

KML/SB/133

PLANNING COMMITTEE(15<sup>th</sup> Meeting)11th July 2019**PART A (Non-Exempt)**

All members were present., with the exception of Deputies J.M. Maçon of St Saviour, R.E. Huelin of St. Peter, Connétables D.W. Mezbourian of St. Lawrence and K. Shenton-Stone of St. Martin

Deputy R. Labey of St. Helier, Chairman  
 Deputy G.J. Truscott of St. Brelade, Vice Chairman  
 (not present for item Nos. A7 and A12)  
 Deputy S.M. Wickenden of St. Helier  
 Connétable P.B. Le Sueur of Trinity  
 (not present for item No. A15)

In attendance -

P. Le Gresley, Director, Development Control  
 (not present for item No. A11)  
 A. Townsend, Principal Planner  
 G. Duffell, Senior Planner  
 E. Stables, Senior Planner  
 L. Davies, Planner  
 R. Greig, Planner  
 A. Parsons, Planner  
 K.M. LARBALÉSTIER, Committee Clerk, States Greffe

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

Minutes.

A1. The Minutes of the meetings held on 12th and 13th June 2019, having been previously circulated, were taken as read and were confirmed.

Springside  
Industrial  
Estate (land to  
the north of  
entrance), La  
Rue de la  
Monnaie,  
Trinity:  
proposed  
installation of  
electricity sub-  
station.

477/5/2(796)

P/2019/0405

A2. The Committee, with reference to its Minute No. A8 of 13th June 2019, considered a report in connexion with an application which sought permission for the installation of an electricity sub-station at Springside Industrial Estate (land to the north of entrance), La Rue de la Monnaie, Trinity. The Committee had visited the application site on 11th June 2019.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation, on the grounds of concerns regarding the need to create a new access and the resultant loss of some existing greenery/boundary features. Therefore, the application was re-presented for formal decision confirmation and to set out the reasons for refusal.

The Committee confirmed its decision to refuse permission for the reasons set out in the officer report.

15 Meeting  
11.07.19

Field No.  
650A, Les  
Fonds de  
Longueville,  
Grouville: re-  
profiling of  
eastern part of  
field (RETRO-  
SPECTIVE)  
(RFR).  
477/5/2(800)  
P/2018/1847

A3. The Committee, with reference to its Minute No. A14 of 13th June 2019, considered a report in connexion with an application which had been refused by the Department under delegated powers which sought approval for the re-profiling of the eastern part of Field No. 650A, Les Fonds de Longueville, Grouville. The Committee had visited the application site on 13th June 2019.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. The application was, therefore, being re-presented for formal decision confirmation.

The Committee confirmed its decision to grant permission for the reasons set out in the officer report and members noted that the permit would stipulate that the use of the land for private residential amenity space or for any other purpose, inclusive of the siting, erection or placing of any domestic paraphernalia, was not permitted.

Bella Vista, La Rue Militaire, Trinity:  
proposed demolition of garage/  
construction of extension  
(RFR).  
477/5/2(799)

P/2019/0275

A4. The Committee, with reference to its Minute No. A18 of 13th June 2019, considered a report in connexion with an application which had been refused by the Department under delegated powers, and which sought approval for the demolition of the existing garage and the construction of a 2 storey extension with balcony to the east elevation of the property known as Bella Vista, La Rue Militaire, Trinity. The Committee had visited the application site on 13th June 2019.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. The application was, therefore, being re-presented for formal decision confirmation.

The Committee confirmed its decision to grant permission for the reasons set out in the officer report and members approved the 2 conditions detailed therein which were to be attached to the permit. The conditions stipulated that –

no works involving the erection of a building, extension, structure, conversion of garages or lofts was permitted without the prior written approval of the Department; and,

no part of the development would commence until visibility splays were submitted and agreed. The visibility splays would be retained thereafter and no visual obstruction of any kind over the height of 900 millimetres would be erected within those visibility splays.

15 Meeting  
11.07.19

La Pepiniere  
Farm and Field  
No. 344, La  
Rue de Crabbé,  
St. Mary:  
proposed  
demolition of  
sheds/con-  
struction of  
new shed.  
477/5/3(744)

AP/2019/0394

A5. The Committee considered a report in connexion with an application which proposed the demolition of 2 existing sheds at La Pepiniere Farm, La Rue de Crabbé, St. Mary, and the construction of a new agricultural shed for the growing, processing and distribution of medicinal cannabis. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies SP1, 2, 4, 5 and 6, NE1, 2, 4 and 7, GD1 and 7, ERE2, NR7 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee recalled that La Pepiniere was a former dairy farm located in rural St. Mary, largely surrounded by open agricultural land. The site had been redundant to the dairy industry for a number of years since the previous owner had disposed of his dairy herd as part of a States of Jersey initiative to reduce levels of milk production in the Island.

The Committee noted that the site contained a series of agricultural barns and other structures, together with two residential dwellings (the main house and an agricultural worker's dwelling). The application site also included the two northernmost barns. Vehicular access was from the north onto Rue des Touettes.

The Committee was informed that, since the farm had come out of the agricultural industry, there had been three unsuccessful applications to redevelop the site for housing. An application which had been submitted by the Jersey Society for the Prevention of Cruelty to Animals (JSPCA) for the change the use of the site to create a new dog kennelling facility had been withdrawn. Most recently, there had been 3 relatively minor applications in connexion with the existing dwelling and its access.

The Committee was advised that the Green Zone Policy allowed for the redevelopment of existing employment sites, to include the demolition and replacement of existing buildings. For proposals of this nature, the policy required that new development should not create undue noise, disturbance or a significant increase in traffic volumes and should also give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character. The Department was satisfied that these criteria had been fulfilled and it was noted that the scheme proposed a significant amount of new landscaping (including native hedgerow planting to the site boundaries), as well as improvements to local ecology.

The overall height of the new building would be the same as the highest point of the existing northern shed (the southern shed was lower), but the overall floorspace would increase by around 27 percent. However, this was to be consolidated in a single building, rather than spread across the site. Taking into account the additional planting, the Department was satisfied that the landscape impact of the proposal would result in an overall improvement and was acceptable in policy terms.

A number of representations had been received in connexion with the application. In general, the theme of the comments made was not one of outright objection, but seeking assurance that adequate provision had been made to restrict, or eliminate, potential noise and odours emanating from the facility. The exact plant and equipment required for this purpose had not yet been determined (this would follow as part of the detailed design process). The applicants had indicated that they were willing to accept planning conditions requiring the submission of this information prior to the commencement of work on site. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from the applicant, Mr. M. Yates and his agent, Mrs. S. Steedman. Mrs. Steedman advised that the proposed design and the approach taken had been predicated upon compliance with Island Plan Policies. The aim was to reduce the impact on the landscape and the environment and the applicant was willing to comply with planning conditions designed to address such issues. Mrs. Steedman described the scheme as an 'exciting diversification opportunity for agriculture which would provide the industry with an 'extra strand' which was environmentally sustainable'. There had been no objections from the Parish.

In response to questions from members, the applicant confirmed that the plant required for the building would not result in any increase in the height of the proposed building. In terms of energy requirements for the operation, the Jersey Electricity Company was confident that there was an adequate supply and the applicant was also willing to consider solar power solutions. 6 full-time staff would be employed on site with the occasional requirement for some part-time staff. With regard to odours, professional advice had been sought and it had been confirmed that volatile organic compounds could be removed by carbon absorption filters. It was noted that the applicants owned the whole site and neighbouring Bramble Farm site. In terms of green waste, it was intended to extract as much of the product as possible to create a combustible bio mass waste product and this would be incinerated under the supervision of relevant Government Departments. In terms of waste water, plants would draw up water with added nutrients and there would be no need to flush the system because of the manner in which growth cycles worked – there would be 3 – 4 growing cycles each year. There was a large commercial bore hole on the site and the applicant also wished to use rain water. In response to questions regarding the need for indoor growing, it was noted that this was necessary for both security reasons and the particular strains which were to be grown for medical purposes required climate control. The product would be available both locally and for export and would be processed on site. With regard to a suggestion that regular noise and air quality monitoring should be carried out, the applicant advised that a high level of government regulation was required to obtain the necessary licence to grow and process the product.

The Committee heard from Mr. D. Houseago, Group Director, Economy and Partnerships. Mr. Houseago advised that the scheme was in accordance with Rural Economy Strategy Policies GSA 2, GSA 24 and GSA 25 and the Common Strategic Policy. Mr. Houseago explained that the application presented an opportunity to create a more vibrant economy and for the Island to become a regional leader in the production of high quality pharmaceutical products. Benefits to the Exchequer would arise and the operation would be highly regulated. Mr. Houseago confirmed that he had not visited a unit like that which was proposed. In response to questions he stated that the industry needed a boost and that a product which complimented more traditional crops/dairy was required. The Chairman expressed concerns regarding the sustainability of 'indoor farming', particularly in the context of Jersey's finite land resources, Mr. Houseago stated that existing policies encouraged innovation. The Chairman reminded the Committee of the number of redundant glass houses which were relics of the Island's one thriving tomato growing industry. He was concerned that approval of the application under consideration might lead to other similar applications for large bespoke sheds and this would have a significant impact on the countryside. Mr. Houseago confirmed that the re-use of existing buildings and infrastructure was preferable but he added that considerable rigour was applied in the assessment of applications. The scheme presented a window of opportunity and was in line with Rural Economy policies, which sought to drive innovation and move people from low to high economic activity.

15 Meeting  
11.07.19

The Committee discussed the application and the Chairman expressed considerable concern about the size of the proposed building and its impact on this sensitive Green Zone area. He stated that he would have preferred to see the re-use of the existing sheds for the operation. For this reason he could not support the application. However, the remaining members were supportive of the scheme and decided to grant permission, subject to the imposition of the conditions detailed within the officer report and on the basis of an additional green energy condition, which would be implemented prior to commencement.

Le Rué, La Rue de Rue, St. Martin: proposed conversion/demolition to provide self-catering accommodation.

477/5/2(57)

P/2019/0227

A6. The Committee considered a report in connexion with an application which proposed the conversion of a commercial garage, workshop, ancillary offices and a 3 bedroom residential unit to form one x 2 bedroom, 2 x three bedroom and one x 4 bedroom self-catering units. It was also proposed to demolish a car spraying shop and construct a 3 bedroom self-catering unit with associated car parking and landscaping to the north-west of the site, clear a builders' yard and construct a 3 bedroom residential dwelling with associated parking and landscaping to the east of the site and construct a car port and create car parking to the south-east. The Committee had visited the application site on 9th July 2019.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located in the Green Zone and Policies SP1, 4, 5 and 7, NE1, 2, 4 and 7, GD1, 6 and 7, NE1, 2, 4, 7 EIW3, EVE1, and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Le Rué was a 2-storey (former agricultural) granite barn with an established commercial/industrial use. The building housed a vehicle workshop with an associated spray booth alongside. There was also an adjoining commercial yard with an approved use for the storage of scaffolding equipment and vehicles. In addition, there was an existing 3-bedroom duplex apartment on the site within the granite barn. The commercial uses were considered to be somewhat anomalous and incongruous in this rural setting. The application proposed the conversion of the existing building to provide 4 units of tourism/visitor accommodation, together with the replacement of the adjacent spray booth with a fifth self-catering unit. The commercial yard was to be removed, and a new residential dwelling would be constructed in this area, together with a significant degree of landscape enhancement. The change of use from one form of employment use (vehicle workshop and commercial yard) to another (visitor accommodation) was considered to be acceptable within the Green Zone policy context. The construction of the new residential dwelling was more challenging in policy terms; however, this would replace the existing apartment. Overall, it was considered that the proposal would deliver significant benefits, including; addressing historic contamination of the site; the removal of 2 'bad neighbour' uses, which were considered to be inappropriate in this location, ecological and landscape improvements, architectural improvements to the existing building and in the design of the new units, and the establishment of new connections to main drains and water supply. On this basis, the application was supported and was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

It was considered that the applicants had addressed concerns raised by the immediate neighbours to the north and that the proposed development would not cause harm to neighbouring residential amenities. It had been concluded that the scheme would result in the establishment of a more pleasant residential development and landscape setting in this rural environment.

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

The Committee discussed the scheme with the applicant's agents, Mrs. S. Steedman and Mr. N. Blunden. In response to a question from a member, Mr. Blunden advised that an existing culvert under proposed unit No. 6 would be unaffected by the proposed development. An engineer would assess the condition of the culvert and identify any necessary repairs as part of the Building Bye Laws process. The applicant was willing to accept a condition requiring the same as part of the planning process. The Vice Chairman also suggested a condition requiring the obscure glazing of a first floor window on the north elevation.

15 Meeting  
11.07.19

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed within the officer report and on the basis of 2 additional conditions requiring the assessment of the culvert and the carrying out of any necessary repairs and the obscure glazing of a first floor window on the north elevation.

Heatherlea, Le Petit Pont Marquet, St. Brelade: proposed creation of new first floor/extension to south elevation.  
477/5/3(1069)  
P/2019/0314

A7. The Committee considered a report in connexion with an application which proposed to raise the roof of the property known as Heatherlea, Le Petit Pont Marquet, St. Brelade to create a new first floor. It was also proposed to construct a single storey extension to the south elevation of the property. The Committee had visited the application site on 9th July 2019.

Deputy G. Truscott, Vice Chairman 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 that Policies GD1 and 7, H6 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the above property was a 1940's flat roofed bungalow located on an elevated site in a densely developed Built-Up Area. The application proposed the remodelling of the property, to include the construction of an extension to the rear (south) and adding an upper floor with a flat roof. Bedrooms would be located on the lower floor and the main living accommodation would be above.

The Committee was advised that applicant had sought pre-application advice following the refusal of an earlier scheme (P/2016/0548), which would have added 2 additional floors to the house. The current scheme took account of the Department's advice and had been designed to mitigate the impact on neighbouring dwellings. In particular, the height had been kept to a minimum and windows would be obscure glazed on the front and side elevations (north and east). The main outlook would be to the south, over the generously sized garden, which was densely planted with mature evergreen trees.

9 neighbours to the north, south and east of the site had objected to the application. However, the Department was satisfied that the proposal was compliant with the relevant Island Plan Policies and was recommending approval, subject to the imposition of certain conditions detailed within the officer report. It was accepted that the proposed development would be prominent, being on a raised site, but it would be lower than the neighbouring property to the west. There was no dominant character to the area, with a mix of architectural styles and any overlooking from the proposed development would be minimal and perhaps mutual, as was normal and acceptable in similar Built-Up Areas of the Island, where the presumption was in favour of development.

The Committee heard from Mr. P. Crowther who was concerned about congestion on the road, car parking, overlooking from the proposed development and overbearing impact. He also highlighted the fact that there was an abundance of wildlife in the garden, to include toads, slow worms and newts and he noted that there was no provision for a pond within the scheme. Mr. Crowther suggested that a species survey be undertaken and any protected species relocated if permission was granted. He went on to discuss the fact that there was a German gun on top of the flat roof and other Occupation artefacts, which had been viewed by the Occupation Society. In concluding, Mr. Crowther asked the Committee to consider imposing conditions to restrict working hours and prevent parking on the road at any time. Mr. Crowther advised that if permission was granted he would consider appealing against the decision.

The Committee heard from Messrs. T. Dodd and S. Burnett. Mr. Dodd advised that his property enjoyed a significant level of privacy at present but this would be prejudiced by overlooking from the proposed development - even if windows were obscure glazed. The proposed development would also impact upon the privacy of neighbours to the west. The views which would be created by virtue of the proposed

15 Meeting  
11.07.19

development would be at the cost of neighbours' privacy and there would be an overbearing impact. He pointed out that during the winter months natural screening from plants would reduce. Mr. Dodd suggested that consideration be given to reducing the level of the site to minimise the impact. He did not believe that the scheme had changed significantly when compared with the previously refused scheme and concluded that the scale of the proposed development would be harmful to the character of the area and would be visually dominant. Mr. Dodd asked the Committee to consider the strength of feeling of neighbours.

The Committee heard from Mr. Burnett, who showed members a photograph of the rear elevation of his property to illustrate the relationship with the application site. He was concerned about the number of windows which would face his property and was not reassured by the partial obscure glazing of those windows. Mr. Burnett was not opposed to the redevelopment of the site and acknowledged that the existing bungalow was 'tired'. His objections related to the detrimental effect the development would have on neighbouring properties by virtue of loss of privacy. The application site was in an elevated position, with all surrounding properties sitting well below; even before the construction of the new level. The property would have panoramic views around the surrounding area, which Mr. Burnett considered strange in a built-up area.

The Committee heard from Ms. N. Dolmen, who advised that it was not clear from the submitted drawings how the proposed development would affect her property. She was concerned about the potential for noise and light pollution and asked the Committee to consider controlling any exterior lighting if it was minded to grant permission.

The Committee heard from the applicant, Mr. R. Bonney and his agent, Mr. P. Van Bodegom. Mr. Bonney advised that his son and his family had lived in the property for the last 5 years. The proposed design had been arrived at following detailed consultation with the Department. The previous scheme had been considerably higher and views from the first floor of the proposed development would be sky views. Mr. Bonney added that there were existing dwellings in the immediate vicinity which were higher than the proposed development. Mr. Bonney did not believe that there would be any view into Mr. Burnett's property, even during the winter months and there would be no overlooking to the gardens to the north, which were a considerable distance away. Mr. Bonney confirmed that it was necessary to retain the ground floor of the building to maintain the integrity of the structure.

Mr. Van Bodegom added that the existing ground floor had a good level of accommodation and it was proposed to reformat the internal layout of the property and create additional living accommodation above. There would be no panoramic views. In terms of the ground floor extension, this had been designed with a 'light touch' and would be constructed on an existing hardstanding area. Care had been taken to maintain existing mature foliage and there was no requirement for an ecological survey as there would be no impact on wildlife. The applicant was willing to include a pond in the garden area if the Committee felt this was necessary. However, it was noted that the applicant was unaware of there having been a pond in the garden previously. Mr. Van Bodegom stated that 3 car parking spaces were proposed and privacy concerns had been addressed by means of frosted glass on the north elevations to protect the amenity of neighbouring properties. He expressed the view that it was likely that the properties immediately adjacent would ultimately be redeveloped to achieve a better level of accommodation.

Having considered the application, the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report.

Au Caprice  
Hotel, La  
Route de la  
Haule, St.  
Brelade:  
proposed  
conversion and  
extension.  
477/5/3(775)  
P/2018/1696

A8. The Committee considered a report in connexion with an application which proposed the demolition of an existing extension at Au Caprice Hotel, La Route de la Haule, St. Brelade and the construction of a new 2-storey extension to the north-west elevation with roof terraces and a balcony to the south-east elevation. It was also proposed to convert the hotel to form 4 x 2 bedroom and one x one-bedroom residential units. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the vast majority of the application site was located in the Built-Up Area and the north-eastern corner was located in the Green Zone. Policies NE7, H6, SP1, BE6, GD1, 3, 5 and 7, BE6 and E1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that permission had previously been refused for the renewal of a permit for a first floor extension at the rear to extend the manager's flat on the grounds that it was contrary to Policies GD1, 5 and 7 and BE6.

The current application sought permission for the conversion of the existing guest house and manager's flat to provide 5 residential apartments, with a single storey extension at the rear and other internal and external alterations. The scheme had been amended to address some of the concerns raised by the Department and other parties. In policy terms there was no objection to the proposed change of use. The key issues were traffic and visual impact. On balance, the Department considered that the scale and nature of the rear extension and external alterations were sympathetic and that the proposed development would not unreasonably impact upon neighbouring properties or the setting of an adjacent Listed Building. Furthermore, it was not believed that the change of use would result in a significant increase in vehicle movements, notwithstanding concerns raised by the highway authority. It was recalled that the existing guest house could accommodate 27 guests and given the limited on site car parking proposed (7 spaces) and the fact that alternative travel options were available in the area, it was felt that the scheme would not lead to a significant increase in trips. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

10 letters of objections had been received from 6 individuals, together with 5 letters of support.

In response to a question from a member regarding the location of the car parking area, it was noted that the authorised use of the land in question was agricultural. However, in 2011 permission had been granted for a first floor extension at the rear and car parking for the guest house had been shown in this area. The Committee had subsequently refused permission for the renewal of that permit, but not for this reason. Approval of the current application would signify an acceptance that the land formed part of the domestic curtilage.

The Committee heard from Mr. J. Naish, representing the residents of La Mielle House and Overton Lodge. Mr. Naish advised that whilst residents did not object to the proposed change of use and recognised that the building required some work, the scheme did not meet the minimum standards for parking or those set out in the new draft standards. The size of the car parking spaces proposed was also an issue as they were smaller than required. Mr. Naish did not believe that it was appropriate to use the public car park to supplement residential car parking, particularly as parking in the area was limited. He referred the Committee to comments received from the Highway Authority in connexion with the vehicular access and noted that there had already been a road traffic accident in the immediate vicinity of the application site. Any increase in the use of the access/road was of concern. In terms of amenity space, Mr. Naish stated that this was also inadequate and there would

15 Meeting  
11.07.19

likely be a requirement for some privacy screening. There would be direct views into Overton Lodge. He noted that there was no refuse store and believed that access to the bicycle store would be difficult. The main bedroom of proposed unit no. 2 was undersize, but could be increased if the proposed new unit was not built – this would also address concerns regarding over development, would reduce the car parking requirement and facilitate the creation of more amenity space. The proposed car parking area would be located in the Green Zone and there were concerns regarding drainage and building over soakaways at the rear. The application form was also believed to be factually incorrect, but this had been removed from the website so it was not possible to see if it had been corrected. In conclusion, Mr. Naish stated that the scheme failed to meet the standards in respect of car parking, amenity space and drainage.

The Committee heard from Ms. L. Morris of Nude Food Beach Café. Ms. Morris supported the application and stated that the scheme represented a visual improvement and would provide much needed accommodation. She did not believe that the proposed extension would have a significant visual impact and pointed out that there was parking opposite the site. At present there were more than 6 vehicles parked on the application site and using the access so Ms. Morris did not agree that the scheme would intensify vehicular movements. She also pointed out that the existing guest bedrooms benefitted from balconies so many of the issues raised by objectors already existed.

The Committee heard from the applicant, Mr. W. Linguard. Mr. Linguard stated that a new dropped kerb would be created in front of the access and bicycle racks would also be provided as part of the scheme. The vast majority of the proposed development would be located in the Built-Up Area and Mr. Linguard pointed out that the existing guest house had used the designated agricultural land for a number of years – it was noted that enforcement action could not be taken due to the time period which had elapsed. He too stated that guests had access to balconies at present and that tourists using the access were unfamiliar with local road conditions, which presented a greater risk. It was acknowledged that the car parking spaces would be slightly short, but there would be a large turning area. The case officer confirmed that this was not considered to be problematic, although it was suggested that space no. 3 could be moved slightly further down.

Having considered the application the Committee, with the exception of Deputy S.M. Wickenden, expressed concerns regarding the visual impact of the proposed extension, which was considered to represent an overdevelopment of the site and a harmful visual impact on the open aspect of the Green Zone field to the south-west.. This overdevelopment would, in turn, reduce ability to properly service the site. Consequently, the application was refused, contrary to the officer recommendation. As the Committee was not scheduled to meet until September 2019, a telephone meeting would be convened to confirm the decision and set out the formal reasons for refusal.

Le Coin (land to the east of), Manor Park Road, St. Helier:

proposed new dwelling.  
477/5/1(653)

P/2018/0878

A9. The Committee considered a report in connexion with an application which proposed the construction of a 2 bedroom dwelling in the garden to the east of the property known as Le Coin, Manor Park Road, St. Helier. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies SP1, 2 and 4, GD1 and 7, NE7, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance - Planning Policy Notes 6: A Minimum Specification for New Housing Developments January 2009, and 3 - 'Parking Guidelines - September 1988.

The Committee was advised that the application followed on from pre-application advice which raised concerns about the layout of the proposed development. These concerns had not been addressed in the submitted scheme, with the footprint of the dwelling almost filling the entire site, resulting in a cramped form of development. In terms of the impact on neighbours, there had been inaccuracies in the labelling of elevation drawings and an absence of elevations or sections showing the most directly affected neighbouring property, Weelsi, it was considered that the application failed to demonstrate that the scheme would not result in unreasonable harm to the amenities of neighbouring properties. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies GD1 and GD7 of the 2011 Island Plan.

A total of 12 letters of representation had been received in connexion with the application - 4 of which supported the proposed development.

The Committee heard from Mrs. D. Hardiman, who objected to the application. The site bordered National Trust land in the Green Zone and she believed that the scheme would have a detrimental impact on the woodland and valley below. Mrs. Hardiman stated that the scheme would result in the overdevelopment of the site as the garden area was limited in size and the proposed development was likely to cause a landslip, which would have a catastrophic effect on the property known as Weelsi. Mrs. Hardiman considered the proposed design to be out of context for the area. The proposed development would be prejudicial to the privacy of the property known as Palm Grove, which had been owned by Mrs. J. Averty, who had donated the National Trust land. Mrs. Hardiman believed that the proposed development would be obtrusive and would compromise this green and unspoilt land.

The Committee heard from Mr. R. Averty, the step-son of Mrs. J. Averty. Mr. Averty showed the Committee photographs depicting the view from Palm Grove farmhouse in order to demonstrate the relationship with the application site. Mr. Averty was concerned that the proposal to remove 2 trees from the bank would destabilise it and result in damage. He was also concerned about overlooking from the proposed new dwelling to Weelsi and St. Patrick's and he stated that if he lived in either of these properties he would find the proposed development most obtrusive.

The Committee heard from Mrs. R. Higgins, who lived at the property known as Weelsi. Mrs. Higgins expressed significant concern about the impact of the proposed development on her property and, in particular, the loss of privacy. She too was worried about the potential for a landslide, the impact on wildlife and the National Trust land.

The Committee heard from Mr. J. Measday, Mrs. Higgins' son-in-law, who echoed her concerns about loss of privacy and the potential for a landslide. Mr. Measday explained that the application site was several feet above Weelsi and he did not believe that the submitted plans properly illustrated the relationship between the 2

sites.

The Committee received Mrs. S. Steedman, the applicant's agent, Senator I. J. Gorst, in his capacity as Minister for External Relations and Sir P.M. Bailhache, KBE in his capacity as a former Minister for External Relations.

Senator Gorst addressed the Committee, highlighting the fact that land was a scarce resource and pointing out that whilst there had been opposition to the scheme there had also been support for it. The application site was in the Built-Up Area and should be considered for development. Whilst the Department's position was that the proposed development would be cramped, the Island Plan sought to make better use of sites in the Built-Up Area. Senator Gorst believed that schemes which used space creatively should be supported and encouraged in order to deal with the housing crisis. The proposed development would not 'encroach in an over-bearing manner on neighbours' and sufficient car parking would be provided. The Senator acknowledged that the Committee faced a difficult decision in terms of balancing support for and objections to the scheme. The Committee also had to decide whether the scheme made the best use of the limited space, as set out in the relevant Island Plan Policies, which he believed supported the application.

Sir Philip addressed the Committee, stating that he believed that this was the first time the current and former Ministers for External Relations had appeared before the Planning Committee in support of an application. The applicant was the Honorary Consul for Poland and Sir Philip advised that approval of the application would assist her in carrying out her role. Sir Philip referred to the 2 recommended reasons for refusal, as set out in the officer report. He stated that he could not understand the intensity of the objections of neighbours, particularly as only one window in the bedroom would overlook Weelsi. This was hardly something which would cause unreasonable harm. In terms of mass, there was an obligation to make the best use of sites in the Built-Up Area. Sir Philip advised that the applicant's architect had produced a drawing which put the central information on the plans in diagrammatic form. He asked the Committee to compare the size of the proposed new dwelling with the existing and the buildings immediately below and adjacent. He argued that, in terms of the site and the overall environment the proposed building was not out of proportion to existing buildings. Criticism had been made of the design of the building, but Sir Philip pointed out that the area comprised a mix of architectural styles, to include a municipal building behind the application site. The proposed dwelling was higher than Le Coin by 67.8 centimetres, but Le Coin was a low building according to the Department's report. This was a question of judgement and Sir Philip urged members to grant permission. In response to a question from a member, Sir Philip confirmed that he had visited the application site.

Mrs. Steedman addressed the Committee, repeating that there was support for and opposition to the scheme. Concerns related to the impact of the development on neighbours and the environment. The application site was in the Built-Up Area and the scheme was in accordance with Policies SP1, SP7, GD1, GD3, GD7 and H6. Mrs. Steedman was of the view that the concerns which had led to the Department's recommendation for refusal were subjective and the applicant had been criticised for filling the site. The terrace would over sail the cotil by 2 metres and a structural engineer would be employed to ensure that the bank was not compromised. Modern and innovative construction methods would be used and this was to be encouraged. An ecological assessment had been produced and a species protection plan would follow. There was a mix of character of development in the area so the proposed development would not be out of context. With regard to the 2 trees which would be lost, one was dead and dangerous and 8 new trees and a comprehensive landscaping scheme were proposed. The accommodation was in accordance with the agreed

standards and Mrs. Steedman stated that if the suggestion that an extension could be built instead was pursued, this would bring development nearer to neighbouring properties. With regard to the first floor window, whilst this could be obscure glazed Mrs. Steedman pointed out that, due to the topography of the area, overlooking relationships already existed. In concluding, Mrs. Steedman referred the Committee to Article 19 (1) and (2) of the Planning and Building (Jersey) Law 2002, as amended, which required that 'all material considerations shall be taken into account in the determination of an application for planning permission' and that, 'in general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan'.

The Committee heard from the applicant's architect, Mr. N. Socrates, who confirmed that no longitudinal drawing had been submitted.

Having considered the application the Committee endorsed the Department's recommendation to refuse permission for the reasons set out above. The Chairman expressed the view that whilst the potential existed for some form of development on the site, he could not support the submitted scheme. In addition, some concern was expressed with regard to the quality of the drawings submitted.

15 Meeting  
11.07.19

Thorpe  
Cottage,  
Westmount  
Road, St.  
Helier:  
proposed new  
dwellings.  
477/5/1(654)  
  
P/2019/0354

A10. The Committee considered a report in connexion with an application which proposed the construction of 2 x 3-bedroom dwellings with associated parking and landscaping in the walled garden of the property known as Thorpe Cottage, Westmount Road, St. Helier. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and the Green Backdrop Zone. Policies GD1 and 7, HE1, NE2, BE3, H6, LWM3, SP4 and 6, TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance - Planning Policy Notes 6: A Minimum Specification for New Housing Developments January 2009, and 3 - 'Parking Guidelines - September 1988.

The Committee was advised that the application sought consent for the construction of 2 dwellings within the walled garden of a Grade 3 Listed Building. The garden was located in front of the dwelling house and formed the setting of Thorpe Cottage, as identified in the Listing Schedule. Whilst the proposed development was not considered to cause unreasonable harm to neighbouring residents and would deliver 2 additional dwellings in the Built-Up Area, the impact upon the setting of this Grade 3 Listed Building was considered too great. Furthermore, an objection had been received from the Highway Authority concerning visibility and highway safety, which could only be addressed by altering a Listed wall, which would raise further objections from the Historic Environment Section. As such, the application was recommended for refusal on the basis that it failed to preserve or enhance the setting of a Listed Building, contrary to Policies HE1 and SP4 and was prejudicial to highway safety, contrary to Policy GD1.

14 letters of support had been received in connexion with the application. The application had also attracted an objection from the Historic Environment Section and the Highway Authority. The Committee's attention was also drawn to comments received from the Parish of St. Helier and the Natural Environment Section.

The Committee received Messrs. B. Young and G. Woods. Mr. Young advised that the scheme would provide affordable housing and the Listed Building would be refurbished. Access to mains drains could be achieved via land to the east and land to south would be offered to provide additional car parking for Overdale Hospital or the crematorium. Improving access arrangements was difficult due to the existence of the historic wall.

The garden area had been offered to the States of Jersey in the past to provide additional land for the crematorium, but no response had been received. Mr. Young also noted that electricity sub-stations to the rear of Thorpe Cottage encroached on the land.

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

Clos Tourgis,  
La Rue des  
Servais, St.  
John: proposed  
demolition and  
redevelopment.  
477/5/3(1070)

P/2019/0462

A11. The Committee considered a report in connexion with an application which proposed the demolition of the property known as Clos Tourgis, La Rue des Servais, St. John and its replacement with a new 5 bedroom dwelling with associated car parking and landscaping. The Committee had visited the application site on 9th July 2019.

Having declared a conflict of interest, the Director, Development Control withdrew from the meeting for the duration of this item.

A site plan, drawings and a 3 dimensional model were displayed. The

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 that Policies GD1 of the 2011 Island Plan was of particular relevance.

The Committee was advised that the scheme sought to demolish an existing property and construct a replacement property. Whilst the 2011 Island Plan had included Policy GD2 – Demolition and Replacement of Buildings - which sought to restrict development of this nature, this had been removed when the 2011 Island Plan had been revised in 2014. However, Policy GD1.1(a) presumed against development proposals which would replace a building that was capable of being repaired or refurbished. In order to satisfy the requirements of this policy a condition survey, prepared by a suitably qualified person, was required as part of a planning application. In this particular instance, photographs and annotations had been included in the planning and design statement, which also included a commentary on the desire to remove internal walls, the lack of insulation and the need to overhaul the electrical and plumbing services. However, this was insufficient to demonstrate that the building was not capable of repair and refurbishment. Accordingly, the scheme did not satisfy the requirements of Policy GD1.1a. When proposals sought to replace a single dwelling with multiple dwellings it could be argued that this was a more sustainable use of land which might justify the removal of an existing building. There were also situations where the replacement of a building would achieve significant planning benefits in terms of impact upon the character of the area. However, the application did not achieve any significant planning benefit which would outweigh the requirements of Policy GD1.1(a). Whilst the submitted scheme was acceptable in all regards with conditions, it failed to satisfy the requirements of the aforementioned Policy and was recommended for refusal on this basis.

The Committee heard from the applicants, Mr. and Mrs. Le Vesconte and their agent, Mr. C. Dunne. The Committee discussed the scheme with the applicants and their agent and advised that it was likely that the Island Plan review would address the anomalous Policy GD1.1a framework.

The Committee concluded that there was no merit whatsoever in retaining the existing building, which was clearly in a poor state of repair, and decided to grant permission, contrary to the officer recommendation. A telephone meeting would be convened to confirm the decision in the absence of a scheduled meeting during the month of August.2019

15 Meeting  
11.07.19

Wheat  
Cauchon, Old  
St. Andrews  
Road, St.  
Helier:  
proposed  
demolition of  
garage/  
construction of  
dwelling  
(RFR).  
477/5/1(655)  
P/2019/0090

A12. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which proposed the demolition of a garage at the property known as Wheat Cauchon, Old St. Andrews Road, St. Helier and the construction of a new dwelling to the north of the site. The Committee had visited the application site on 9th July 2019.

Deputy G. Truscott, Vice Chairman 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 that Policies SP1, 2 and 4, GD1, BE3, GD7, H6 and TT4 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance - Planning Policy Notes 6: A Minimum Specification for New Housing Developments - January 2009, and 3 - 'Parking Guidelines - September 1988.

The Committee was advised that it was proposed to construct a 2-storey dwelling in the corner of the front garden of the above named property. It was acknowledged that the site was of sufficient size to accommodate 2 dwellings if it were cleared. However, the scheme sought to retain the host dwelling, which was located in such a position that there was insufficient space to accommodate an additional dwelling without it resulting in a cramped, overdevelopment of the site. The lack of space was evident from the contrived and incongruous design of the proposed new dwelling, which had no design relationship with the host dwelling and appeared to be shoe-horned into the corner of the site. There was a distance of 2 - 4 metres between Wheat Cauchon and the proposed new dwelling and the outlook for the occupiers of Wheat Cauchon would be compromised by a dwelling in such close proximity. The main outlook for the proposed dwelling was to the south and east - which directly overlooked Wheat Cauchon, resulting in unreasonable loss of privacy. This loss of privacy was exacerbated by a first floor balcony. The proximity of the 2 dwellings was also considered to be overbearing.

In conclusion, it was considered that the scheme would result in a cramped overdevelopment of the site and the relationship between the existing and proposed dwelling was considered harmful to the living conditions of the occupants of the proposed new dwelling, resulting in a loss of privacy and an overbearing impact. Insufficient car parking had been provided and undersized car parking spaces were shown. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and GD7, TT4, SP6 and BE3. In addition, the scheme did not accord with Planning Policy Note 3 - 'Parking Guidelines - September 1988'. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Messrs. E. Rous, the applicant, G. Ludlow and M. Dennis, the agent. Mr. Dennis believed that the scheme aligned with the relevant Island Plan Policies. No representations had been received and it was felt that the site was suitable for development. The proposed new unit would accommodate a family member on family land and would replace a semi derelict and underused garage which would result in a visual improvement. Sufficient car parking and amenity space were provided, without diminishing the amenity of the principal dwelling. The application site was close to local amenities in a reasonably densely developed area and there would be no harm to the Green Backdrop Zone.

Mr. Rous explained that it was intended that the dwelling would be occupied by his daughter and her partner, Mr. Ludlow. He discussed his daughter's medical condition, which prevented her from holding down a job.

Mr. Ludlow extended apologies on behalf of his partner, Miss Rous, who was unable

to attend due to ill health. He advised that as Miss Rous was unable to work they were not in a financial position to purchase a property of their own. He too discussed the specific challenges faced by Miss Rous and advised that living close to her family would be mutually beneficial. It was intended that the proposed new dwelling would share amenities with the principal dwelling and Mr. Ludlow did not believe that the proposed development would be harmful to the Green Backdrop Zone.

The Committee, with the exception of Deputy S.M. Wickenden, was persuaded by the applicant's arguments and decided to grant permission, contrary to the officer recommendation and on the basis that the applicant enter into a Planning Obligation Agreement be entered into which would tie the 2 properties so that they shared amenities. The Committee was of the view that the scheme would not be harmful to the character of the area and that the proposed design would be complimentary.

15 Meeting  
11.07.19

Fleur de Lys,  
La Vallee de  
St. Pierre, St.  
Lawrence:  
proposed new  
dwelling  
(RFR).  
477/5/3(1071)  
  
RP/2018/1773

A13. The Committee considered a report in connexion with an application which had been refused by the Department under delegated powers and which proposed the construction of a new dwelling with integral single garage to the east of the property known as Fleur de Lys, La Vallee de St. Pierre, St. Lawrence. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area of the Green Backdrop Zone and that Policies H6, BE3, GD1 and GD7 of the 2011 Island Plan were of particular relevance. The Committee's attention was also drawn to Supplementary Planning Guidance - Planning Policy Notes 6: A Minimum Specification for New Housing Developments - January 2009, and 3 - 'Parking Guidelines - September 1988'.

The Committee was advised that the application proposed the construction of a one and a half storey building to the east of Fleur de Lys, to create a one bedroom self-contained residential unit, inclusive of integral garage, on what presently formed the parking area for Fleur de Lys. Notwithstanding the Built-Up Area designation of the application site and the presumption in favour of residential development, the Department had concluded that the proposals would result in a cramped, overdevelopment of this back-land site which would have an unacceptable overbearing impact on the occupants of the property known as Mayfayre, to the east. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1 and GD7 and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. I. Garnon, who represented his mother and Mr. J. Ward. Mr. Garnon advised that he was objecting on the grounds of loss of amenity to the north. The proximity of the proposed development would have an unreasonable impact on his mother's property - Mr. Garnon showed members a photograph of his mother's property and explained that the ridge of the proposed development, including velux windows, would be approximately 2.4 metres above the height of the garden wall. There would be a 13 metre gap from the gable wall to his mother's property and there would be overlooking from the balcony. Mr. Garnon believed that the application failed to meet the policy test set out in Policy GD1 and would result in the overdevelopment of the site, having an adverse affect on the amenities of neighbouring properties.

Mr. Ward advised that he lived at the property known as Mayfayre and he was concerned about loss of light and amenity.

The Committee received the applicant, Mr. P. Harrison and his agent, Mr. R. Le Sueur. Mr. Le Sueur stated that the proposed development used the site efficiently without affecting neighbours. Furthermore, the applicant was satisfied with the distance between the new unit and Fleur de Lys and it was intended that it would be occupied by a family member. The inability to access the new dwelling independently was not an issue for the applicant and the density of development was lower than other Built-Up Area sites. The design had been tailored to fit the site and the roofline would slope away from Mayfayre. The garden to Mayfayre was already severely overshadowed and any impact from the proposed dwelling would be minimal.

Mr. Harrison added that sunlight was already restricted by some existing trees. Mr. Harrison believed that the application site was sufficiently large to accommodate the proposed development and did not agree with the Department's assessment that the development would be cramped. He also added that access to the site was not problematic.

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

Agricultural shed – Clamer, La Route de Mont Mado, St. John: proposed demolition/ construction of new dwellings (RFR).

477/5/3(1072)

PP/2018/1077

A14. The Committee considered a report in connexion with an outline application which had been refused by the Department under delegated powers and which proposed the demolition of an agricultural shed at the property known as Clamer, La Route de Mont Mado, St. John. The Committee had visited the application site on 9th July 2019.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies GD1, GD7, E1, ERE1 and ERE5 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application proposed the replacement of a block built agricultural shed with 2 dwellings. The application followed on from 2 previous refusals and had been refused on the basis of a failure to prove redundancy to agriculture and other employment uses, highways issues and detrimental impact upon the character of the area. The Land Controls and Agricultural Development Section had objected to the application. It was recommended that the Committee maintain refusal.

The Committee received the applicants, Mr. and Mrs. A. Coutanche and their agent, Mr. S. Osmand. Mr. Osmand advised that the existing shed had not been used since 2007, when the applicants had retired from farming. It was not suitable for modern agricultural requirements and there had been no interest in using it for this purpose. The application site was in the Built-Up Area and was surrounded by development. The interest which had been shown in the use of the shed had been for vehicle storage and from developers who wished to construct housing on the site. Any use by a commercial enterprise was likely to lead to objections. Whilst Policy E1 sought to retain employment land use, it was emphasised that the site had not been used for employment purposes for over 12 years. In any case, considerable investment in the shed would be required for an alternative use, with the replacement of the roof alone costing in the region of £50,000. Mr. Osmand believed that the shed was suitable for redevelopment and he reminded the Committee that the Island Plan presumed in favour of development in the Built-Up Area. The applicants wished to construct 2 family homes for their children and it was noted that 50 per cent of the proposed development would be situated further away from the boundary than the existing shed. There was also sufficient land to widen the existing driveway.

The Committee unanimously refused the application. In doing so members concluded that the shed was, however, redundant from agriculture and other employment land uses. The Committee was also satisfied that the highways issues could be overcome. Consequently, it was agreed that reasons for refusal 1 and 2 should be struck out and the application was refused solely on the grounds of impact upon the character of the area. The Committee was generally uncomfortable with the information submitted as part of the application, which did not demonstrate (due to the lack of detail) the impact on the character of the area or the site. However, the Committee accepted that the site was suitable for redevelopment.

15 Meeting  
11.07.19

La Mouette, La  
Rue de la  
Lande, Trinity:  
revised plans.  
File

RP/2019/0349

A15. The Committee considered a report in connexion with a revised application which had been refused by the Department under delegated powers and which proposed enlarging 2 roof lights to the south-east and north-west elevations of the property known as La Mouette, La Rue de la Lande, Trinity and the omission of a gable window to the north east elevation. The Committee had visited the application site on 9th July 2019.

Connétable P.B. Le Sueur of Trinity 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 Green Zone and that Policies GD1, GD7 and NE7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the above application had been refused on the basis that the increased size of the Cabrio Balcony/rooflight over the approved rooflights, afforded occupants the ability to lean or stand beyond the plane of the roof. The proximity of neighbouring properties to the rear meant that the proposal would result in harmful overlooking views into the primary amenity space and habitable rooms of the neighbouring property, known as Highlands. As such, the proposal failed to meet the requirements of Policy GD1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Ms. T. Fricot, who advised that there was no overlooking from her property to her neighbours' property as it was screened by a high wall and planting. Ms. Fricot showed the Committee a photograph in support of this argument. She also pointed out that there had been a significant amount of development in the immediate vicinity.

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

Planning and Building (Jersey) Law 2002:

recommendations in accordance with Article 9A. 410/99(1)

A16. The Committee decided to make the following recommendations to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

that the Minister support the removal of Policy GD1.1(a) from the new Island Plan (Minute No. A11 refers);and

that some thought be given to adopting more holistic approach to development in St. Helier and to the inclusion of community facilities in development proposals.