

KML/MH/305

PLANNING COMMITTEE

(5th Meeting)

18th October 2018**PART A (Non-Exempt)**

All members were present, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman, Deputy R.E. Huelin of St. Peter and Connétable D.W. Mezbourian of St. Lawrence, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy R.J. Rondel of St. Helier
 (not present for item No. A4)
 Deputy S.M. Wickenden of St. Helier
 (present for item Nos. A2 and A3 only)
 Deputy J.M. Maçon of St. Saviour
 Connétable K. Shenton-Stone of St. Martin
 (not present for item Nos. A5 – A11)

In attendance -

P. Le Gresley, Director, Development Control
 J. Nicholson, Principal Planner
 L. Davies, Planner
 G. Duffell, Senior Planner
 R. Hampson, Planner
 A. Parsons, Planner
 T. Ingle, Principal Historic Environment Officer
 K.M. LARBALÉSTIER, Committee Clerk, States Greffe

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

- Minutes. A1. The Minutes of the meeting held on 19th September 2018, having been previously circulated, were taken as read and were confirmed.
- No. 52a Le Clos des Sables, St. Brelade: proposed new dwelling (RFR). 477/5/3 (1045) P/2018/0171
- A2. The Committee, with reference to its Minute No. A9 of 19th September 2019, considered a report in connexion with an application which proposed the construction of a new dwelling with associated car parking and landscaping to the east of No. 52a Le Clos des Sables, St. Brelade. The Committee had visited the application site on 18th September 2018.
- The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was re-presented.
- The Committee noted that a number of representations had been received after the publication of the agenda and members had received copies of the same. All of these representations aimed to secure a reconsideration of the decision and questioned the rationale and planning grounds for overturning the decision.

In response to the above the Chairman made the following statement –

“The Committee is in receipt of 7 letters of objection to its decision of 18th of September 2018, to approve application reference P/2018/0171 - 52a Le Clos des Sables, by overturning the recommendation of the Planning Department to refuse consent.

In addition to his letter of objection, I have also received a request from Mr. T. Baudains to make a representation in person to the Committee before we move today to confirm or reject the Committee’s resolution to grant planning permission for this development.

Allowing such a request is not within my sole gift to grant as Chairman. The Planning Committee prescribes its own procedures and I would require its consent for a change of this nature. I have not recommended such a departure as, to be frank, it is a bad idea and risks setting an unworkable precedent for the future. Were we to accept Mr. Baudains’ request for an oral intervention at this stage we would also have to notify the applicants and grant them and their agents the same opportunity together with any other objectors or supporters. In effect that would result in re-running the determination hearing one month after a determination had been made and runs contrary to accepted ideals of natural justice.

It is for just these reasons that the Third Party Planning Appeal mechanism was constructed, and I shall discuss this further later.

Mr. Baudains acknowledges that he was given the opportunity to address the Committee, along with all those wishing to register their objection in person, at the determination hearing. Whilst no one, apart from the Connetable of St. Brelade, took up the invitation to speak against the application, this is not unusual and is exactly why the Committee always reads all the documentation relating to each application, paying particular attention to letters of objection from neighbours.

I have assured Mr. Baudains, and I repeat that assurance to him and all those who have submitted late papers for this hearing, that the Committee has given consideration to every word of those representations.

It stands to reason that the content of the original letters of objection were largely rejected by a majority of the Committee, given its vote to approve the application and I don’t propose to re-visit those arguments today, except where I address concerns that I judge to be material to today’s hearing and that have reappeared in what are referred to as ‘late submissions’ from Senator S.C. Ferguson, Mr. Baudains, Mr. B. and Mrs. J. Flaxman, R.B. and J.P. Le Claire, Mr. R. Billot, Deputy M. Tadier of St. Brelade, Mr. S. Vincent and Ms. J. Michel. Mr. C. Burn has also emailed me to concur with Mr. Baudains’ views. Connetable Jackson has also been in touch again.

On another point of procedure, Deputy Tadier writes that the decision was ‘marginal in its nature’ that ‘it was undertaken by a bare minimum quorum’ and ‘only overturned on a 2-1 basis’. Mr. and Mrs. Flaxman echo this sentiment. A quorum is a quorum and by its nature the minimum required to be lawful. The Planning Committee is quorate at

3 and regularly sits as a Committee of 3, often due to unavailability, illness or conflict of interest. It is not the easiest Committee to recruit to, owing to situations such as this one where politicians have to make decisions which will inevitably result in them falling out of favour with one side or the other. Were we to do as the Deputy suggests - defer the decision until there was the opportunity for 7 members of the Committee to make a re-determination - this would permanently invalidate the minimum quorum as it would be open to challenge every time 3 members sat by one side or the other, and thereby restrict the Committee's ability to carry out its duties in a timely fashion.

Let us imagine the scenario of re-running the determination with a larger Committee resulting in an overturn of the original decision. Inevitably the Committee would be accused by the applicants of buckling under the pressure of the opposition to save their political skins. This is why we have the Third Party Planning Appeal avenue.

The Deputy suggests 'the determination is weak, if not wrong, and is likely to be overturned on appeal.' Predicting appeal outcomes is a precarious science - he may well be right and this is a vindication of the appeal rationale, but second guessing what a UK Planning Inspector might do in my shoes were the application to come before him on appeal is not generally how I arrive at my determinations.

For these reasons, and with the greatest of respect to him, I reject the substance of Deputy Tadier's representation.

Though not present at the hearing himself, Deputy Tadier also picks up on the notion advanced by the Connetable of St. Brelade, who was present, as were Messrs, Baudains and Billot, that the determination was 'taken on the basis of emotion rather than planning guidance', in response to the representations made by the applicant and his daughter.

People address the Committee as they see fit and whilst we may give guidance and assistance on relevance, it is important for everybody to feel that they have been given the opportunity to 'say their piece'. On the emotional scale, as compared with past experience of this Committee, the Carré's were reasonable and measured and expressed some context to the application from their point of view. Did the substance of their representation provide material considerations in planning terms? I would have to say no. Did I reference their testimony in my determination as justification? No. Did any other members of the Committee? Not to my recollection.

I turn now to what did and did not count as a material consideration upon which to base the granting or refusal of planning permission.

Loss of on street parking is not a material consideration for the Planning Committee. It would be wrong, would it not, if accommodating the motor car was prioritised above accommodating living breathing people?

Parking provision within the proposed development is a consideration for the Planning Committee and in this case the parking provision comfortably exceeds the minimum requirement.

Mr. Baudains and others are vexed by issues surrounding the sale of the site; concern and controversy exists from the neighbour's perspective. However, this is not a consideration for the Planning Committee.

The designation of what was formerly the garden of No 52 as a building plot suitable for the development of a dwelling is a consideration. Whilst the Department rejected this proposal on grounds of siting, scale, form and design, an acceptance exists of development potential here.

Just as we pour over letters of objection from neighbours, we also rely heavily on the officer report. Typically the officer report in this case is balanced, clear, impartial and informative.

Unusually the report does not contain the oft repeated phrase that, in the Built-Up Area the presumption is in favour of development - for no other reason I'm sure than it is a statement of the obvious. But it is an important statement for both sides of the argument to appreciate and relates to Policy H6 of the Island Plan which states (in relation to residential development within the Built-up Area) –

'Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential will be permitted within the boundary of the Built-up Area, as defined on the Island Proposals Map, provided that the proposal is in accordance with the required standards'.

This is the real heart of the issue.

Any unreasonable impact on neighbours would not accord with "required standards".

I would go as far as to say the Planning Committee is defined by its guardianship of neighbours' rights in relation to unreasonable impact arising from new development. We take these issues very seriously and they frequently rank highly in our reasons for refusal. In this case the officer recommending refusal does not cite unreasonable impact in relation to overbearing, overlooking, loss of privacy or loss of light as grounds for refusal. I have to concur and thus reject objections on those grounds.

The buzz words in terms of reasons for refusal here are siting, scale, form and design.

The impact at issue here is on the character of the area - an issue I'm sympathetic to. However, the bungalow model has already been broken and evidence of this is peppered throughout Clos des Sables and can be seen on 2 very near neighbouring sites. One has to ask, with the pressure to house people on the Island in 2018, whether preserving a bungalow vernacular is sustainable. I am not saying it's not a tough call.

I turn to the question of whether the proposed development is just too big for the location it finds itself in. I recall in my determination looking

at Clos des Sables from above and remarking that the gables of many of the original developments extend to the boundary periphery if one counts the ancillary outbuilding or garage. In this development the garage is integral to the main structure.

The officer report graciously concedes that the design of the proposed dwelling is attractive with an appropriate finish and materials. The reputation of the architect concerned is of the very highest.

There is going to be a house on this plot. The house before us is a good looking house. On balance, are the concerns over the impact on the character of the area or tightness of the occupation sufficient grounds for refusing planning permission? That is what it boils down to, in spite of all the speculation on the part of those who, understandably, would rather it was not built.

By the vote I recorded last month you will understand what side of the fence I came down on, alongside Deputy S.M. Wickenden and on what side our colleague Deputy J.M. Maçon landed. It is a question of balance and how much weight one applies to each argument.

I must address the allegations of what amounts to corruption. Deputy G.J. Truscott did inform the Department of his former part ownership of the site. As the sale had been completed sometime before the determination of the application, Deputy Truscott was not in a position to gain financially from it. The Department had recommended refusal, so it is difficult to imagine that they were in anyway nefariously in cahoots! Similarly Deputies Wickenden, Maçon and I were unaware until after our determination of any connection between Deputy Truscott and this site. We believed that he had withdrawn from participating in the determination of the application due to the conflict of it being in his electoral district. Deputy Truscott's actions were at all times completely appropriate and scrupulously adhered to the Code of Conduct for States Members.

If there are any doubts regarding the aforementioned, the correct course of action is to lodge a complaint with the Commissioner for Standards by contacting the States Greffe, who will assist.

If criminality is alleged the complaint should be reported directly to the States of Jersey Police.

If there are allegations of procedural malfeasance with the Department the appropriate bodies are the Complaints Board or the States of Jersey Police; again the States Greffe will assist with an approach to the Complaints Board.

Deputy Truscott is deeply upset by the inferences, which I know to have been unfairly arrived at, repeated and published.

To invoke a Third Party Appeal please contact the Judicial Greffe. It is relatively inexpensive, especially if there are a number of people 'clubbing' together and it is certainly user friendly. I have done it twice; winning one and losing the other. The Judicial Greffe will explain and assist.

In conclusion, and for the reasons above, I refuse the appeals to halt the process and vote to confirm the decision of the Committee to overturn the officer recommendation and approve the application.”

Deputies Wickenden and Maçon expressed support for the Chairman’s procedural ruling and confirmed the decision taken at the previous meeting to approve the application, subject to the imposition of a single condition detailed within the officer report.

Retail
Compound,
Trust Ford, La
Route des
Quennevais,
St. Brelade:
proposed
demolition of
boundary wall.
477/5/3 (1044)

P/2018/0892

A3. The Committee, with reference to its Minute No. A8 of 19th September 2018, considered a report in connexion with an application which sought permission for the demolition of some existing pillars and a wall to the western boundary of the Trust Ford retail compound, La Route des Quennevais, St. Brelade. The Committee had visited the application site on 18th September 2018.

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

The Committee confirmed its decision to refuse the application on the following grounds –

- (i.) given the location of the application site directly adjacent to La Route de Quennevais, one of the Island’s principal strategic routes with high volumes of traffic, it was considered that opening up the frontage would be visually unacceptable and would have a detrimental impact on the landscape character of the area. Accordingly, the proposal was considered to be contrary to Policy GD1 (General Development Considerations) of the 2011 Island Plan; and
- (ii.) the opening up of the road frontage in order to allow vehicles for sale to be more readily visible to passing road users would, given the location of the site and the high volume of traffic, create a distraction, giving rise to highway safety concerns, contrary to the requirements of Policy GD1 (General Development Considerations) of the 2011 Island Plan.

St. Elmo,
Edward
Place/Nos. 2 &
4 Kensington
Place, St.
Helier:
proposed
demolition/
construction of
electricity sub-
station.
1060/109/3
(14)

P/2018/0950

A4. The Committee considered a report in connexion with an application which sought permission for the demolition of the premises known as St. Elmo, Edward Place/Nos. 2 and 4 Kensington Place, St. Helier. The Committee had visited the application site on 16th October 2018.

Deputy R.J. Rondel of St. Helier did not participate in the determination of this application. Deputy S.M. Wickenden of St. Helier was not present for this item.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies GD1, GD7, NE2, HE1, WM1 and WM2 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site comprised the 3-storey flat-roofed rear wing of 5 Edward Place, which had most recently been used as a facilities management store and doctors’ mess. The application sought planning permission for the demolition of the structure and its replacement with a building of the same overall form, containing a Jersey Electricity Company (JEC) sub-station, switchgear (on the ground floor) and general storage for the hospital (on the first floor). The supporting documents stated that the application was a distinct proposal, outside of the Future Hospital Project, to deal with an issue in relation to the current sub-station provision to the existing hospital and the wider locality. The existing sub-station was

embedded in the Stafford and Revere Hotel sites and this was considered problematic by the JEC, being inconvenient for them and the property owners. The proposed substation was required to provide continuity of supply to the hospital and the private residential and commercial businesses in the area.

The Committee noted that the submitted scheme was considered to provide a suitable back-drop building within the local environment and was appropriate in land-use terms. Consultation responses and technical information from the Jersey Electricity Company supported the principle of the use and the scheme accorded with the relevant Island Plan Policies, to include requirements in relation to the amenities of neighbours and preserving the setting of Listed Buildings. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

6 letters of representation from 5 individuals had been received in connexion with the application. Further representations had been received after the publication of the agenda and members had received copies of the same. The Committee was advised that the Environmental Health Section had raised no objection to the application.

The Committee heard from Mrs. M. A. Bougourd of No. 4 Edward Place, which was adjacent to the application site. Mrs. Bougourd expressed her appreciation for the consideration and professionalism shown by the Future Hospital team and, in particular, Mr. D. Ahier. Mrs. Bougourd explained that she and her husband had concerns about the health implications of living next door to an electricity substation and transformer. She advised that they had raised the issue of the impact of low frequency electro-magnetic radiation and had been told there were no health issues arising from the same. However, she stated that health related issues were not always evident until much later on and referenced concerns which had initially been dismissed in relation to those living close to telephone masts or overhead power lines/electricity pylons. Mrs. Bougourd went on to advise that her husband was currently recovering from illness and the commencement of the demolition and construction works would have a significant impact on his ability to recuperate. In addition to the aforementioned concerns, Mr. and Mrs. Bougourd also felt that the proposed development could de-value their property. She advised that the property benefitted from commercial premises on the ground floor and she was concerned that the proposed development might make it difficult to secure tenants for this unit. The possible construction and resultant disruption of a new hospital being constructed on the site of the existing hospital also had to be borne in mind. Finally, Mrs. Bougourd advised that whilst an offer to replace the windows on the rear of the property had been received, they were particularly concerned about noise and dust coming through the windows at the front of the property.

The Committee heard from Mr. D. Moon, who believed that the Planning Committee did not have jurisdiction to determine the application on the basis that it should form part of the wider scheme for the proposed new hospital, which had been referred to an Independent Planning Inspector for consideration at a Public Inquiry. There had also been a suggestion that the States Assembly should consider the revised scheme. In addition, a Future Hospital Review Panel had been established as part of the scrutiny process and the Chief Minister had also authorised the formation of a Hospital Policy Development Board. It was noted that the application for the new hospital specifically referenced plant and infrastructure and Mr. Moon believed that the construction of an electricity sub-station next door to the existing hospital was clearly part of the infrastructure. As the application for the new hospital had yet to be determined, and it was likely that other sites would also be considered, it appeared somewhat premature to grant permission for major infrastructure works on the application site. Mr. Moon urged the Committee to defer consideration of the

application until the outcome of the Public Inquiry was known and the findings of the Scrutiny and Review Panels were published.

The Committee heard from Mrs. A. Howell, who concurred with the views expressed by previous speakers and stated that a deferral appeared most sensible given that it was entirely possible that the new hospital would not be constructed on the site of the existing hospital.

The Director, Development Control confirmed that the Minister for the Environment had not 'called in' the application under consideration and he explained the process which was followed in terms of applications being 'called in' by the Minister and the criteria which was followed in terms of the establishment of a Public Inquiry. The case officer added that the supporting information stated that this was a distinct project, for which there was a requirement whether or not the future hospital was constructed on the site of the existing hospital. It was recognised that wherever the new hospital was constructed it was likely to be a long term project which would necessitate the continued use of the existing site for a number of years. Furthermore, the Department received various applications for works at the General Hospital which were required to keep the facility operational.

The Committee heard from Senator S.C. Ferguson, who advised the Committee of Mr. Moon's professional background in law, which she believed informed his views. She too felt that the application under consideration should form part of the wider future hospital development. She expressed considerable sympathy for Mr. and Mrs. Bougourd and understood their concerns regarding the noise and disruption which would arise during the proposed demolition and construction works. In terms of the proposed design of the building, Senator Ferguson stated that it was wholly inappropriate in this context and she questioned the practicality of using the first floor for storage which would be accessed via a circular stair case. With regard to the health implications of siting the infrastructure next to residential development, the Senator stated that noise abatement measures would certainly be required if permission was granted. She was aware of the long term effects of low frequency noise. She questioned why the Department was not recommending the formulation and submission of a construction environmental management plan as a planning condition.

The Committee heard from Mr. M. Waddington, representing the applicant. Mr. Waddington informed the Committee that concerns regarding noise and disruption from construction work were taken very seriously. Consequently, a demolition and construction management plan had already been prepared and the applicant was willing to adhere to a condition requiring the submission of such a document. The applicant was also aware of concerns regarding electro-magnetic field emissions and the Jersey Electricity Company had advised that these would fall well within published guidelines and accepted limitations within statute. Mr. Waddington stated that as St. Helier became the focus for denser development, people would inevitably find themselves living closer to infrastructure and plant. Everything possible had been done to recognise the sensitivity of Mr. and Mrs. Bougourd's property and the applicant had offered to carry out a condition survey and install double glazing. Noise abatement measures would also be put in place for the sub-station. However, there was no escaping the fact that there would be some disruption during demolition and construction works if permission was granted. Mr. Waddington stated that the application under consideration could not be linked to the future hospital application and he argued that there was a danger in doing so as such an approach would mean that every application for works at the existing hospital would stall. The proposed development was required to service not only the existing hospital, but also properties in Kensington Place. The height of the proposed new building reflected the height of other buildings in the street. The appearance of the ground floor was

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dictated by the functional requirements of the sub-station. At the present time the function of the upper floor was unknown and it was possible that a further application would be required to facilitate that function. Access to the upper levels could be achieved from the rear of the building and from St. Elmo. However, windows had been introduced on the top floor and Mr. Waddington believed that the proposed new building would result in a visual improvement over the existing building.

The Committee heard from Mr. R. Glover, Head of Planning, Jersey Property Holdings, who advised that completion of the project was time sensitive. However, the Chairman advised that the Committee would not be pressurised into determining the application and that if there was any urgency attached to the project this should have been built into the timetable.

The Committee was disappointed to note that a representative from the Jersey Electricity Company was not present, as members wished to have a much fuller understanding of why it was necessary to relocate the sub-station to this particular location and how it would serve the wider area. Members recalled that permission had previously been granted for a large electricity sub-station on La Route de St. Aubin. Consequently, the Committee decided to defer consideration of the application pending the receipt of further information.

In broader terms, concern was also expressed that constructing a sub-station in this particular location could be perceived as support for or adding weight to the argument for constructing a new hospital on the site of the existing hospital. In this context the Committee was particularly mindful of the comments made by Mr. Moon in relation to the scope of the future hospital application and, more specifically, the inclusion of plant and infrastructure in that application. The Committee was concerned that the application might be interpreted as an attempt to de-rail the Public Inquiry process.

Côtîl du Parcq,
Le Mont
Sohier, St.
Brelade:
proposed
demolition and
redevelopment.
477/5/3(1046)

A5. The Committee considered a report in connexion with an application which sought permission for the demolition of the property known as Côtîl du Parcq, Le Mont Sohier, St. Brelade and its replacement with a new dwelling. The Committee had visited the application site on 16th October 2018.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

P/2018/0858

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies GD1, GD7, NE7 and TT2 of the 2011 Island Plan were of particular relevance.

The Committee noted that the Côtîl du Parcq was a detached Victorian dwelling located on a substantial site on the south side of Le Mont Sohier, St Brelade. The property comprised a 5-bedroom dwelling, together with an integral one bedroom staff unit. The property benefitted from 2 large garden areas and a substantial area of woodland along the southern part of the site. The application proposed the demolition of the existing dwelling and its replacement with a new dwelling. The site was located within the Green Zone wherein there was a general presumption against new development, although Policy NE7 allowed for the replacement of existing dwellings.

The Committee was advised that the new dwelling was to be constructed in a contemporary architectural style with curved planted roofs and a timber/stone exterior. Although it would be around 30 per cent larger overall, the new dwelling would provide for a similar level of occupation to that which currently existed. The

scheme also included a series of environmental benefits to include the use of natural materials (helping the new dwelling to blend in with the green backdrop), as well as ecological benefits and a dwelling of modern construction which would be built to the latest standards of environmental performance. On this basis it was considered that the scheme could be justified in the context of the Green Zone Policy.

4 letters of representation had been received, with concerns relating to the scale and design of the property (including the extensive use of glazing) and its impact upon the character of St. Brelade's Bay, loss of trees, traffic, and the impact upon neighbouring properties. In view of the distance between the dwelling and its nearest neighbours (approximately 35 – 40 metres), the impact on neighbouring amenity was considered to be acceptable. Comments received from the highway authority were noted – including an objection to the remodelled access and the request for a new footpath running the length of the site's roadside frontage. In the Department's view, the request for a new roadside footpath was onerous and disproportionate in view of the level of development proposed (which was comparable with that which already existed on the site). The remodelled access, with its improved visibility, was considered to be acceptable for the same reason. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

The Committee heard from Ms. M. Scott, Chairman, St. Brelade's Bay Association (SBBA). Whilst the SBBA objected to the application, it was recognised that much thought had been given to the appearance of the proposed new dwelling and the use of natural materials was appreciated. However, consideration had to be given to the context of St. Brelade's Bay and the impact of the development on the special character of the area. The SBBA believed that all development proposals in St. Brelade's Bay should be considered by the Committee and should not be dealt with under delegated powers. Whilst it was felt that the Bay had been allowed to deteriorate to some extent by the approval of inappropriate development and the loss of landscape features, it was believed this could be remedied and that serious consideration should be given to identifying a means of safeguarding the Bay to protect its unique character. The Committee was reminded of the existence of the 1989 Environmental Improvement Plan and the aims set out therein, which had included recommendations regarding tree planting. Ms. Scott stated that she had been disappointed to hear the Director of Planning state recently that the 1989 Plan was not relevant in the context of another application. She believed that new development in the Bay should complement the church and the Conway tower and that landscaping schemes should be properly assessed by the Department. She was concerned about the removal of trees to facilitate the construction of a swimming pool on the application site and stated that it was not clear exactly which trees would be lost. She added that the submission of a visual impact statement would have been helpful and urged the Committee to seek to secure resources to employ an officer in the Department to assess the visual impact of development on the Bay. She also suggested that the Bay could be included in the Coastal National Park and/or be afforded protection via the Countryside Character Appraisal. In concluding, she reiterated support for the formulation of a local development plan for St. Brelade's Bay and asked that if permission were to be granted for the scheme under consideration a condition regarding glazing be attached to the permit.

The Committee heard from Messrs. J-L Egglisshaw and A. Farman, M.S. Planning. Mr. Farman explained that the aim was to merge the dwelling into the landscape and it was felt that the scheme successfully achieved this. The application was in accordance with the relevant Island Plan Policies and the scheme proposed a number of environmental improvements, to include a reduced impact on the landscape with the proposed new dwelling being 'visually discreet' when compared with existing dwellings. From most public vantage points there would be little visual impact and

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the dwelling would be constructed on the existing footprint on land which was already developed. Where views of the dwelling were possible these were set against the green backdrop and the use of materials such as granite and timber reduced the visual impact. Mr. Farman stated that the dwelling would have a positive impact on the Bay. The applicant had commissioned a landscape architect and an ecologist to review the site and had been advised of the existence of a number of invasive and self-seeding species and removal of the same had been recommended in order to manage the land in a more ecologically friendly manner and to allow remaining and new trees to thrive. More new trees would be planted than were proposed to be removed and there would be planting along the road side which would 'green-up' public views of the site.

With regard to glazing, it was noted that the roof overhangs would reduce any glare but the applicant was willing to accept a condition requiring clarification on the glazing system.

Mr. Farman referred the Committee to the preamble to the Green Zone Policy which stated that the key test was the capacity of a site to accommodate development without harming the landscape character. It was believed that the scheme passed this policy test. In terms of the comprehensive package of information submitted, the Committee was reminded that a 3 dimensional model, a planting scheme and photo montages had all been prepared. There would be no overlooking from the proposed development and no impact on neighbours.

Mr. Egglshaw explained how the sedum roof would be watered by an irrigation system supplied by Leaky Pipe Watering Systems which would be linked to the roof structure.

Having considered the scheme the Committee unanimously approved the application, subject to the imposition of certain conditions detailed within the officer report. The Committee did not require any additional conditions to be attached to the permit.

Sandy Croft,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition and
redevelopment.
477/5/2(1)

A6. The Committee considered a report in connexion with an application which sought permission for the demolition of the property known as Sandy Croft, La Grande Route des Sablons, Grouville and its replacement with 5 x 3 bedroom dwellings with associated car parking and landscaping. It was also proposed to create a new vehicular access on to La Grande Route des Sablons. The Committee had visited the application site on 16th October 2018.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

P/2018/0798

A site plan, drawings and a model were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1 – SP4, SP6 and SP7, GD1, GD3, GD4, GD7 and GD8, NE1, H4, H6, TT2, TT3, TT4, TT7, LWM2, LWM3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought permission for the demolition of an existing dwelling set within a large plot and the construction of 5 x 3 bedroom dwellings in the Built-Up Area, where the presumption was in favour of development. The scheme met the threshold for Policy GD3 - Density of Development, which required the redevelopment of land to achieve the highest reasonable density. The proposal accorded with the Island Plan's Strategic and detailed Policies and satisfied the minimum standards relating to amenity space, room sizes, and car parking. Matters raised by statutory consultees had been addressed during the life of the application and/or by condition. The scheme had

been amended to respond to certain concerns raised by neighbours in relation to scale and the impact upon amenities. Consequently, the application had been re-advertised and the revised plans published.

The Committee was advised that positive pre-application advice had been given. Previous incarnations of the scheme, which had been more ambitious in terms of size and mass, had been resisted. The current application had been scaled back to address the concerns of neighbouring residents. The scheme was not considered to cause unreasonable harm to the amenities of neighbouring users; nor would it lead to an unacceptable increase in traffic generation and car parking. It would provide much-needed housing within the Built-Up Area of Grouville. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis that the applicant entered into a Planning Obligation Agreement to secure a financial contribution towards the Eastern Cycle Route, the provision of a bus shelter and footpath widening.

12 letters of representation had been received in connexion with the application. The Committee's attention was drawn to an error in the officer report which referred to the site plan as 7A instead of 7B.

The Committee heard from Mr. A. Rembrandt, who expressed concerns regarding loss of privacy arising from the north facing dormer windows of proposed unit No. 5. He also felt that the proposed development was not in keeping with properties to the immediate south, east and west.

The Committee heard from the applicant, Mr. T. Wismuller and his agent, Mr. J. Wildbore-Hands. Mr. Wismuller advised that he was willing to obscure glaze the landing window on unit No. 5. He added that planting would also provide additional screening.

Having considered the application the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report and on the basis that the applicant entered into a Planning Obligation Agreement to secure a financial contribution towards the Eastern Cycle Route, the provision of a bus shelter and footpath widening. The Committee also directed that an additional condition requiring the obscure glazing of the first floor landing window of unit No. 5 be attached to the permit.

Beauvoir, La
Route du Petit
Port, St.
Brelade:
proposed
removal of part
of wall (RFR).
477/5/3(1047)

P/2018/0785

A7. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which had proposed the removal of part of a wall at the property known as Beauvoir, La Route du Petit Port, St. Brelade to facilitate the creation of a turning area. The Committee had visited the application site on 16th October 2018.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Beauvoir was a Grade 4 Listed Building. Policies GD1, GD7, NE7, HE1, SP4 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application sought to regularise an unauthorised turning area, which had been created to the west of the site. To the south of the property there was a large garden area and the application under consideration

related to the western portion of that garden. The principal dwelling benefitted from a dower wing, which had been sub-divided to provide a flat and the turning area had been created in front of this flat. Access to the dower wing flat was from the front of the property and there were 2 vehicular access points to the east and west with parking to the rear.

The Committee was advised that it was important to balance the impact of any proposals on the setting of the Listed Building against the extent to which the existing situation was prejudicial to highway safety. In this particular case, the highway authority had been consulted and had confirmed that there was no record of any recent road traffic accidents in this location. Furthermore, the view had been expressed that it appeared difficult to actually manoeuvre in to and out of the turning area, given its limited size and proximity to a wall. It was also considered likely that visitors would park in the turning area. The highway authority objected to the creation of more parking immediately alongside an access which had no visibility and was adjacent to a junction. Although it was acknowledged that the existing vehicular access to the rear of the site was constrained, there was insufficient justification to warrant a recommendation contrary to the advice of the highway authority, who considered the proposal detrimental to highway safety. Accordingly, it was recommended that the Committee maintain refusal on the grounds that the application was contrary to Policies GD1 and BE8 of the 2011 Island Plan.

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

The Committee heard from Mr. P.J. Rondel, who objected to the application. Mr. Rondel advised that vehicles would need to drive on to his land to access the entrance to the turning area and the applicant had no legal right to do this. The only access rights which the applicant benefitted from over Mr. Rondel's land related to the first 10 feet of his driveway, adjacent to the road, to enable the applicant to turn into the existing driveway. Furthermore, Mr. Rondel noted that the application included a proposal to lay a tarmac surface on his land and he confirmed that he did not support this.

For the purpose of the record Deputy R.J. Rondel of St. Helier confirmed that he was not related to Mr. P.J. Rondel.

The Committee heard from the applicant, Ms. S. Bannister and her agent, Mr. B. Le Beuvant, Arkitecture Limited. Mr. Le Beuvant advised that the construction of a wall on the neighbouring property had made negotiating the access into the parking area extremely difficult for larger vehicles, which necessitated reversing up the driveway. Mr. Le Beuvant advised that the applicant had been unaware that Mr. Rondel owned the land upon which it was proposed to lay some tarmac.

Mrs. Bannister advised that the application did not propose the creation of additional car parking but merely sought to secure safe access. Whilst she had been aware that Mr. Rondel intended to construct a wall when she purchased the property, it was only after it had been built that it had become clear that accessing the rear of the property would prove difficult for some vehicles. Mrs. Bannister understood that the Historic Environment Team accepted that a turning area was required and had requested that a hedge be planted to the rear of the turning area, which would, in fact, prevent any car parking in the turning area. Mrs. Bannister stated that the materials to be used in the hard standing area would be agreed with Mr. Rondel if permission was granted. She advised that she had been unsuccessful in her attempts to meet Mr. Rondel to discuss the issue. The turning area would be created entirely on the applicants' land and would benefit Mr. Rondel as vehicles would no longer need to turn on his land, as was currently the case.

The Principal Historic Environment Officer addressed the Committee advising that whilst the loss of an existing historic wall was regrettable no objection to the application had been raised. However, it had been hoped that certain benefits could be secured, such as landscaping the front garden, hedge planting and the resolution of unauthorised works to the rear of the property, which were not the subject of the application under consideration.

Having considered the application the Committee decided to endorse the officer recommendation to refuse permission for the reasons set out above.

Beaulieu, La Grande Route de St. Clement: proposed removal of hedge/erection of fence.
477/5/2(786)

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 had proposed the removal of a boundary hedge at the property known as Beaulieu, La Grande Route de St. Clement and its replacement with a fence. The Committee had visited the application site on 16th October 2018.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

P/2018/0786

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Beaulieu was a Listed Building. Policies GD1, GD7 and SP7 of the 2011 Island Plan were of particular relevance.

The Committee noted that the existing property was a mid-19th Century rural house located on the Northern side of La Grande Route de St. Clement. The front garden of the site was enclosed by a low level granite wall with iron railings above. Behind the railings was a large hedge which currently provided privacy within the front garden; the primary amenity space for this dwelling. The application proposed the replacement of the existing boundary hedge with wattle fencing. The proposed fence would be 1.8 metres high from the top of the low level granite boundary wall, which stood at approximately 900 millimetres -1100 millimetres high in various places. The selection of Hazel hurdle fencing which was proposed provided a soft appearance and would be an acceptable boundary treatment within the setting of the immediate area, having no significant impact upon the setting of the Green Zone, the special historic interest of the Listed Building or the character of the immediate area. However, the current vehicular access fell below the minimum standards set out in the 'Access standards for small housing developments' document (October 2016), which required vehicular visibility of 43 metres in each direction, set back from a point 2.4 metres from the edge of the carriageway, with nothing higher than 900 millimetres. Whilst it was not possible to achieve an improvement to the visibility to the west, the opportunity existed for the visibility to the east to be significantly improved. Following the receipt of comments from the highway authority it had been suggested to the applicant that a fence could be installed at an angle on the south-west corner of the site, thus securing improved visibility in an easterly direction. The applicant did not support this suggestion and the application had been refused on the grounds that the scheme was contrary to Policy GD1 'General development considerations' as it failed to provide a satisfactory means of access.

The Committee heard from the applicant's agent, Mr. A. Farman, MS Planning, who referred the Committee to a compromise solution which had been mooted on behalf of the applicant and which involved setting the fence back into the garden but not as far as had originally been suggested by the highway authority. Mr. Farman suggested that, if the Committee was minded to approve the application, a condition could be formulated based on this compromise solution. According to Mr. Farman, the highway authority was satisfied with this alternative proposal. However, the Director, Development Control reminded the Committee that any amendment to the

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scheme had to take the form of a new application upon which the highway authority would be consulted and provide written comments.

Whilst Deputy R.J. Rondel of St. Helier was willing to support the application with a condition attached, as suggested by Mr. Farman, Deputies R. Labey of St. Helier and J.M. Maçon of St. Saviour agreed that due process should be followed and that the application had to be revised to illustrate the compromise referred to by Mr. Farman. Consequently, the application was refused for the reasons set out in the officer report.

April Cottage,
La Route de la
Côte, St.
Martin:
proposed
conversion to
provide 2
residential
units.
477/5/2(787)

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 had proposed the conversion of the property known as April Cottage, La Route de la Côte, St. Martin to provide a one bedroom residential unit and a 2 bedroom residential unit. The Committee had visited the application site on 16th October 2018.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

P/2018/0557

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that April Cottage was a Listed Building. Policies GD1, GD7, SP7, HE1, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Planning Policy Notes No. 3 (Parking Guidelines) and 6 (A Minimum Specification for New Housing Developments).

The Committee noted that the application sought to convert an existing dwelling into two separate dwellings. A one bedroom unit would occupy the lower ground and part upper ground floors, whilst a 2 bedrooomed unit would occupy part of the upper ground and first floors.

The Committee was advised that April Cottage was a Grade 4 Listed Building with some original exterior features having been retained. It was part of a group of cottages which contributed to the streetscape character. The scheme to convert this single dwelling into 2 separate households was considered cramped and the design of the internal layout and space provision sub-standard and lacking natural light. Furthermore, the application did not meet the car parking requirements or private amenity space standards and the scheme would result in an inappropriate intensity of use for the property. Whilst the applicant had stated that nearby public amenity space and public parking would offset the inability to provide it wholly on site, the scheme did not pass the policy test and the application had been refused on the grounds that it was contrary to Policy H6, Planning Policy Notes 3 and 6 and Policies GD1, SP7 and GD7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal.

One letter of representation had been received in connexion with the application.

The Committee heard from the Principal Historic Environment Officer who advised that the Listing encompassed the exterior of the property only. Consequently, no objection had been raised. However, it had to be borne in mind that there could be pressure in the future to accommodate a reasonable level of ventilation and this might result in proposals which would have an adverse effect on the exterior of the property.

The Committee received the applicants, Mr. A.J. Perchard and Mr. N. Perchard-Rees and Mrs. L. Perchard-Rees. Mr. Perchard-Rees advised that, if the Committee was concerned about the potential for the creation of additional windows in the future, the applicants were willing to re-configure the internal space so that the living accommodation benefitted from a window.

The Committee, having considered the application, concluded that the scheme to convert this single dwelling into 2 separate households was acceptable. The Committee was also mindful of the fact that the application site was close to both public amenity space and parking. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal approval and consideration of any conditions which were attached to the permit. In response to the comments of the Principal Historic Environment Officer, the Committee agreed that a planning condition should be attached to the permit to ensure that any technical matters which might arise in order to comply with building bye laws did not adversely affect the exterior of the building.

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

A10. The Committee decided to make the following recommendation to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building (Jersey) Law 2002 -

that, with reference to its Minute No. A7 of 19th September 2018, consideration should be given to ways in which to safeguard special character areas (such as St. Brelade's Bay) within the Built-Up Area. The Committee was supportive of advancing the work which had been carried out in the context of the 1989 Environmental Improvement Plan for St. Brelade's Bay. It was recognised that there were other special character areas within the Built-Up Area which should also be afforded greater levels of protection.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.

Planning Committee meeting dates: 2019.

A11. The Committee approved the following schedule of dates for site visits and public meetings in 2019 –

- January 8th (site visits) and 10th (public meeting)
- February 5th (site visits) and 7th (public meeting)
- March 5th (site visits) and 7th (public meeting)
- April 2nd (site visits) and 4th (public meeting)
- May 14th (site visits) and 16th (public meeting)
- June 11th (site visits) and 13th (public meeting)
- July 9th (site visits) and 11th (public meeting)
- September 17th (site visits) and 19th (public meeting)
- October 15th (site visits) and 19th (public meeting)
- November 19th (site visits) and 21st (public meeting)
- December 17th (site visits) and 19th (public meeting)

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It was noted that all meetings of the Privileges and Procedures Committee would be held on the afternoon of the site visits.

On a related matter, the Committee requested that arrangements be made for a series of visits on 6th March 2019, to completed developments.

Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were not present for this item.