

KML

PLANNING COMMITTEE

(15th Meeting)

13th January 2022PART A (Non-Exempt)

All members were present, with the exception of Connétables D.W. Mezbourian of St. Lawrence and M. Troy of St. Clement and Deputies R.E. Huelin of St. Peter and K.F. Morel of St. Lawrence.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Deputy L.B.E. Ash of St. Clement
 Deputy S.G. Luce of St. Martin
 Deputy M.R. Le Hegarat of St. Helier
 Deputy J.M. Maçon of St. Saviour

In attendance -

P. Le Gresley, Head of Development and Land
 A. Townsend, Principal Planner
 E. Stables, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 J. Gibbons, Trainee Planner
 K.M. Larbalestier, Specialist Secretariat Officer, 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 9th December 2021, having been previously circulated, were taken as read and were confirmed. |
| The Granite House, Ferndale Farm, La Rue de la Grande Vingtaine, St. Peter: proposed double garage and store (RFR). | A2. The Committee, with reference to its Minute No. A13 of 9th December 2021, 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 approval for the construction of a double garage and store to the south of the property known as The Granite House, Ferndale Farm, La Rue de la Grande Vingtaine, St. Peter. The Committee had visited the application site on 7th December 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision, the application was re-presented. |
| P/2021/1339 | The Committee confirmed its decision to grant permission for the reasons set out in the Department's report. |
| Linden House, Bagatelle Road, St. Saviour: | A3. The Committee, with reference to its Minute No. A12 of 9th December 2021, 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 approval for the conversion of the ground floor at Linden House, |

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had been undertaken and a legal dispute had arisen. He warned that future residents of the development should be made aware of this in the event that they were required to vacate the development at short notice to facilitate a remedy for the 'illegal' overhang. Mr. Bonner went on to remind the Committee that the applicant had not been required to undertake a noise impact assessment when permission had originally been granted and he reported having clearly heard members of the Committee discussing the application from the neighbouring flat during the Committee's site visit. He was of the view that the addition of balconies would cause significant noise disturbance and loss of privacy, contrary to Policy GD1 and he was particularly concerned with the impact of the southernmost balcony. He went on to state that permission should be refused for all of the balconies as the development would benefit from a roof terrace. With regard to the increased height of the development, Mr. Bonner had understood that the building was not supposed to be higher than La Motte Chambers. He concluded that the privacy screen on the boundary wall, which had been required by the Committee, would have to increase in height to 1.68 metres, as a result of the increased height of the building. There had been no retrospective plans for an opaque screen on the roof terrace and the submitted plans did not include dimensions. Mr. Bonner stated that he was alarmed that no enforcement action had been taken [REDACTED] of the works which had been undertaken. At the conclusion of his presentation Mr. Bonner informed the Committee that he also wished to speak on behalf of Mr. [REDACTED] Mullins [REDACTED] who objected to the oversailing of a boundary wall and unauthorised access to the roof.

The Chair reminded Mr. Bonner that the granting of planning consent did not permit an applicant to carry out any works for which they had no legal right. However, these were civil matters which were outside of the Committee's jurisdiction. Furthermore, the Building Bye laws process was also outside of the remit of the Committee. The case officer confirmed that the building had been constructed in accordance with the approved plans from a planning perspective and the Head of Development and Land clarified that legal boundaries were not considered as part of the planning assessment. Mr. Bonner did not accept that the development had been constructed as per the approved plans.

The Committee heard from Mr. [REDACTED] Kennedy, the applicant and his agent, Mr. [REDACTED] Socrates. Mr. Socrates refuted claims of a legal dispute and highlighted legal rights for maintenance purposes. He explained that the application under consideration proposed 'slight changes' to the approved development, which included an increase in the ridge height of 55 millimetres. It was noted that the building was wider towards the rear and this was where the increase had occurred. The balcony referenced by Mr. Bonner had originally been positioned so that overlooking into the neighbouring garden was possible. Its repositioning closer to the boundary and the inclusion of a wrap-around privacy screen meant that the neighbouring garden would not be overlooked and this represented an improvement. The roof terrace was 25 metres away from neighbouring properties so overlooking was unlikely. The approved privacy screen would be 640 millimetres high and would block views from the development to the neighbouring garden. There was no requirement for this to be opaque. Mr. Socrates highlighted the fact that the relationship between the application site and Mr. Bonner's property meant that mutual overlooking existed. In response to a question from a member, Mr. Socrates confirmed that floor levels had not been raised.

Having considered the application, the Committee, with the exception of Deputy J.M. Maçon of St. Saviour, who recalled the nature of the Committee's deliberations and assessment of the original application, endorsed the Department recommendation to grant permission. In doing so, the Committee, with the exception

of the Chair, expressed support for an increase in the height of the privacy screen on the boundary to 1.68 metres. This would be a condition of the permit. Mr. Kennedy advised the Committee that this could cause structural problems as the screen would be erected on an old wall. However, members maintained this position and Mr. Kennedy was advised to revert to the Department if such issues arose.

Seaside Café
(aka Romany
Café), Le Mont
de St. Marie,
Grève de Lecq,
St. Mary:
proposed
demolition and
redevelopment.

A5. The Committee considered a report in connexion with an application which proposed the demolition of the premises known as Seaside Café (aka Romany Café), Le Mont de St. Marie, Grève de Lecq, St. Mary The Committee had visited the application site on 13th January 2022.

P/2021/0861

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and that Policies SP1, 2, 4, 5, 6 and 7, GD1, GD4, GD5, GD7, GD8, NE1, NE2, NE6, NE8, HE1, TT2, 4, 7 and 8, NR7, WM1 and LWM2 of the 2011 Island Plan were relevant to the application. The Committee's attention was also drawn to the Countryside Character Appraisal (CCA) and it was noted that the application site was situated in Area D4: north coast valleys. The CCA stated - *'a major environmental enhancement opportunity is presented at Grève de Lecq. Options include relocation of a smaller car park to a less sensitive area or the redesign of a less formal car park with appropriate low-key surfacing and tree and shrub planting to provide a measure of screening. Measures should also seek to extend/enhance the small area of dunes. Visitor management is required to create a route between the car park and beach to prevent trampling of the dunes.'*

The Committee noted that the site comprised a café/restaurant and associated beach shop at ground level, with a large covered outdoor seating area alongside; 2 first floor flats; a Grade 3 Listed German Occupation structure; a large surface level car park (comprising approximately 74 parking spaces) with an informal bus stop at the southern end; a sloping bank on the east side and dune land to the west. There was a total site area of 0.74 hectares. (1.82 acres), of which 53 per cent was currently developed (with buildings and hard-surfaced areas). At the heart of the site was a former 1930s dwelling, which has been enveloped over the decades (particularly in the post-war era) by the expanding commercial site. These accretions had resulted in a built form which, in the applicant's view, was 'devoid of any architectural merit'. The structural and thermal condition of the existing buildings was also poor. The surrounding area was characterised by public open spaces (the beach and neighbouring dune area), a public car park, significant Listed Buildings (the 18th century Conway Tower, and 19th century military barracks) and privately-owned residential developments (including those at the Fisherman's Wharf site directly opposite the application site).

The scheme proposed the comprehensive redevelopment of the site, involving the demolition of all existing buildings (with the exception of the Listed Occupation structure) and the removal of the surface level car park. The proposed new development would comprise a detached 4 bedroom family dwelling and a new café/restaurant. A smaller car park (16 spaces), directly associated with the new café, would be created and the remaining area returned to dune land. The scheme also included a series of sustainable transport measures (a new on-site bus turning circle, a bus shelter, bicycle parking and pedestrian footpaths) as well as the restoration of the Occupation structure.

It was noted that the scheme would deliver significant reductions in built footprint, building floor space and visual impact and increased natural landscaping with the establishment of a new dune scape environment. Architecturally, the new buildings would be far more sympathetic in design and appearance, particularly given the

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sensitive coastal setting. On this basis, the application was considered to comply with the requirements of Policy NE6 (Coastal National Park) – the primary policy consideration. The Department accepted the applicant’s position that a smaller commercial operation akin to other similar premises in the Island was desirable in this location. This contrasted with the existing operation, which was considered to be over-sized and impractical. It was recognised that the scheme would result in the loss of private car parking, which had customarily been used by the general public and the concerns raised in this connexion were acknowledged. However, the application site was privately owned and there was no obligation to provide parking for the general public or other businesses in the bay. The level of car parking proposed had been based on the forecast need of the proposed restaurant operator. The Department noted the view of the highway authority with regard to the potential for indiscriminate parking elsewhere in the vicinity but considered this to be a matter for the relevant highway authority to solve and not the applicant. The proposed development would deliver significant improvements to public sustainable transport infrastructure, with enhanced facilities for bus users, cyclists and pedestrians (including those with mobility-impairments). Indeed, the scheme provided an opportunity to secure these improvements for the public good in perpetuity, through the mechanism of a Planning Obligation Agreement (POA).

In conclusion, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a POA pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), in order to guarantee the provision of the following –

the creation of a new pedestrian crossing on Mont de la Grève de Lecq, to be undertaken in accordance with the specifications of the Infrastructure, Housing and Environment (IHE) Transport Section at the applicant’s expense, prior to first occupation;

the construction, supply and future maintenance of a new bus shelter;

the maintenance of full and unimpeded access to use the site by the public bus service;

the provision of a public footpath access route through the site in perpetuity for the lifetime of the development;

the full implementation of the submitted 5 year Landscape Management Plan (as prepared by Michael Felton Limited).

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

It was noted that, as currently drafted, the POA did not secure the café use in perpetuity.

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

The Committee heard from Mr. ■■■ Malet de Carteret, representing the National Trust for Jersey. Mr. Malet de Carteret believed that a ‘cherry picking’ exercise appeared to have been undertaken in the policy context in order to facilitate the creation of 2 buildings where there was one. The applicant’s agents had referenced comments made by an independent Planning Inspector in respect of an appeal in relation to

another site in the Green Zone and the National Trust did not consider this to be a suitable precedent to follow. Mr. Malet de Carteret noted that the POA would not secure the café use in perpetuity and with only 16 car parking spaces he felt that it would be 'doomed to fail', leaving a question mark over its future use. The submitted information in relation to the redundancy of the existing employment land use was so heavily redacted that it was impossible for members of the public to understand how this had been demonstrated. Other documentation which set out costings had also been 'sanitised' to the extent that there was no sense of the economic reality behind the proposals. Mr. Malet de Carteret suggested that the Committee's decision would signify 'a moment of truth' and an opportunity to 'add substance to fine words and intentions for the protection of the Coastal National Park'. If the Committee was serious about the latter, then Mr. Malet de Carteret believed that the application should be refused and a revised scheme with improved benefits for the visitor economy or a 'countryside scheme' submitted. In concluding, Mr. Malet de Carteret stated that a large residential property was not appropriate in this context and would set an undesirable precedent.

In response to a question from a member, the case officer confirmed that there were 2 'unrestricted' residential apartments on the application site at present.

The Committee heard from Mr. ■ Renouf, who referenced the applicant's response to his written objection. Mr. Renouf understood that the applicant believed that the environmental gains which would be achieved outweighed specific policy concerns and that a holistic view of Island Plan Policies had to be taken. He referred the Committee to Policies SP3 and 5 of the 2011 Island Plan and, in particular, the definition of the loss of employment land, which did not mean that it had to completely disappear to constitute a loss. In this case the employment land use would reduce. There appeared to be no proof of redundancy in terms of the shop, which Mr. Renouf believed could have a future, like other shops associated with beach cafes in the Island. He described Grève de Lecq as a centre for coasteering and a location which was also popular with paddle boarders and he felt that the shop could be repurposed with these groups in mind. Mr. Renouf did not believe that the size of the proposed new café was commercially viable and he felt that no consideration had been given to the provision of a larger, revamped café facility. Mr. Renouf noted that the café would have 100 covers with only 16 car parking spaces, meaning that some customers would have to rely on public car parking. In concluding, he asked the Committee to consider what was possible on the site and not just what was proposed in the scheme.

The Committee heard from Connétable R. Buchanan of St. Ouen, who advised that he also represented the Connétable of St. Mary, who was unable to attend the meeting. The Connétable stated that the loss of car parking on the application site (albeit on private land) would place further demands on public car parking in the area and would exacerbate an already difficult situation.

The Committee heard from Mr. ■ Curtis, who noted the environmental benefits which would arise and the attractive design of the proposed development. However, he did not believe that the scheme safeguarded the employment land use. He too referenced Policy SP5 and also an application for the change of use of part of No. 63 Halkett Place, St. Helier to facilitate a residential use whilst also retaining half of the building for a restaurant use. This application had been refused and was considered relevant in the context of the application under consideration. In addition, an application for the change of use of part of the car park at the former Treehouse Restaurant had been refused. Mr. Curtis did not believe that the relevant tests set out in Policy E1 had been carried out. Finally, he reminded the Committee that existing legislation sought to protect Jersey's natural resources and amenities and he believed

that Grève de Lecq was a jewel in the Island's crown with potential economic value.

The Committee heard from Mr. ■ Morgan, who concurred with views regarding the quality of the architecture and he supported the view of the National Trust for Jersey with regard to the cherry picking of Island Plan Policies. He described the approach as somewhat cynical and felt that important issues such as access to the bay and car parking had been disregarded. Whilst he accepted that the existing facility was outdated (he suggested that it had deliberately been 'run down') he believed that the potential existed to reinvigorate the existing employment land use. It was unrealistic to assume that all visitors to the bay would use public transport and the proposed development would make parking even more difficult.

In response to a question from a member, the case officer confirmed that employment numbers in the proposed new café would be the same as the existing.

The Committee heard from Mr. ■ Nicholson of MS Planning, representing the applicant. Mr. Nicholson was most pleased to hear the positive comments regarding the architecture and environmental gains which would arise. He was interested to note that whilst those who had spoken had referenced employment land policies, no comments regarding the Coastal National Park Policy had been made. This policy afforded the highest level of protection and required a reduction in the intensity of use and significant environmental gains. The proposed development delivered a balanced response in the policy context. The proposal retained the employment land use and the same number of jobs would be retained. With regard to the provision of public car parking in the bay, Mr. Nicholson noted that 160 spaces existed around the bay and this was considered to represent an adequate provision of public car parking. The scheme delivered numerous environmental gains and Mr. Nicholson felt sure that if the Committee was presented with a scheme which proposed what currently existed on the site, this would not be supported. The proposed development would result in a significant reduction in intensity of use and would deliver environmental gains.

The Committee heard from Messrs. ■ Stein and ■ Farman of MS Planning, also representing the applicant. Mr. Stein advised that a public exhibition had been held as part of the consultation process and the scheme had also been considered by the Jersey Architecture Commission. The appearance of the existing buildings was unattractive, albeit that it was situated in the heart of a most scenic bay. The scheme would deliver landscape repair and would improve the setting of Listed assets. Gaps through the site would open up views and a much better design approach would be achieved. There would be a 40 per cent reduction in floor space and a 46 per cent reduction in the footprint of the building, together with improved access to the beach, improved public transport infrastructure and electric charging points for vehicles. The Occupation bunker would be restored, the setting of nearby Listed Buildings enhanced and the existing residential accommodation would be replaced with a modest 4 bedroom dwelling with a new smaller café. It was noted that the National Trust had not objected on the grounds of landscape impact or impact on the setting of Listed Buildings. The Occupation Society had produced a plan for the restoration of the bunker and the Historic Environment Team supported the application. Many objections appeared to focus on the loss of public parking but this was a private site and it was not for the applicant to resolve public car parking issues. On a related matter, it was noted that the Colleen's Café, which was in the immediate vicinity of the application site, had doubled in size in 2005, with no car parking provision whatsoever. The application site was on a good bus route and a bus stop and shelter would be provided on the site as a result of the goodwill of the owners. Suggestions that the site should be developed to provide multiple residential units were clearly contrary to the Coastal National Park Policy. Mr. Stein confirmed that the applicant

was willing to enter into a POA which secure the café use in perpetuity. In response to a question from Mr. Renouf regarding the number of covers at the café, Mr. Stein confirmed that the café would provide seating for 48 inside, with the remaining 52 being alfresco seating.

Mr. Farman addressed the Committee, advising that he was speaking in his capacity as an elected member of the Institute of Historic Building Conservation. Mr. Farman advised that this was a sensitive environment with a high concentration of Listed Buildings, which deserved a better response than that which existed. The scheme would enhance the setting of Listed Buildings, improve views, reduce the built floor area and enhance the design. The dune system would be extended and hard standing replaced with natural landscaping. All key conservation outcomes were achieved and the Historic Environment Team had agreed that views from Listed Buildings were enhanced and that the works to the bunker were acceptable.

The Committee heard from Mr. ■■■ Egglisshaw of MS Planning, also representing the applicant. Mr. Egglisshaw advised that the design was driven by landscape restoration and achieved views to and from the sea. A whole new vista would be achieved and the café and dwelling would both take cues from the Wetland Centre in St. Ouen, with a recessive design approach being adopted. The café would sit into the dune scape setting and connect with the bus stop and bicycle parking and the reduced footprint would ensure an economically viable business. The dwelling related to the landscape and would be enveloped by dunes on all sides.

The Committee heard Mr. ■■■ Witham of Michael Felton Landscape Architects. Mr. Witham highlighted the environmental gains which would arise, to include the replacement of tarmac with dune scape. High quality materials which were sympathetic and complimentary would be used, together with native coastal planting and green roofs to minimise the impact of the development. Accessibility would also be improved and the scheme promoted sustainable transport.

The Committee heard from Mr. ■■■ Horn of Nurture Ecology, who discussed the landscape scheme and the 1,800 square metres of dune grassland which would replace the existing hard standing. The landscape scheme would soften and enhance the natural beauty of the site. The scheme provided ecological benefits for a number of species and would link natural areas which were impeded by the existing car park.

Mr. Stein spoke for a second time, concluding that the scheme achieved the aims of the Coastal National Park Policy by enhancing the appearance of the site and the natural environment whilst delivering a relatively modest dwelling and café, the restoration of the Occupation structure and sustainable transport options. This was a compelling package which should be supported. In response to a question from a member regarding compliance with Policy SP5, Mr. Stein stated that the Coastal National Park Policy was the most important in this context. This policy sought a reduction in size and intensity of use, both of which had been achieved. It was noted that the existing café had only opened for 3 months during 2021, and had been heavily reliant on a dwindling coach industry. The proposed new café would ensure the continuation of the employment use and the operators had confirmed that it fitted their business model.

The case officer confirmed that the employment use would continue in a reduced form and that significant wider benefits would arise. The Head of Development and Land added that not all applications would 'tick every box of every policy' and that the Island Plan had in-built policy tensions. The Committee had to balance the loss of employment land floor space against the significant gains which would arise.

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Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, decided to endorse the Department recommendation to grant permission, subject to the imposition of certain conditions and on the basis of the entering into of a POA, as set out above, and to include a requirement to secure the café use in perpetuity. In doing so the Committee concluded that issues in relation to car parking were not isolated to Gréve de Lecq and that the applicant could not reasonably be required to provide public car parking on private land.

Channel
Television
House, La
Pouquelaye,
St. Helier:
proposed
change of use.

A6. The Committee considered a report in connexion with an application which proposed the change of use of part of Channel Television House, La Pouquelaye, St. Helier to facilitate the creation of a private fitness gym. The Committee had visited the application site on 13th January 2022.

Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application.

P/2021/0230

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Backdrop Zone of the Built-Up Area and that Policies GD1, TT4 and TT5 of the 2011 Island Plan were relevant to the application.

The Committee was advised that the scheme proposed a private gym for 250 members offering both group and personal training sessions, with classes being held from 6 am – 7 pm Monday to Friday and 7 am – 1 pm on Saturdays. Classes would accommodate a maximum of 14 members plus 2 staff and personal training sessions would involve a maximum of 3 trainers at any one time, each with one client plus 2 staff members. No classes would be held on Sundays. The Committee's attention was drawn to a class schedule which projected a total of 144 attendees each day (Monday – Friday) and 96 return car journeys. On Saturdays the number of attendees would reduce to 48 with 31 return car journeys.

The Committee noted that no external alterations to the building were proposed. Internally a door would separate the larger gym space from a corridor and an existing office space would be sub-divided to provide a reception area and changing rooms. An existing office and store area would be retained and a larger office space (53 square metres) and the former recording studio (167 square metres) would be used as gym spaces. An Acoustic Design Review and Noise Impact Assessment, which had been commissioned by the applicant at the request of the Environmental Health Department, suggested that the construction of the ceilings and flooring/matting would have to be amended to mitigate against noise and vibration. It had also been stipulated that heavy weight should only be used in the larger studio on appropriate matting to deaden potential vibration and noise effects. No such changes had been illustrated on the submitted drawings but the applicant's agent had confirmed in writing that these measures would be implemented. The Committee noted that the site was bounded by residential development on its western and southern sides. The frontages of some of the properties faced the building and whilst the proposed use of the space within the building might not impact directly on neighbouring residential uses, the Department was concerned that the hours of operation were likely to result in disturbance to neighbouring properties. Concerns regarding the impact on residents had also been expressed by the Parish of St. Helier and the Environmental Health Department. The Committee's attention was drawn to a noise management plan which had been submitted by the applicants and whilst this detailed business etiquette, it was unlikely to guarantee sufficient control of noise. It was also recognised that both the operator and the equipment could change at any time. Consequently, the application was recommended for refusal on the grounds that the proposed use would likely cause unreasonable harm to other users of the building and the occupants of residential properties adjacent to the site through

nuisance caused by vibration, noise and light pollution exacerbated by the timing of the class schedule and the intended intensity of use, contrary to Policy GD1.

20 letters of objection and 7 letters of support had been received in connexion with the application.

The Committee heard from Mr. ■ Brandon of Sunworks, which business also operated from the application site. Mr. Brandon noted that the applicant's agent had stated that the proposed new use would not generate any more noise than existing site users. However, Mr. Brandon explained that other users were office based businesses. He informed the Committee that Sunworks had a fleet of silent electric vehicles and that deliveries by heavy goods vehicles were limited to 2 per day and were made to the rear of the building. There were no deliveries in the evenings or at weekends. Sunworks had a store at the rear of the building together with an office space. Mr. Brandon expressed concerns regarding the potential for noise and advised that he had been concerned about the noise generated when the noise assessment had been undertaken.

The Committee heard from Mr. ■ Brandon, also of Sunworks, who stated that he found himself in a difficult position as he was not opposed to a gym use per se but he was concerned about the impact on other users of the building. He also highlighted the difficulties which might arise in the context of car parking and traffic intensification. If the Committee was minded to grant permission Mr. Brandon asked whether consideration could be given to restricting hours of operation and the implementation of noise mitigation measures.

The Committee heard from the applicant, Mr. ■ Le Fustec, his agent, Mrs. ■ Steedman and Ms. ■ de Gruchy of Aura Sound and Air. Mr. Le Fustec explained that they gym would provide CrossFit training, a form of high intensity interval training which involved a strength and conditioning workout made up of functional movement performed at a high intensity level. Free weights, body weight movements and cardio equipment were used and training was undertaken in small groups. Mr. Le Fustec likened the facility to a sports club rather than a commercial gym and advised that participants undertook the same workout at the same time. He discussed his passion for CrossFit training and advised that he intended to be on site daily, if permission was granted. He had absolutely no desire to cause noise or disturbance to neighbours or other users of the building and explained the difficulties he had experienced in securing suitable premises as high ceilings (for rope climbing) and solid floors were required. The main room in the Chanel Television House was perfect as it had been built as a 'sound proof box'. He assured the Committee that class timetables would operate outside of working/office hours. The potential existed for lunch time classes and PT sessions would not involve loud music or heavy weights being dropped. The applicant had held a meeting with residents at the Town Hall and a number of concerns regarding traffic congestion and the nature of the training had been addressed.

The Committee heard from Ms. De Gruchy, who advised that an evidence based report had been submitted and this concluded that the proposed new use would not cause noise nuisance. Special flooring would be used to absorb noise and vibrations and Ms. De Gruchy noted that testing had been carried out the bare floor structure, presenting the worst case scenario.

The Committee heard from Mrs. Steedman, representing the applicant. Mrs. Steedman noted and apologised for some errors in her submission in relation to the numbering of the rooms within the building. She advised that the application accorded with the spatial strategy policies and health and well being initiatives.

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Other commercial businesses operated from the site, to include AFM who operated without restriction and generated a number of vehicle trips. Whilst concerns regarding gyms were understood, a specialist gym was proposed, as per Mr. Le Fustec's explanation. The applicant had consulted with local residents and had no desire to be a bad neighbour. The former sound recording studio would be used for weights and specialist mats would ensure that there would be no unreasonable impact. Parking would be situated away from residential neighbours and members would be required to use the rear entrance for early morning classes and those who did not adhere to such arrangements would have their membership withdrawn. Mrs. Steedman also suggested that the permission could be made personal to the applicant in order to address concerns regarding non-compliance by future operators. She also suggested controls on amplified music. Finally, Mrs. Steedman advised that a code of conduct would be devised for gym users.

Having considered the application, the Committee was persuaded by the arguments made by the applicant in terms of the nature of the use and the controls which would be put in place. Consequently, permission was granted, contrary to the Department recommendation. This permission would be made personal to the applicant and would be subject to the implementation of noise and vibration attenuation measures and a management agreement which would restrict the use to that of a CrossFit gym.

The Committee noted that the application would be represented at the next scheduled meeting for formal decision confirmation and the approval of the conditions which were to be attached to the permit.

Millemont, Les
Varines, St.
Saviour:
proposed
conversion/
new vehicular
access/
extensions
(RFR).

A7. The Committee, with reference to Minute No. A7 of 15th March 2018, of the Committee as previously constituted, 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 proposed the creation of a unit of accommodation with the roof space of the property known as Millemont, Les Varines, St. Saviour. The Committee had visited the application site on 11th January 2022.

Deputy J.M. Maçon of St Saviour did not participate in the determination of this application.

RP/2020/1219

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was on the Eastern Cycle Route Corridor. Policies SP1, NE7, GD1, GD7, TT13 and TT3 of the 2011 Island Plan were relevant to the application.

The Committee recalled that permission had been granted, contrary to the Department's recommendation, for various alterations and extensions at Millemont (which had originally been divided into 6 units of varying sizes providing a total of 9 bedrooms), to create 7 units (providing 15 bedrooms). Approval of the application had followed a previous refusal for 9 units, also providing 15 bedrooms. In addition, minor amendments to the scheme had subsequently been approved.

The latest application sought to create a further unit within the roof space, with enlarged dormers to 4 sides. The application had originally included other external alterations which had been considered to reduce the quality of the approved design (which had played a significant part in the Committee's decision to grant permission). These changes, including the demolition of the pediment on the south elevation. The only external change was the creation of 4 enlarged dormers, the design of which was considered acceptable. Due to its relatively isolated position, the installation of enlarged dormers and habitable rooms was not considered likely

to result in any unreasonable impact upon any adjoining property. In addition, the site as a whole would retain the shared parking and gardens that were part of the approved scheme, which would include satisfactory provision for the additional unit. However, the fundamental issue of the Green Zone Policy remained. Policy NE7 set a clear presumption against development, including the creation of new dwellings, other than in specified circumstances, as set out in paragraphs 3 (replacement dwellings), 4 (staff accommodation), 9 (change of use of a former employment building) and 10 (the redevelopment of a former employment building). The creation of additional residential units by the conversion of residential space, such as a garages, outbuildings, stores or attics was not a permissible exception and therefore the presumption against development prevailed. Consequently the application had been refused on the grounds that it was contrary to Policies SP1 and NE7. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant's agent, Mr. ■ Wildbore-Hands and the Project Manager, Mr. ■ Panton. Mr. Panton stated that the application proposed high quality accommodation for the rental market. It was noted that the second floor attic area had previously been used for family parties, band practice and sleepovers.

Mr. Wilbore-Hands advised that, whilst he understood the policy context, there was sufficient justification for an exception to policy in this particular case. Policy NE7 acknowledged that precluding all forms of development in the Green Zone was unreasonable and the Island Plan sought to make the best use of land and buildings in preference to the development of green field sites. The use of the roof space for storage purposes was considered unnecessary as the apartments already benefitted from storage space. The proposed new unit complied with all residential standards and the application was supported by Policies GD1, SP1 and SP3. The proposal was described as being 'neutral' as no external changes were required. There would be no increase in occupancy as a bedroom had been removed from Unit No. 4. In conclusion, Mr. Wildbore-Hands stated that the scheme would make better use of the building and fulfilled the requirements of the Island Plan. There had been no objections to the application and the Parish of St. Saviour had expressed support.

Having considered the application, the Committee was persuaded by the arguments made and decided to grant permission, contrary to the Department recommendation. It was noted that the application would be represented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which would be attached to the permit.

Les Lumieres,
La Rue de la
Blanche Pierre,
St. Lawrence:
proposed new
dwelling
(RFR).

A8. 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 proposed the construction of a 3 bedroom dwelling with associated car parking and landscaping at the property known as Les Lumieres, La Rue de la Blanche Pierre, St. Lawrence . The Committee had visited the application site on 11th January 2022.

P/2021/0335

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area of the Green Backdrop Zone. Policies SP1, 2, 4, 6 and 7, GD1, 3 and 7, NE1, NE2 and BE3 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application proposed the construction of a new dwelling on 3 levels in the garden of an existing house within the Built-up Area. The test set out in Policy GD1 considered the effect of proposals on the character and amenity of the area. The application site was located on a green hillside with views over the surrounding area to the south. It was considered that the height, mass and

design of the proposed dwelling would unreasonably affect the character of the area. The site was also located within the Green Backdrop Zone, wherein the landscape was the dominant element and where development should not be visually prominent or obtrusive in the landscape setting. The Department was concerned about the impact of the development on the Green Backdrop Zone and was not convinced that the landscape would remain the dominant element and that the proposed dwelling would be visually prominent. The application proposed landscaping to the western and eastern boundaries to prevent overlooking but this was not considered to overcome concerns regarding loss of privacy. It had been concluded that the proposed development would cause an unreasonable loss of privacy from the first floor and roof levels to both Les Lumieres to the east and Knysna Lodge to the west. For all of the aforementioned reasons the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. ■ Beamish of the property known as Bluewater View, which was located at the end of a driveway with a shared access to the application site. Mr. Beamish expressed concerns regarding access to the site by construction vehicles and referenced difficulties at a nearby development which had resulted in damage to walls from construction vehicles. He was also concerned about access to his property being blocked by construction vehicles.

The Head of Development and Land advised Mr. Beamish that the granting of planning consent did not mean that the applicant had the right to do anything which was not legally permissible.

The Committee heard from Mr. ■ Hanning, who advised that he lived to the west of the application site and was concerned about loss of privacy arising from the construction of the proposed new dwelling.

The Committee heard from Mr. ■ Ludlam, who advised that he lived to the south of the application site. Mr. Ludlum understood that pre-application advice had been sought by the applicant in relation to a 2 storey dwelling, as opposed to the 3 storey dwelling which was proposed. He was particularly concerned about the creation of a car parking area on the top level and the level of excavation which would be required to facilitate the development. Mr. Ludlum considered the proposed development to be contrary to Island Plan Policies GD1, 7 and BE3 and he urged the Committee to refuse permission.

The Committee heard from the applicant's agent, Mr. ■ Godel, who advised that whilst he understood the concerns of neighbours, the relationship between the proposed dwelling and existing residential development would not be dissimilar to many other approved developments. It was not uncommon for construction vehicles to use shared access points and such issues could be addressed by means of the Considerate Contractors Scheme. Moreover, owners of properties with shared access arrangements had a reasonable expectation to develop and carry out maintenance work. With reference to the pre-application advice which had been received, Mr. Godel advised that this pre-dated his involvement in the scheme but he understood that 2 sets of drawings had been prepared, one of which showed 3 full levels of construction. The application under consideration proposed positioning the new dwelling further back on the site to reduce the impact and the top level of the building would be used for car parking (a car port was proposed). Whilst the Department had required a total of 5 car parking spaces, Mr. Godel felt that it was unlikely that this number of spaces would actually be required. In terms of spoil, the building would be terraced down into the hillside and the topsoil removed would be re-used with any shale being re-used in the construction industry. Mr. Godel expressed surprise at the delegated decision to refuse the application and felt that the Department had

been over-zealous in its interpretation of the Green Backdrop Zone Policy. He presented the Committee with images to illustrate that, in this particular case, the Green Backdrop Zone was not natural landscaping but comprised a steeply sloping garden which the applicant could remove without the need for planning consent. The policy test was one of serious harm and Mr. Godel did not believe that this would be the case. In terms of privacy, Mr. Godel advised that, following the refusal of the application, it had been made clear that the applicant was willing to erect privacy screens, albeit that this was not considered necessary. In fact, Mr. Godel believed that the scheme presented an opportunity to enhance privacy between the application site and the property to the west. He concluded by reminding the Committee that the application site was in the Built-Up Area.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out above. In doing so, the Committee recognised that the development of the application site was likely and some members considered references to the Green Backdrop Zone in the reasons for refusal to be somewhat tenuous given the actual context. The point was also made that the potential for disruption during development was not a material planning consideration and could not be taken into account when assessing applications.

Westways, Le
Mont
Rossignol, St.
Ouen:
proposed
extension/loft
conversion
(RFR).

A9. 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 proposed the demolition of an existing conservatory and extension at the property known as Westways, Le Mont Rossignol, St. Ouen and their replacement with a new extension to the south elevation. It was also proposed to create additional habitable accommodation with the loft space. The Committee had visited the application site on 11th January 2022.

P/2021/1145

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

The Committee recalled the Green Zone policy context, as set out in Policy NE7 and noted that whilst the Department was sympathetic to the applicant's desire to re-develop a dilapidated property, the perceived landscape harm and poor design approach meant that the scheme did not satisfy the Island Plan Policy criteria. Consequently, the application had been refused on the grounds that it was contrary to Policies NE7 and GD7. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicants, Mr. and Mrs. ■ Winchester. Mr. Winchester advised that a number of properties in the immediate vicinity had increased in size and that the application proposed a reduced ridge height and development on the existing footprint. The proposed development would be less visible than the existing with improved landscaping. Mr. Winchester noted that his agent had secured planning consent for a number of high quality developments in the area and the view that the design was poor was a subjective one. He explained that within 2 months of purchasing the property the applicants had planted trees and hedges, improved the quality of the woodland and had returned agricultural land to an appropriate standard for grazing (with a tenant secured). Mr. Winchester argued that the proposed development would have a limited impact and he stated that a previous application had been withdrawn and the scheme amended in accordance with advice received from the Department. Some aspects of the scheme which had been revised in response to advice were now opposed by the Department. He was disappointed with the delegated decision to refuse the application and the fact that there had been no opportunity to discuss the scheme with the Department prior to

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13.01.22

refusal. In concluding, Mr. Winchester stated that he and his wife had purchased the property some 14 months previously and were currently living in rented accommodation with their son. They were anxious to create a family home on the application site which would significantly contribute to the natural environment.

Having considered the application, the Committee endorsed the recommendation to refuse permission. In doing so the Committee was sympathetic to the applicants' desires and urged them to liaise with the Department in order to arrive at a mutually acceptable solution. It was suggested that the retention of the existing dwelling might be constraining design aspirations and this could be further explored with officers.