Connétable P.B. Le Sueur of Trinity, Chair and Deputies S.G. Luce of St. Martin and M.R. Le Hegarat of St. Helier endorsing the recommendation to refuse permission. Consequently, in accordance with agreed procedures where a vote was tied, the application was determined in the negative and was refused for the reasons set out above.