

KML/SC/138

PLANNING COMMITTEE

(39th Meeting)

19th April 2018PART A

All members were present.

Connétable J. Gallichan of St. Mary, Chairman
(not present for item Nos. A8 and A17)
Connétable P.B. Le Sueur of Trinity, Vice-Chairman
(not present for item No. A7)
Deputy J.M. Maçon of St Saviour
(not present for item No. A13)
Deputy R.J. Rondel of St. Helier
(not present for item Nos. A6, A8, A15 – A17)
Deputy G.J. Truscott of St. Brelade
(not present for item No. A17)
Deputy R. Labey of St. Helier
Deputy S.M. Wickenden of St. Helier

In attendance -

P. Le Gresley, Director, Development Control
J. Nicholson, Principal Planner
C. Jones, Senior Planner
J. Gladwin, Senior Planer
G. Duffell, Senior Planner
E. Stables, Senior Planner
R. Greig, Planner
G. Urban, Planner
S.H. Chang, Trainee Planner
S. de Gouveia, Trainee Planner
T. Ingle, Principal Historic Environment Officer
K.M. Larbalestier, Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meeting held on 15th March 2018, having been previously circulated, were taken as read and were confirmed.

Millemont, Les
Varines, St.
Saviour:
proposed
conversion/
new vehicular
access/
extensions.
477/5/2(73)

A2. The Committee, with reference to its Minute No. A7 of 15th March 2018, considered a report in connexion with an application which proposed the conversion of the property known as Millemont, Les Varines, St. Saviour to provide 4 x 2 bedroom dwellings. It was also proposed to convert the gate house garage to provide habitable accommodation, demolish a bin store to the north-east of site and create a vehicular access onto La Val Aume. In addition, it was intended to construct a single storey extension with terraces above and a 2 storey extension to the south elevation, convert a garage and 4 x one bedroom units to provide 2 x 2 bed units. Various external alterations, to include constructing dormers to the Gate House, a bin store to the east of site and storage units to the south-east were also proposed. The Committee had visited the application site on 24th January 2017, in connexion with

P/2017/1029

P/2016/1097

an earlier application and, more recently, on 13th March 2018.

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

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 represented. The Committee's attention was drawn to the wording of condition No. 1 which stipulated that –

*'Other than where parking spaces, terraces and stores were specifically shown to be used by a particular residential unit, all of the external areas of the site **including the land to the south of the 18 space car park area** including the tennis court, the main (western) access, and store buildings, shall be used solely for communal residential purposes ancillary to the occupation of the residential units hereby approved.'*

The Committee noted that the applicant had advised that he intended to use the land to the south for his own purposes and did not want it to be linked to the residential units at Millemont. Consequently, it was proposed that the condition be amended to remove any reference to the land to the south of the car park. In addition an informative statement would be added to the permit to the effect that any new use of the land to the south would require planning permission.

Having considered the 3 conditions set out in the officer report and the proposed amendments, as detailed above, the Committee confirmed its decision to approve the application.

Coast Road
Stores, Nos. 1-
4 Pres de la
Mer, Nos. 1-2
Sur la Cote,
Ceol Na
Mara, Nos. 1-3
Prospect Place
& Nos. 1-2
Mon Caprice,
La Grève
d'Azette, St.
Clement:
proposed
demolition and
redevelopment.
477/5/2(775)

A3. The Committee, with reference to its Minute No. A4 of 15th March 2018, considered a report in connexion with an outline application which sought permission for the demolition and redevelopment of Coast Road Stores, Nos. 1 - 4 Pres de la Mer, Nos. 1 - 2 Sur la Cote, Ceol Na Mara, Nos. 1 - 3 Prospect Place and Nos. 1 - 2 Mon Caprice, La Grève d'Azette, St. Clement and the construction of a new residential development comprising 11 new residential units. It was also proposed to alter the vehicular accesses onto La Grève d'Azette. The application sought permission for the proposed means of access, siting, scale and mass of the development, with the external appearance, materials and landscaping being reserved. The Committee had visited both the site and the property known as La Maisonette on 19th December 2017 and, more recently on 13th March 2018.

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

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

PP/2017/1269

No. 12 La
Colomberie,
St. Helier:
display of
illuminated
fascia sign
(RETRO-

A4. The Committee, with reference to its Minute No. A9 of 15th March 2018, received a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the display of an illuminated fascia sign to the north elevation of No. 12 La Colomberie, St. Helier. The Committee had visited the site on 13th March 2018.

The Committee recalled that it had been minded to approve the above application,

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SPECTIVE)
(RFR).
477/5/1(630)

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 represented.

A/2017/1229

Having considered the conditions set out in the officer report, the Committee confirmed its decision to approve the application.

La Basse Cour,
Les Grupieaux,
St. Peter:
proposed
variation of
condition.
477/5/3(1027)

A5. The Committee, with reference to its Minute No. A14 of 15th March 2018, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the variation of a condition attached to the permit issued in respect of the reconstruction of a ruined outbuilding to form a car port with bedrooms above at the property known as La Basse Cour, Les Grupieaux, St. Peter. The Committee had visited the application site on 13th March 2018.

RC/2012/0229

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 represented.

Having considered the 5 conditions set out in the officer report, the Committee confirmed its decision to approve the application.

Nos. 9 – 10, St.
Peter's
Technical
Park, St. Peter:
proposed
mezzanine
level/bin store
enclosure/
various
external
alterations.
477/5/3(1030)

A6. The Committee considered a report in connexion with an application which proposed the construction of a mezzanine level at unit Nos. 9 and 10, St. Peter's Technical Park, St. Peter. It was also proposed to form a bin store enclosure to the north west elevation and carry out various external alterations. The Committee had visited the application site on 13th March 2018.

Deputy R.J. Rondel of St. Helier did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and was a designated protected industrial site. Policies EIW4 and GD1 of the 2011 Island Plan were relevant to the application.

P/2017/1522

The Committee noted that the application proposed a series of physical alterations to an existing light industrial building to facilitate occupation as a catering facility. This use was considered appropriate for the site and did not require a change of use.

The Committee noted that the primary change involved the construction of a first floor mezzanine, which would be built over approximately one-third of the interior to accommodate plant and a series of operational extrusions around the envelope of the building (vents to the roof, louvres to one elevation, a bin store and an emergency generator). These modifications were relatively modest and visually appropriate in this context. The impact on the amenities of the neighbours was the key issue and the application was accompanied by a technical report relating to noise, which included mitigation measures which had been accepted by the applicant and agreed by Environmental Health. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report. It was noted that the applicant had requested that, if approved, proposed condition No. 1 be amended to permit the operation of some plant and machinery outside of the hours of 8.00 am and 5.00 pm (Monday – Friday).

9 letters of representation had been received in connexion with the application and the Case Officer advised that one individual who was unable to attend the meeting

had sought assurance that members had considered all written representations prior to determining the application. The Committee confirmed that it was in receipt of, and had scrutinised, all submissions appertaining to the application.

The Committee heard from Ms. S. Wood, a resident of the area. Ms. Wood stated that a Freedom of Information request had revealed that, in the site selection process, the application site had scored highly mainly because it was adjacent to existing development. She was particularly concerned about the potential for noise nuisance and odours and was worried that the amelioration measures proposed would not properly address these issues. It was understood that the applicant believed that odour would not be a problem and, in the event that it was deemed to be an issue, it could be addressed retrospectively by fitting carbon filters. Ms. Wood was seeking written assurance that any problems or issues which arose would be rectified without delay. She also asked why the number of car parking spaces had increased to 19 and whether this had resulted in a reduction in the number of spaces allocated to other tenants on the site. It was understood that it had originally been envisaged that work on site would commence at the end of January 2018, and Ms. Wood noted that the delay would mean that work would continue throughout the summer months. Clarification was also sought with regard to the hours of operation as it was understood that food would be collected from the site at 8.00 am. Ms. Wood concluded by stating that the Island Plan Policies were supposed to protect residents from development which impacted upon their enjoyment of their properties.

The Committee heard from Mr. R. Huelin who pointed out just how close the application site was to Ms. Wood's house and stated that the impact would be significant. Mr. Huelin argued that the previous use of the units as a distribution warehouse house had been less intensive. It was understood that, under the new proposal, there would be 45 members of staff on site with only 19 car parking spaces in what was an already congested area.

The Committee heard from Messrs. D. Ahier and R. Foster, Jersey Property Holdings. Mr. Ahier confirmed that whilst the scheme did not propose the installation of carbon filters, as it was not believed there would be any odour issues due to the specific cooking method employed, these could be retro-fitted fairly quickly and there was sufficient funding in the budget for this. An undertaking was given that, should odour nuisance arise, carbon filters would be installed. Furthermore, the terms of the 'parent consent' pertaining to occupation of the technical park precluded any use which was deemed detrimental to the character of the area and this included, among other things, malodour. With regard to car parking, this was considered to be sufficient and the shortfall was not viewed as problematic. Bicycle spaces would also be available and the application site was on a good bus route. The units had previously been occupied by a greater number of staff. The Committee was advised that staff at the facility would work from 8.00 am – 5.00 pm, Monday to Friday and the project would be completed before Christmas 2018, without the need to work out of hours. Measures such as the installation of acoustic louvres would reduce noise levels to a maximum of 5 decibels. All of the food hygiene measures currently employed at the General Hospital would be replicated in the application site.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of certain conditions detailed within the officer report (to include the amendment to condition No. 1 to permit the operation of some plant and machinery outside of the hours of 8.00 am and 5.00 pm (Monday – Friday)). The Chairman requested that the applicant's undertaking to retro-fit carbon filters if any cooking related odours arose be recorded and the applicants were urged to maintain a dialogue with neighbours to ensure that any concerns were addressed swiftly.

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Homestill and
Montrose, La
Rue du
Presbytere,
Trinity:
proposed
demolition and
redevelopment.
477/5/2(779)

P/2018/0201

A7. The Committee considered a report in connexion with an application which proposed the demolition of the properties known as Homestill and Montrose, La Rue du Presbytere, Trinity (and ancillary buildings) and their replacement with 3 x 4 bedroom and one x 3 bedroom dwellings with associated garages, landscaping and parking. The Committee had visited the application site on 17th April 2018.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman did not participate in the determination of this application.

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

The Committee noted that the application proposed the demolition of all buildings on the site and the construction of 4 residential dwellings with shared vehicle access from the north. The site was located within the Built-Up Area, was close to amenities and the scheme met the requirements of Policies H6 and GD3. The proposed development comprised 2 storey buildings with pitched slate roofs and a mixture of granite and render materials. Whilst the scale and amount of development proposed was greater than that which existed, it was not considered that the proposed development would unreasonably harm the character of the area nor cause unreasonable harm to the property to the south in terms of overbearing impact or loss of light or privacy. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

5 letters of representation had been received in connexion with the application. Members noted a late representation which had been received from the Connétable of Trinity.

The Committee heard from Mr. S. Huelin, a resident of the area. Mr. Huelin expressed some dissatisfaction with the planning process and the point at which he felt objectors were able to express views/concerns regarding development. Mr. Huelin stated that negotiations between the Department and the applicant were so far advanced by the time he had been able to contribute that the likelihood of any meaningful changes to the scheme were remote. He had formed the opinion that the planning process was weighted in favour of the applicant. Mr. Huelin expressed the view that the proposed development would be overbearing – with particular reference to dwelling No. 4 – and would be prejudicial to privacy. He felt that the increased density and the resultant impact on the local environment had been ignored. He also pointed out that there appeared to be scope to create additional habitable accommodation within the roof space in accordance with permitted development rights. In concluding, Mr. Huelin advised that he was not opposed to the redevelopment of the site *per se*, but supported a more balanced development.

The Case Officer advised that a number of amendments had been made to the scheme in response to concerns expressed. These included some internal reconfiguration of rooms, the obscure glazing of certain windows and the relocation of another. In addition, there would be no first floor window on the end gable. If the Committee was concerned about the creation of additional units in the roof space then permitted development rights could be removed.

The Committee heard from Mrs. P. Huelin, who pointed out that Velux windows were shown on the roofs of the new dwellings. She added that her parents' property had been shown on the submitted drawings as an 'outbuilding'. Mrs. Huelin echoed

Mr. Huelin's concerns regarding the impact of unit No. 4, which she believed would overlook both her house and garden. She expressed disappointment with regard to the nature of the amendments which had been made to the scheme and stated that 'changing a few windows around' would not have been her starting point. Mrs. Huelin did not believe that the scheme was in keeping with the context and suggested that a more holistic approach to the development of the 'village' should be taken. She concluded by describing the proposed development as 'immense and akin to an executive style development'.

The Committee discussed the application and noted the absence of details on the comparative heights of the existing and proposed structures.

The Committee heard from Lord R. Milner of Leeds, who expressed some reservations about the use of 3 dimensional drawings in the context of illustrating size. He suggested that consideration should be given to the erection of a scaffold profile of dwelling No. 4 in order that the Committee might properly assess the impact of the same on neighbouring dwellings. Lord Milner believed that the submitted scheme was just too large.

The Committee heard from the applicant's agents, Mr. and Mrs. R. Godel. Mr. Godel felt that it was inaccurate to suggest that neighbours' concerns had not been taken on board as the design had been amended to address the principal objection of overlooking. The southern elevation of unit No. 4 had been moved away from the boundary and there were no windows overlooking neighbouring development. Mr. Godel acknowledged that, at the time of the submission of the application, he had been unaware that Roselea was a separate unit of accommodation. However, that property would not be overlooked by the proposed development. Mr. Godel reminded the Committee that the application site was situated in the Built-Up Area and, at 57 habitable rooms per acre, density levels well below what was normally viewed as acceptable in the Built-Up Area. The largest dwelling measured 260 square metres and the smallest was 126 square metres. Given the context and the rural location, Mr. Godel believed that the proposed development would sit well within the area without impact on the landscape. The dwellings had not been designed with the future conversion of the roof space in mind as the eaves level was low. However, the Committee was able to remove permitted development rights if this was a concern. Mr. Godel confirmed that the ridge height of the proposed new dwellings would be 740 millimetres above the ridge height of Homestill. Finally, in response to the late representation from the Parish of Trinity in relation to ground levels, it was noted that the difference in levels was not considered to be significant and reducing levels was viewed as an extreme solution. Furthermore, changes to ground levels could impact upon drainage.

The Committee heard from the Connétable of Trinity, who explained that the concern related mainly to the impact of the development on the street scene. The existing modest 2 storey dwelling was raised above the level of the road and the proposed new development would be closer to the edge of road and approximately 2 and a half feet taller.

The Committee heard from the applicant, Mr. G. Le Lay, who advised that Mr. Huelin's property was constructed on top of a boundary wall and that if the site level was dropped this could undermine the foundations of his property.

The Committee decided to defer consideration of the application to allow the applicant to arrange for a scaffold profile of unit No. 4 to be erected and for the provision of details on the comparative heights of the existing and proposed structures (east-west section through the site). The Committee also asked that the applicant explore the feasibility of lowering the site level, bearing in mind the

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comments made about drainage and the potential impact on the neighbouring property.

Retreat Farm,
La Rue de la
Frontiere,
St. Mary:
proposed new
staff
accommodat-
ion unit.
477/5/3(1002)

A8. The Committee, with reference to its Minute No. A9 of 27th July 2017, received a report in connexion with an application which sought permission for the construction of a 3-bedroom staff accommodation unit at Retreat Farm, La Rue de la Frontiere, St. Mary. The Committee had visited the site on 25th July 2017, and, more recently, on 17th April 2018.

Connétable J. Gallichan of St. Mary, Chairman and Deputy R.J. Rondel of St. Helier did not participate in the determination of this application. The Connétable of Trinity acted as Chairman for the duration of this item.

P/2017/0519

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies SP1, 2, 4 and 7, GD1, GD7, NE7, H9, ERE1, NR1, LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee recalled that it had previously deferred consideration of the above application so that it could be considered as part of the overall development proposals for the whole site. Since that time 2 other applications for development either directly adjoining the application site (holiday village – application reference P/2017/1023) or in close proximity to (new dwelling for applicant – application reference P/2017/0805), had been considered by an independent Planning Inspector at a Public Inquiry. The outcome of these 2 planning applications was, as yet, unknown, but the development intentions for the site were now clear and, as a consequence, the planning application detailed above was referred to the Planning Committee for determination.

The Committee noted that whilst the site was located within the Green Zone, wherein there was a general presumption against all forms of development for whatever purpose, Policy H9 stated that exceptions for staff accommodation units might be made on the basis of a proven need. Where exceptions were made it was necessary to ensure that the impact of the proposed development on the character and appearance of the area was minimised. In this particular instance, the applicant had made a case for a new staff accommodation unit and had submitted a well-designed scheme on a site which was screened by mature landscaping.

The Committee was advised that the application proposed the erection of a single storey ‘ARC’ building measuring 19.746 metres long by 7.8 metres wide by 3.4 metres high and comprising 3 bedrooms, a kitchen, a lounge, dining room and bathroom. The building would have a floor area of 125 square metres. The new building would provide a unit of staff accommodation at Tamba Park and, in support of the proposals, the applicant had confirmed that the new accommodation was required to provide ‘on-site’ supervision and security at all times. Consequently, it could not be located remotely from the site. In addition, there were no existing buildings on the site that could be used, adapted or sub-divided to provide the accommodation. The applicant had confirmed that all existing buildings and materials would be removed from the area in which the proposed new manager’s accommodation was to be constructed, with the exception of a small timber shed which was used for the garden/landscape maintenance function for the park. The applicant had satisfactorily demonstrated that the requirement for this modest unit was essential to the overall running of the business and that the chosen location was the most suitable, given that there were no existing buildings available within Tamba Park itself. In addition, the building design was mindful of its landscaped context and would not have any adverse impact on the character and appearance of the area.

Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA), pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended), to secure the occupation of the staff unit by a person solely employed in the Tamba Park business and any resident dependants. If the POA was not completed within 3 months then the application would be re-presented to the Committee for further consideration.

19 letters of representation had been received in connexion with the application. Representations submitted after the publication of the agenda had been sent to members under separate cover.

The Committee heard from Mr. P. Ashworth, also representing other residents of the area. Mr. Ashworth argued that as decisions in respect of the 2 other applications for development (application references P/2017/1023 and P/2017/0805) were pending, determining the current application would be premature. Mr. Ashworth went on to refer to the Green Zone location of the site and the policy presumption against development. He also made reference to Policy H9 and stated that there appeared to be no detailed explanation in the officer report as to how the scheme met that particular policy test – merely that it did. Mr. Ashworth understood that, at present, the Manager lived off site in another parish and appeared not to have secured accommodation in the vicinity despite the apparent need to live close by. Crime statistics for the area revealed only one recorded incident of nuisance in the last 3 years. Claims that the scheme would re-use commercially developed land were refuted on the basis that existing structures were of a temporary nature and a disuse and disrepair condition had been attached to some of the structures. The application was not supported by the Land Controls and Agricultural Development Section. Mr. Ashworth referred to comments made by the Independent Planning Inspector during the recent Planning Inquiry to the effect that the type of unit proposed might be viewed as a caravan. Whilst no conclusions had been reached on this matter, the manufacturers' website stated that the type of unit proposed was suitable for use as a temporary structure. Mr. Ashworth advised the Committee the pumping station on Rue de la Frontiere was at capacity and would have to be upgraded if further development on the application site was approved. The intensity of the use of the access on to Rue de la Frontiere was also an issue and questions around highway safety were raised. In concluding, Mr. Ashworth asked that, if the Committee was minded to approve the application, only individuals categorised as 'entitled' or 'licensed' under the Control of Housing and Work (Jersey) Law 2012 be permitted to reside in the accommodation.

The Committee heard from Ms. A. Sinel, who was pleased to see that an eco-friendly development was proposed. However, she went on to express concerns about drainage, particularly as she understood that pumping stations in both Rue de la Frontiere and Rue des Varvots were at capacity. Ms. Sinel referred to a planning statement dated October 2017, prepared by MS Planning on the applicant's behalf, in which it had been stated that the applicant was prepared to pay for a rising main. She too expressed concerns regarding the safety of the existing access.

The Committee heard from Messrs. M. Dennis and Mrs. S. Steedman, representing the applicant. Mr. Dennis advised that a section drawing had been submitted which showed that the proposed new building would be fixed to a concrete structure and would not be demountable without a significant amount of destruction. It could not, therefore, be likened to a caravan or mobile structure. Consultation with the Department for Infrastructure had revealed that the drainage capacity was deemed sufficient to accommodate one new unit. In terms of surface water drainage, a sedum roof which would absorb rainwater was proposed together with a drainage channel and a water storage tank. Surfaces would also have improved permeability. The

proposed development would re-use land which had already been developed for commercial purposes and environmental improvements would be carried out to restore the landscape character. The proposed new building would not be visible from the public realm and a sustainable design approach was proposed. In concluding, Mr. Dennis stated that there would be no impact on neighbours and no serious harm to the countryside.

The Committee heard from Mrs. Steedman who stated that whilst the other applications had yet to be determined, the development intentions for the site were clear. The scheme proposed a unit of staff accommodation at Tamba Park and Mrs. Steedman drew a parallel between this application and a recently approved application for a staff accommodation unit at Rozel Camping Park. It was essential for the business to have a staff member on site for security and operational reasons. In the recent past there had been a fire on the site and the premises had also been broken into with damage being caused and there had been some incidents of fly tipping. Mrs. Steedman contended that the scheme was in accordance with Policies SP5, NE7 and H9 and she stressed that Policy NE7 did not place a moratorium on development in the Green Zone.

Deputy S.M. Wickenden of St. Helier reminded the Committee that the application for a staff unit at Rozel Camping Park had been refused by the Committee and a revised scheme subsequently approved under delegated powers.

Having considered the application the Committee, with the exception of Deputies G.J. Truscott of St. Brelade and S.M. Wickenden of St. Helier, concluded that it could not support the scheme on the basis that it did not pass the Green Zone Policy test. As this decision was contrary to the officer recommendation for approval, it was noted that the application would be re-presented at a future meeting for formal confirmation of the decision and the reasons for refusal.

Haute Maison,
La Rue de la
Devisé, St.
Ouen:
proposed
removal of
condition.
477/5/3(1031)

A9. The Committee received a report in connexion with an application which sought permission for the removal of a condition which had been attached to the permit issued in respect of the property known as Haute Maison, La Rue de la Devisé, St. Ouen. The Committee had visited the site on 17th April 2018.

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

RC/2018/0109

The Committee was advised that the application related to a small strip of land forming part of the domestic garden of Haute Maison, which property was situated within a small rural settlement within the Green Zone. Permission was being sought for the removal of condition No. 4 (which restricted permitted development rights), which had been attached to a grant of planning permission in 1988 and which had facilitated a change of use of part of Field No. 889A to the north of Haute Maison to residential.

Whilst the sensitive Green Zone context to the application site was recognised, there were many established buildings and land uses within the Green Zone and there was a need to provide for the reasonable expectations of residents to improve their homes, to include the ability to exercise permitted development rights. In the view of the Department there appeared to be no compelling reason in this particular instance to impose any greater regulation. Consequently, it was recommended that the Committee approve the removal of the aforementioned condition.

No representations had been received in connexion with the application.

The Committee received the applicant, Ms. S. Gordon, who had understood that the restrictive condition related to a much larger area than described above by the Case Officer. She explained that the removal of the condition was being sought to facilitate certain maintenance and improvement works, the details of which she outlined.

It was evident from the applicant's description of the work intended that some confusion had arisen with regard to the extent of the area covered by the removal of the condition. The Case Officer confirmed that a further application would be required if permission was to be sought for the removal of the condition attached to the dwelling house which removed permitted development rights in respect of a larger area.

The Committee, having considered the application, unanimously approved the same and noted that the applicant would submit a further application as detailed above.

Mudros, La
Rue Voisin, St.
Brelade:
revised
plans(RFR).
477/5/3(263)

A10. The Committee, with reference to its Minute No. A10 of 10th November 2016, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which proposed revisions to the approved scheme on the site of the property known as Mudros, La Rue Voisin, St. Brelade. The Committee had visited the application site on 17th April 2018.

RP/2017/1252

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and Policies NE6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the site currently benefitted from an extant permission (application reference P/2016/0144) to replace the existing bungalow with a (part) two storey, two bedroom dwelling. Policy NE6 permitted replacement dwellings which were no larger than that which existed in terms of total floor space, footprint or visual impact. However, the existing approval allowed for an increase in footprint, gross floor area and height, as an exception to the normal policy criteria. The current revised plans application sought further works to –

lower the internal floor level of the building to create additional space at first floor;
construct a large retaining wall around the building;
alter/reduce land levels surrounding the building to all elevations;
enlarge the previously approved terrace area; and,
carry out further excavation works on the eastern bank to increase the useable outdoor area.

The Department had assessed the application against the requirements set out in Policy NE6 for replacement dwellings and had considered whether the proposed works would have been acceptable had they been included in the approved application. The revised scheme would result in the creation of additional habitable space on the first floor, which would result in an overall increase in gross floor area of approximately 61.4 square metres. The Department considered this 78.7 per cent increase to be excessive and unacceptable, and unlikely to have been supported in the first instance. The proposed excavation further into the eastern bank and the increase in the terrace area would represent an extension of useable domestic curtilage, which was strongly resisted under Policy NE6. The Natural Environment Section had objected to the further excavation works on the grounds of ecological impact. It had been concluded that the proposed works would have a cumulative and adverse visual and ecological impact on the Coastal National Park and would take the proposal even further outside the normal requirements of Policy NE6. For these

reasons the application had been refused and it was recommended that the Committee maintain that decision.

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

The Committee heard from Mr. H. Bonn, the applicant, who outlined the planning history of the site, culminating in the approval of an application earlier in the year and the subsequent ground work investigations which had revealed that it would be necessary to reposition the new unit.

Mr. Bonn refuted the suggestion that there would be any increase in the floor area or that the scheme would have a detrimental effect on the character of the Coastal National Park. The concrete retaining wall would follow the lie of the land immediately behind and would be concealed by the new dwelling. Mr. Bonn explained that the wall should have been included in the previous application. The sunken patio area and the area to east would be barely visible from a number of key vantage points. Mr. Bonn went on to list the environmental gains which would arise and the ecological enhancements proposed within the scheme to include, among other things, the planting of additional native heathland Heather, Hawthorne, Gorse, trees and the installation of bird boxes. Whilst previous applications had generated a number of objections there had been no objections to the current application, with the exception of one unrelated comment about emergency access. He concluded by stating that there would be no further proposals for the site.

Having considered the scheme, the Committee, with the exception of Connétables J. Gallichan of St. Mary, Chairman and P.B. Le Sueur of Trinity, Vice-Chairman and Deputy S.M. Wickenden of St. Helier, concluded that, in this particular case, sufficient justification existed for making an exception to Policy NE6 to permit the proposed development. The application was, therefore, approved, contrary to the officer recommendation. It was noted that the application would be re-presented at a future meeting for formal decision confirmation and approval of any conditions which were to be attached to the permit.

Fresh Fields,
La Route du
Mont Mado,
St. John:
proposed new
dwelling
(RFR).
477/5/3(1032)
P/2017/1703

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which proposed a new dwelling to the south of the property known as Fresh Fields, La Route du Mont Mado, St. John. The Committee had visited the application site on 17th April 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated in both the Built-Up Area and the Green Zone. Policies SP1, 2, 3, 4 and 7, GD1, GD7, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee also noted that Planning Policy Notes No. 3 and 6 were relevant.

The Committee was advised that the northern half of the site was located in the Built-Up Area and existing development was concentrated in this area (the dwelling known as Fresh Fields, a cottage and 2 detached garages). The southern half of the site was located in the Green Zone and contained a long linear garden. The application sought to construct an additional single storey dwelling in the northern half of the site (Built-Up Area).

The Committee was informed that a previous application (reference P/2017/0810) had been refused for 7 specific reasons. The applicant had addressed 3 of the reasons for refusal – visibility splays; poor use of materials and shared amenity space between the three dwellings. However, the absence of accurate drawings and the

poor design/layout had resulted in a scheme which the Department could not support and the application had, therefore, been refused on the basis that it was contrary to Policies GD1, SP7 and GD7 and Planning Policy Note No. 3 – parking guidelines. It was recommended that the Committee maintain refusal on those grounds.

The Committee received the applicant, Mrs. K. Goddard and her agent, Mr. A Harvey. Mr. Harvey stated that all measurements on the drawings were accurate but explained that they had been reproduced to a slightly smaller scale. The scheme did provide sufficient car parking for each unit, although the spaces had not been specifically allocated. This could easily be rectified. The principal issue appeared to be the relationship between the dwellings and Mr. Harvey reminded the Committee that higher density levels were permitted in the Built-Up Area. The scheme proposed modest single storey dwellings with substantial gardens and improved vehicular access. Mr. Harvey described the decision to refuse the application as subjective rather than clear cut.

Mrs. Goddard expressed disappointment at the decision to refuse the application. She believed that there was ample room on the site for 3 dwellings and the scheme would vastly improve the appearance of the application site. She advised the Committee that the proposed development would be occupied by family members who were willing to invest in a development which would significantly enhance the site.

The Committee discussed the application and members asked why the issues with the drawings had not been rectified and the car parking layout clarified. Mr. Harvey explained that there had been no opportunity to do so and that, in any case, other issues with the scheme had been identified by the case officer. The Director, Development Control pointed out that a double garage was retained in a previous scheme but removed in the refused scheme and Mrs. Goddard explained that it was intended to remove the double garage and retain the single garage. The Director also noted that the proximity of a hedge on the eastern boundary to one of the proposed new dwellings would probably mean it would have to be removed during construction.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Vice-Chairman and Deputy R. Labey of St. Helier, expressed support for the officer recommendation to maintain refusal on the grounds set out above. Consequently, the application was refused.

Petit
Champeaux,
La Rue du
Coin, St.
Clement:
proposed
garage with
studio above
(RFR).
477/5/2(780)

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which proposed the construction of a garage with a studio above to the north of the property known as Petit Champeaux, La Rue du Coin, St. Clement. The Committee had visited the application site on 17th April 2018.

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

P/2017/1774

The Committee was advised that the application site was located in a rural and exposed setting, surrounded by open fields within the Green Zone. Le Petit Champeaux was a detached 2 storey, 5 bedroom property of contemporary design with an integral garage. It was proposed to construct a 2 storey detached building forward of the house on its northern side. This would make use of the roadside granite wall by building directly onto this to form a new double garage with a studio and en-suite above. The proposed design mirrored that of the main house, being of a similar height and style with a mono-pitch roof form.

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The Committee noted that the application had been refused because it failed to meet the strict Green Zone policy test, where the normal presumption was against development. The policy permitted ancillary buildings which were –

modest and proportionate to other buildings on the site;
well sited and designed relative to other buildings, the context, the size, materials, colour, and form; and,
did not seriously harm the landscape character.

The Committee was informed that the height and position of the proposed structure (forward of the house and immediately adjacent to the road) meant that the scheme did not pass the policy test. The structure was not modest in scale and would be sited in a prominent position. It would also be highly visible and would result in the loss of a tree. Consequently, it was recommended that the Committee maintain refusal of the application.

The Committee received the applicants, Mr. and Mrs. F. Cohen. Mrs. Cohen addressed the Committee advising that her husband suffered from a long-term degenerative disorder which meant that he required a live-in carer. Permission had been granted for the conversion of an existing garage to provide a bedroom for Mr. Cohen at ground level and the proposed studio above the new garage would provide accommodation for a carer. With reference to the Silver Birch tree which was to be removed, Mrs. Cohen stated that she was happy to relocate this. She concluded by stating that the proposed development would be quite well concealed and seemed to present the most logical solution.

Having considered the application the Committee, whilst most sympathetic, endorsed the officer recommendation to refuse the application on the grounds set out above. Consequently, the application was refused.

Flat No. 1, 5
Belgrave
Terrace, Dicq
Road, St.
Saviour:
replacement
conservatory/
windows
(RETRO-
SPECTIVE)
(RFR).
477/5/1(632)

A13. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated authority and which sought permission for the replacement of an existing conservatory on the north elevation of Flat No. 1, 5 Belgrave Terrace, Dicq Road, St. Saviour. Permission was also being sought for the replacement of 2 windows – one on the north elevation with a new UPVC window and the other on the south elevation with a timber window. The Committee had visited the application site on 17th April 2018.

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

P/2017/1746

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route corridor. Belgrave Terrace was also a Grade 4 Listed Building. Policies HE1, HE2, SP4, BE6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Policy HE2 required an applicant to demonstrate that historic windows were not capable of repair to justify their replacement. In this particular instance, no justification for the replacement of a bay window on the south elevation and a conservatory and window on the north elevation had been provided and, as such, the scheme was contrary to Policy HE2. Where repair was not possible, replacement windows or doors which did not carefully replicate historic windows in terms of the materials used, the method of opening, the proportions, dimensions, visual weight, decorative details and finish, would not be approved. UPVC was not

considerable an acceptable material for a Listed Building as it could not carefully replicate the fine detailing or quality of timber windows. It was considered that the application did not respect the character of the Listed Building and the application had been refused on the grounds that it was contrary to Policies HE1 and BE6. It was recommended that the Committee maintain refusal.

The Committee heard from the Principal Historic Environment Officer, who advised that the property was a fine example of late Victorian, exuberantly ornamented, seaside architecture with many original features surviving, to include dormers, windows, door and porch. She provided the Committee with a photograph of the property which had been taken in the 1970s which showed the windows on the south elevation complete with shutters. Ms. Ingle explained that when windows were being replaced the opportunity was always taken to engage with applicants to seek an appropriate and sympathetic solution.

The Committee heard from the applicant's agent, Mr. J. Dodd. Mr. Dodd argued that the conservatory and the window to the north had not been original historic features and were not visible from the public realm. He did not believe that the changes which had been made had damaged the character or integrity of the building or the street scene and stated that there were far better examples of historic buildings further along the road. Mr. Dodd advised that the original timber ground floor bay window had been rotten and provided little thermal insulation. The applicant had approached and received advice from a professional window company and had not been made aware of the requirement to seek planning permission.

Having considered the application, the Committee, with the exception of Deputy S.M. Wickenden of St. Helier, endorsed the officer recommendation to refuse permission. However, the majority of members expressed concern in relation to the bay window to the south only and not the conservatory and window on the rear (north elevation). The Committee requested that the reasons for refusal be redrafted to reflect this. The Committee expressed considerable concern that the applicant had not been made aware of the need to obtain permission prior to replacing the windows/conservatory and requested that the Principal Historic Environment Officer write to all window contractors reminding them of their obligations in this respect.

Edgefield, Le
Vieux
Beaumont, St.
Peter:
proposed
replacement
dormers
(RFR).
477/5/3(1033)

P/2017/1706

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the replacement of 2 dormer windows to the north east elevation of the property known as Edgefield, Le Vieux Beaumont, St. Peter. The Committee had visited the application site on 17th April 2018.

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

The Committee was advised that the application proposed the replacement of 2 modern dormer windows to the rear of the Grade 3 Listed Building. It was noted that the existing dormer windows were large and disproportionate to the historic façade. The proposed replacement dormers would be the same size, used a modern window pattern and glass reinforced plastic, a material which was considered unsuitable for use on a Listed building. Policy HE1 clearly stated that proposals which did not preserve or enhance the special or particular interest of a Listed Building or place and their settings would not be approved. Whilst it was acknowledged that the appearance of the existing dormers was unsympathetic, it did not follow that they could be replaced with a similar style of dormer. Improvements to enhance the

special architectural and historical interest of the Listed Building were required. Consequently, the application had been refused on the grounds that it was contrary to Policy HE1 and it was recommended that the Committee maintain refusal of the application.

The Committee heard from the Principal Historic Environment Officer who advised that Edgefield was a mid-19th century 3 bay house with the added grandeur of a raised ground floor and entrance porch. It retained many original features and, together with its outbuildings and southern boundary wall, contributed to the rural roadside setting. Traditionally dormers would have been finished in lead with a 2 side hung casement window pattern. The use of glazed side cheeks would allow a greater level of light at a reduced size and changes to the design and materials were encouraged.

The Committee heard from the applicant, Mrs. H. Elliott and her agent, Mr. C. Buesnel. Mr. Buesnel stated that the applicant did not believe that the proposals would be detrimental to the property as they did not seek to remove any element of historic relevance. Mr. Buesnel stated that several other listed buildings had dormers of a similar size dormers and he felt it was unreasonable to ask the applicant to reduce them. The materials would match existing materials on the front of the property.

The Committee, having considered the application, unanimously approved the same, contrary to the officer recommendation. In doing so the Committee commended the applicant for the excellent restoration works which had already been carried out at the property.

The Committee noted that the application would be represented for formal confirmation of the decision and any conditions which were to be attached to the permit.

Helies Cottage,
La Ruelle
Vaucluse, St.
Helier:
proposed
extension/
external
alterations.
477/5/1(633)

A15. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the construction of an extension to the north-east elevation of the property known as Helies Cottage, La Ruelle Vaucluse, St. Helier. Various external alterations were also proposed. The Committee had visited the application site on 17th April 2018.

Deputy R.J. Rondel of St. Helier was not present for this item.

P/2017/1665

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

The Committee was advised that Helies Cottage sat in an elevated position on the north side of La Ruelle Vaucluse, with wide ranging views over St. Helier and St. Aubin's Bay. The property was a 2-bedroom single storey building finished in granite blocks with a dark slate roof with a number of dormers. Although it was a modern construction, the design and scale was that of a traditional Jersey cottage. Planning permission for the dwelling had been granted in April 2009, under application reference P/2008/2301. In September 2010, an application (reference RP/2010/0154) for the construction of a garage with habitable accommodation above had been refused on the grounds of overbearing impact by virtue of its excessive mass, scale, built floor space and siting in relation to the existing building.

The current scheme proposed the construction of an extension to the north east

elevation containing a vestibule, w.c./shower room and double garage at ground floor with a third bedroom and en-suite bathroom above. In addition, one of the dormer windows on the south west elevation would be enlarged in order to compensate for the loss of a window on the opposite side of the building. The existing building had a footprint of 15 metres by 7 metres with the height to the eaves being 3.25 metres and a ridge height of 7.25 metres. The proposed extension would be 7 metres wide and project 9 metres from the north east elevation. The pitched roof of the proposed extension would have the same ridge height as that of the existing building and externally would match the existing building. It had been concluded that the scale and mass of the proposed extension would be overbearing and would not be appropriate or sympathetic to the scale and mass of the existing building. Therefore, the proposed development failed to satisfy the requirements of Policies GD7, BE6 and NE7 of the 2011 Island Plan and had been refused on these grounds. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agents, Mr. K. Vibert and Mrs. S. Steedman. Mrs. Steedman referred the Committee to the preamble to strategic policies of the Island Plan and reminded members that the Green Zone Policy did not impose a moratorium on development. The Green Zone was a living landscape and residents had a reasonable expectation of being able to improve their homes. The test was one of landscape impact. The existing modest well designed cottage was a relatively new dwelling on a 2000 square metre plot with a large garden, no garage and limited external storage. The applicant wished to add a garage and an extra bedroom. Mrs. Steedman stated that it was not clear from the decision notice which neighbouring property would be prejudiced by the perceived overbearing impact of the development. She argued that the proposed extension was proportionate and respected the design of the dwelling. Reference had also been made to Policy GD7 and Mrs. Steedman felt that the drawings illustrated the high quality of design proposed. Finally, she could see no conflict with Policy BE6.

The Director, Development Control explained that the exposed location of the application site and the planning history had been material considerations in the Department's decision to refuse the application. It was recalled that the approval of the dwelling had been linked to the removal of a former commercial use and the proposals appeared to dilute the benefits of the redevelopment of this prominent Green Zone site.

Having considered the application, the Committee, with the exception of Deputy R. Labey of St. Helier, endorsed the officer recommendation to refuse the application for the reasons set out above. Consequently, the application was refused.

No. 6 Dessous
Les Hougues,
La Route de
l'Etacq, St.
Ouen:
proposed new
windows/
roof lights/
dormers.
477/5/3(1034)

A16. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the installation of a first floor window and 2 roof lights to the east elevation of the property known as No. 6 Dessous Les Hougues, La Route de l'Etacq, St. Ouen. It was also proposed to install 2 dormer windows to the west elevation. The Committee had visited the application site on 17th April 2018.

Deputy R.J. Rondel of St. Helier was not present for this item.

P/2017/1751

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies NE6, BE6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee noted that the proposed new windows would facilitate the

conversion of the loft space of the above property to provide an additional bedroom. It was recalled that the application property was a terraced house which formed part of a small development of 10 traditional 2-bedroom dwellings which had been constructed on the site of a previous commercial workshop under planning application reference P/2005/0832. The development had been constrained by the relatively limited areas available for car parking and, therefore, the units had been restricted in size and comprised only 2 bedrooms, thereby requiring only 2 car parking spaces each, plus visitor parking. The dwellings contained small study rooms which did not meet the Department's minimum size requirements for a bedroom and, therefore, in planning terms the units were 2-bedroom dwellings. This background had been specifically noted on the original planning permit, which had included a condition stating that there should be no sub-division of existing rooms, nor any creation of additional bedrooms. The reason stated for this condition clearly referred to the constraints of the site and the limited car parking.

The Committee was advised that it was considered that the construction of the proposed dormer windows on the west facing roof plane would result in an adverse visual impact as they would unbalance the appearance of the property. In addition, the redevelopment of this former commercial site had specifically required a reduction in floor area and the conversion of the loft space to a bedroom would increase the habitable area of the building and thereby dilute the benefits of the redevelopment of the site. Moreover, this could be repeated in other units. Consequently, it was considered that the proposal failed to satisfy the requirements of Policies GD1, GD7, BE6 and NE6 of the 2011 Island Plan and the application had been refused on these grounds. It was recommended that the Committee maintain refusal.

The Committee heard from the applicants, Mr. and Mrs. C. Addy and their agent, Mr. P. Harding of BDK Architects. Reference was made to applications which had been approved for loft conversions and an extension on other properties, for which there had been no requirement for additional parking. It was noted that, in each case, the approved development had not resulted in an increase in the number of bedrooms so there had been no requirement for additional car parking. Mr. Harding felt that the comments made regarding the design of the proposed dormers were subjective but the applicants were willing to separate the dormers if required by the Committee.

The Committee heard from Mr. Addy who read from a written statement prepared by his father, who wished to move to the Island with his wife to live with Mr. and Mrs. Addy. The Committee noted that the applicant's parents lived in an isolated location in the UK with no family nearby. They hoped to move to Jersey to live with their son, daughter-in-law and granddaughter and the additional accommodation proposed was required to facilitate this. They would park their vehicle in one of the car parking spaces associated with the dwelling and the applicants would use the other for their family vehicle. Mr. Addy explained that he rode a scooter to work so the second car parking space was currently free. He added that permission had previously been granted for the conversion of the roof space at No. 1 Dessous Les Hougues, which was currently for sale and being advertised as a 3 bedroom property. Mr. Addy had visited the property and noted that it appeared that the study room was being used as a bedroom.

Having considered the application the majority of members (with the exception of Deputy G.J. Truscott of St. Brelade) expressed reservations regarding the design approach. The majority of members were also relaxed about the provision of car parking given the proximity of the site to a nearby public car park. Consequently, the application was refused on design grounds only.

Quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade: demolition of sheds/ replacement with shelters (RETROSPECTIVE) (RFR).
477/5/3(864)

P/2017/0482

A17. The Committee, with reference to its Minute No. A14 of 15th March 2018, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission retrospectively for the demolition of some sheds at a quarry to the east of Field No. 351, La Route de Petit Port, St. Brelade and their replacement with some shelters for storage and to provide staff workstations. The Committee had visited the application site on 23rd January 2017.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application. Connétable J. Gallichan of St. Mary, Chairman and Deputy R.J. Rondel of St. Helier were not present for this item. Connétable P.B. Le Sueur of Trinity acted as Chairman for this item.

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

The Committee had deferred consideration of the above application at its meeting in January 2018, pending the receipt of legal advice which had confirmed that the Department's assessment of the application and analysis of all material planning considerations were logical and appropriate. Further, with regard to the use of the site, it had been confirmed that the starting point in this respect should commence with the permitted storage use, as set out under the 1991 grant of planning permission. The Department recognised that the permitted storage use of this site, and any given site, might include some incidental activity or ancillary use. In this particular instance it was acknowledged that, historically, the working of granite on a limited, low key basis could be seen as being an incidental activity or ancillary to the primary storage use of the site. Indeed, the business appeared to have operated on this basis without complaint from neighbouring residents for a prolonged period. However, in early 2017 (with the erection of 5 dedicated workstations – now the subject of this application), the balance appeared to have shifted to a dual use – a stone working and processing operation, with some storage of granite on site. The introduction of workstations on this scale and the manner in which this facilitated more intensive working of the granite was directly at odds with the limitations of the permitted storage use of the site. Consequently, the working of stone could no longer be regarded as incidental or ancillary and its current scale and intensity had to be regarded as a (retrospective) material change of use of the land in its own right.

At its meeting on 15th March 2018, the Committee had, once again, considered the application and had heard from a number of interested parties. Ultimately, determination of the application had again been deferred to permit a member of the Committee, who had not previously done so, to visit the site. The Committee had resolved to determine the application at its final meeting of the Committee as presently constituted in April 2018. No further representations would be heard. The recommendation to maintain refusal remained on the basis that the current use and associated workstations supported a distinctly different, more intensive and more harmful activity, which was not permissible under the Green Zone Policy and was likely to cause unreasonable harm to the amenities of neighbouring land users. Moreover, to permit such development would represent a departure from the Island Plan for which there was insufficient justification.

Several parties had objected to the use and the intensity of the existing and ongoing operation. It was also noted that the use of the site was presently the subject of an investigation (under the Statutory Nuisances (Jersey) Law 1999) by the Environmental Health section of the Department of the Environment.

The Committee had received a late representation from the applicant's agent, Mr. M. Stein, which referred to a file note dated 27th November 1991, which, it was stated, had been prepared by the applicant company's lawyer (although this was not obvious from the document itself). The letter referred to the fact that contact had been made with the Department in order to clarify that the 'infrequent' dressing of granite did take place on the site and that this was not reflected in the permit issued. The file note recorded that the Department took the view that, as long as the work was infrequent and that no neighbours complained, the former Island Development Committee (IDC) would 'turn a blind eye to it'. However, if any complaints arose or it became apparent that the works were being conducted on a regular basis then the IDC would have to intervene. Mr. Stein considered the contents of this file note to be a material planning consideration.

The Committee moved to determine to the application and, in doing so, was unable to reach a majority decision with Connétable P.B. Le Sueur of Trinity, Vice-Chairman and Deputy R. Labey of St. Helier expressing support for the approval of the application and Deputy J.M. Maçon of St Saviour and Deputy S.M. Wickenden of St. Helier endorsing the Department's recommendation to refuse the application. The Committee recalled that its own agreed procedures dictated that, where members were unable to reach a majority decision, the application under consideration was determined in the negative. Consequently, the application was refused in line with the recommendation of the Department.