

KML

PLANNING COMMITTEE

(11th Meeting)

21st October 2021**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence, Deputies R.E. Huelin of St. Peter, L.B.E. Ash of St. Clement and M.R. Le Hegarat of St. Helier, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chair
 Deputy K.F. Morel of St. Lawrence
 Deputy S.G. Luce of St. Martin
 Deputy J.M. Maçon of St. Saviour
 Connétable M. Troy of St. Clement

In attendance -

G. Duffell, Principal Planner
 C. Jones, Senior Planner
 J. Gladwin, Senior Planner
 E. Stables, Senior Planner
 L. Davies, Planner
 G. Vasselin, Planner
 J. Gibbons, Trainee Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe

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

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| Minutes. | A1. The Minutes of the meetings held on 29th and 30th September 2021, having been previously circulated, were taken as read and were confirmed. |
| St. Clement's Golf Club, Recreation Ground, Plat Douet Road, St. Clement: proposed replacement of disused tennis courts with covered padel tennis courts. | A2. The Committee, with reference to its Minute No. A7 of 29th September 2021, considered a report in connexion with an application which sought permission for the replacement of 2 disused tennis courts at St. Clement's Golf Club, Recreation Ground, Plat Douet Road, St. Clement with 3 covered padel tennis courts, with associated landscaping. The application also proposed floodlighting and an informal seating area for 2 uncovered padel tennis courts. The Committee had visited the site on 28th September 2021. |
| P/2021/0823 | The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formal decision confirmation and the approval of any conditions which were to be attached to the permit, the application was re-presented. It was noted that a Planning Obligation Agreement to secure a contribution of £8,100 towards the Eastern Cycle Route was also proposed. |

Connétable P.B. Le Sueur of Trinity, Chair advised the Committee that he was uncomfortable with the proposed contribution to the Eastern Cycle Route on the basis that the application was for a sporting facility, as opposed to a residential

development. However, having sought the view of the Committee on removing the POA and having received support from only one other member (Deputy J.M. Maçon of St. Saviour), the POA was retained and the Committee granted permission, subject to the imposition of the 3 conditions set out in the officer report.

Chestnut House, La Grande Route de St. Pierre, St. Peter: proposed removal of condition of permit.

RC/2021/0664

A3. The Committee, with reference to its Minute No. A6 of 29th September 2021, considered a report in connexion with an application which sought permission for the removal of a condition attached to the permit in respect of the redevelopment of Chestnut House, La Grande Route de St. Pierre, St. Peter (planning application reference P/2019/0674). The Committee had visited the site on 28th September 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formal decision confirmation, the application was re-presented. In doing so, the Committee had agreed to make representations to the Minister for Infrastructure in the strongest possible terms regarding the provision of a safer access route from Chestnut House to La Grande Route de St. Pierre in the form of a crossing. The Committee had requested that the Director, Head of Development and Land action this request.

The Committee granted permission.

No. 14 Havre des Pas (Sovereign Hire Cars site), St. Helier: proposed change of use of part of site.

P/2021/0294

A4. The Committee considered a report in connexion with an application which sought permission for the change of use of part of the Sovereign Hire Cars site at No. 14 Havre des Pas, St. Helier to facilitate the use of the site for private car parking. Retrospective permission was also sought for 14 car ports. The Committee had visited the site on 19th October 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies SP1, 2, 3, 6 and 7, GD1, 3, 4, 5, 6 and 7, TT8, GD1, GD7, BE1, TT11, TT13 and EVE2 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site had been used as a car parking depot (with ancillary office and storage buildings) for a hire car business for approximately 35 years. Records revealed that permission had never been sought or granted for the hire car use. The application under consideration sought permission for a change of use to facilitate private parking for nearby residents. 38 surface car parking spaces for private vehicles and 3 hire car spaces were shown on the submitted plans. Over the last 18 months the applicant had also constructed 14 car ports in association with the private car parking use. The car ports had galvanised corrugated steel roofs and timber posts.

The Committee recalled that Policy SP6 sought to reduce dependence on the car and stated, amongst other things, that proposals should not give rise to an unacceptable increase in vehicular traffic, air pollution or parking on the public highway. Policy TT11 stated that permission for the development of new private non-residential car parks with public access in St. Helier would not be permitted, except where the 3 listed policy criteria were met. In this particular instance criteria Nos. 1 and 2 of Policy TT11 were not met. The Committee was advised that the busy road at Havre des Pas was a main route from the east of the Island to St. Helier and the application site was located within a popular residential and leisure area. The Highway Authority strongly objected to the application on the basis of the number of incidences of road traffic accidents. The scheme promoted the use of private vehicles in an area where all local amenities and services were accessible by alternative means. The proposal would intensify the use of the access to the application site and

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increase traffic in this congested part of town. Furthermore, the car park did not replace public car parking which had been lost, but provided additional private car parking.

The application was recommended for refusal on the basis that it would not reduce dependence on the car and would lead to unacceptable problems of traffic generation. The proposal would also stifle the potential redevelopment of the site. Consequently, the application was contrary to Policies SP1, SP2, SP6, GD1 and TT11 of the 2011 Island Plan.

10 letters of support for the application had been received.

During the site visit the Committee had noted that the number of car ports on site exceeded the number applied for. Furthermore, there appeared to be a retail element and a car sales area.

The Committee heard from Mr. ■ Scally, Solicitor, acting on behalf of the applicant, Mr. ■ Young. Mr. Scally advised that the application site had been used for car parking for a number of years and the Department had been advised of this. The applicant had been informed of the need to regularise the use and had been advised that the historic use of the site for car parking meant that enforcement action was no longer possible due to the length of time which had elapsed. Mr. Scally contended that the Committee could not prevent the applicant from using the site for car parking and he stated that there was no viable alternative use for the site at present.

The Committee heard from Mr. ■ Osmand, also representing the applicant, Mr. Young. Mr. Osmand advised that the current authorised use was a coach station and that there had been parking on the site for in excess of 40 years (as evidenced by aerial photographs from 2008 and 2017). However, spaces had not been allocated in the past and a greater number of vehicles had used the site for car parking. If permission was granted, the applicant was willing to accept a condition which prevented the car park from being used for commuter parking. Mr. Osmand confirmed that a retail business which made vehicle registration plates also operated from the site. In terms of the car ports which had been erected, a number of these had been erected by the previous owner over 20 years ago, meaning that enforcement action was no longer an option. The applicant had not appreciated that he required planning permission for the construction of the new car ports. Mr. Osmand advised that both Jacksons and Motor Mall used the site for car sales and again, this use was believed to be historic. Reference was made to a letter from Jacksons which confirmed that the company had been using the site to display vehicles for over 15 years. Turning to Policy TT1, Mr. Osmand stated that the use was not new and that the car park would not be used for the wider general public with a barrier access arrangement being in place. Furthermore, car parking on the site would alleviate congestion in core areas. There was considerable support for the car parking provision and objections from the Highway Authority were attributed to historic road traffic incidences involving hire cars. Finally, it was noted that the hire car parking spaces would be reserved for electric vehicles.

Ms. ■ Duffell, Principal Planner advised the Committee that whilst it was not possible to take enforcement action in respect of a breach of development control which had occurred more than 8 years ago, it did not necessarily follow that planning consent would be granted.

The Committee heard from Mr. ■ Carney, also representing the applicant, Mr. Young. Mr. Carney advised the Committee that he was in receipt of confirmation that the application was supported by at least 4 residents and one property owner in

the area. Mr. Carney echoed comments made by Mr. Osmand with regard to the policy context and the Department's interpretation of the same. In terms of the comments received from the Highway Authority, these were described as 'muddled' and lacking proper verification. Mr. Carney argued that the existing access and visibility splays complied with 2019 guidance and he pointed out that the speed limit on the road was 20 miles per hour and that there was a pedestrian footpath. He confirmed that the car parking spaces would be used by residents living within a 500 metre radius of the application site and that the existing retail element would be extinguished. Deputy K.F. Morel of St. Lawrence advised that, if permission was granted, he would personally visit the site to ensure that this retail outlet was no longer operational.

The Committee concluded that it would wish to view both historic and more recent aerial photographs of the site prior to making any decision. Members also expressed the view that the exact nature of the proposals were most unclear and the Chair commented that the car ports which it was claimed had been erected over 20 years ago appeared to be in remarkably good condition.

The Committee decided to defer consideration of the application pending the receipt of further information and clarity in terms of what exactly it was being asked to determine.

Oakfield
Sports Centre,
Wellington
Road, St.
Helier:
proposed new
sports centre.

A5. The Committee considered a report in connexion with an application which sought permission for alterations to the existing sports centre building and the construction of a new sports centre with associated changing rooms, teaching areas, offices and plant space to the south east of the existing Oakfield Sports Centre, Wellington Road, St. Helier. The Committee had visited the site on 19th October 2021.

P/2021/0835

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone. Policies SP1, 4, 6 and 7, GD1, 7 and 8, NE2, NE4, BE3, SCO3 and 4, TT2, 4, 8 and 9, LWM2, LWM3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that fiscal stimulus funding had been approved in 2020, for the proposed new facility. 2 key projects had been identified to deliver alternative sports facilities to replace Fort Regent; Oakfield and Springfield. Oakfield also presented an opportunity for Highlands College and Hautlieu School to expand curricular and extra-curricular sporting and physical activities. It was also envisaged that the proposed new sports centre would become a hub for netball and other sports.

In terms of the proposed new facility, the Committee was advised that the principle of a new sports facility on this site was considered acceptable. However, the Department was uncomfortable with the size of the proposed new building in what was a very open and visible location, where there were currently no buildings. The Department was also mindful of all of the Government's Strategic Policies, to include the protection of the environment. Whilst the proposed alterations to the existing sports hall and the erection of a new external store were considered to be acceptable, overall concerns regarding the size of the new building had led to a recommendation for refusal on the grounds that the application was contrary to Policies GD1, GD7, BE3 and SCO4, SP7 and WM1 of the 2011 Island Plan.

The Committee noted that no representations had been received in connexion with

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the application and an initial objection from the Highway Authority had been withdrawn subject to the submission of a travel plan and a car park and access movement strategy, both prior to commencement.

The Committee heard from Mr. ■ Scate, Director General, Infrastructure, Housing and Environment Department, representing the Government of Jersey. Mr. Scate discussed the vital importance of the project in terms of the provision of a replacement facility for sporting activities 'de-canted' from Fort Regent. Without the new facility, future proposals for Fort Regent and the Active Places Strategy could not be progressed. The proposed development would provide a much needed investment in sport facilities in the Island, in the line with the aforementioned Strategy. The application site was in the Built-Up Area and was currently used for sport. The proposal aligned with Government strategy and Island Plan Policies, in Mr. Scate's view and he stated that it was crucial that the facility was not constructed on land earmarked for other uses. Whilst the use of the existing facilities would continue, the proposed new building would complement this use and provide high quality facilities which would help deliver curricular and non-curricular sport. 6 schools which currently used facilities at Fort Regent would benefit from the use of the proposed new building, as well as members of the public. The scheme delivered against healthy living aspirations and fiscal stimulus funding would facilitate a positive boost for industry. A purpose-built gymnastics facility would be created within the existing building and Mr. Scate pointed out that the height of the proposed new building was dictated by the proposed uses. There had been no objections to the application and Mr. Scate believed that this was quite unique. He expressed disappointment at the Department's recommendation, given the response to the scheme during the life of the application. He concluded by stating that the benefit of the scheme far outweighed any concerns regarding visual impact and he urged the Committee to consider the wider strategic position.

The Committee heard from Ms. ■ Sugden, Children, Young, People and Skills, who spoke at length about non-planning related matters such as the educational and social benefits which arose from participation in sport. Ms. Sugden advised that ■■■■■ in Island schools ■■■■■ there had been very little (or sometimes unusable) outdoor space. These schools would benefit from the provision of the new facility. She reminded the Committee of the rights of the child in the context of the UN Convention and the improved outcomes which were achieved when children were able to participate in sporting activities. The proposed new building would enhance year-round access to sport. In response to a question regard the number of gymnasts who would use the dedicated gymnastics facility, Ms. Sugden estimated that this would be in the region of 1,000 children from 3 feeder schools, not including clubs who would also be able to use the facility.

The Chair thanked Ms. Sugden for addressing the Committee and urged those persons speaking in favour of the application to address specific planning issues on the basis that the Committee was aware of the overall benefits of sport.

The Committee heard from Mr. ■ O'Brien, Architect, who advised that a number of sites had been evaluated, but it had been concluded that this particular site presented the only viable option. The multi-sporting venue would need to comply with the guidelines adopted by the various sporting bodies and this dictated the size and height of the building. Every effort had been made to reduce the impact of the building and a lightweight structure (which would be constructed off site to minimise disruption and reduce the build time) was proposed. Timber cladding would define the entrance area with low level metal cladding breaking up the scale. If the Committee considered the colour of the building (white) to be inappropriate

this could be revised. The building would be unheated and the white translucent fabric skin would allow light in, thereby reducing energy consumption. A waste management report had been submitted and the potential existed to recycle some existing materials. In response to questions regarding spectator capacity for large events and how much light would be emitted from the building, Mr. O'Brien advised that bleacher seating would be used for larger events and that the building would emit a 'soft glow' at night. Mr. Scate advised that discussions were ongoing with regard to securing additional out of hours over-flow car parking on neighbouring education sites, which was predominantly used during school hours.

The Committee heard from Mr. ■ Godel, who referenced a number of Island Plan Policies, to include BE3, SCO1, SCO4, SP7, GD7 and GD1. He quoted extensively from these policies, reminding the Committee of the exact wording of each one. Whilst the application site was in the Green Backdrop Zone it was not situated on a wooded slope, as envisaged by Policy BE3; nor did it provide a green backdrop for neighbouring sites. The landscaping consisted of 10 mature trees (all of which would be retained, barring one which was diseased and would be replaced). All of the trees would be visible from key vantage points. It was entirely feasible to plant new trees and hedges along the southern side of the boundary and this could be a condition of the permit. Mr. Godel went on to read verbatim from Policies SCO1 and SCO4 and argued that the scheme complied with all of the aforementioned whilst delivering community benefits. The size of the proposed facility would be comparable with the existing building and was dictated by the uses.

In response, the case officer advised that, in assessing applications, a holistic view of Island Plan Policies was adopted and, in the view of the Department, the application did not comply with Policies GD1, GD7, BE3 and SCO4, SP7 and WM1 of the 2011 Island Plan.

The Committee heard from Mr. ■ Law of Jersey Sport, who reminded the Committee of the Inspiring Active Places Strategy, which set out the Government's ambition to redevelop and replace existing sports facilities with a network of public sport and wellbeing hubs. This 10-year plan would see over £100 million invested in new, state of the art sport and wellbeing hubs for Islanders, the scale of which Jersey had never seen before. The proposed development would play an integral part in the implementation of the strategy.

Having considered the application, the Committee was unable to reach a majority decision with Connétable P.B. Le Sueur of Trinity, Chair and Deputy G.J. Truscott of St. Brelade, Vice Chair being minded to support the application. The Chair expressed reservations regarding the size, prominence and colour of the building but stated that his concerns were outweighed by the community benefit. Deputies S.G. Luce of St. Martin and J.M. Maçon of St. Saviour endorsed the officer recommendation to refuse permission and expressed reservations with regard to the size and appearance of the building. Deputy Luce cited the intensification of use of the area and the provision of car parking for the proposed facility as his primary concerns. He was of the view that the scheme 'lacked vision' and that the focus had to be on Island Plan Policies and not Government Strategy. In accordance with agreed procedures in respect of tied votes, the application was determined in the negative and was refused for the reasons set out above.

Whilst concurring with views expressed by Deputy Luce and also expressing concerns regarding the provision of viewing space for spectators, Connétable M. Troy of St. Clement advised that he wished to abstain from voting on this particular application.

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Jersey Girl
Guide
Association
building, La
Grève
d'Azette, St.
Clement:
proposed
demolition and
redevelopment.

P/2021/0647

A6. The Committee considered a report in connexion with an application which sought permission for the demolition of the Jersey Girl Guide Association building, La Grève d'Azette, St. Clement and its replacement with a residential apartment block. The Committee had visited the site on 19th October 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone. Policies SP1, 2, 6 and 7, GD1, 3, 7 and 8, BE4, H6, SCO3, TT3, TT4, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the Jersey Girl Guide Association owned the beach-front site along La Grève d'Azette, St Clement. The original single-storey roadside cottage had been extended in the past; however, the majority of the site remained open and undeveloped. Vehicle access was located at the southern end of the roadside frontage. The building had previously been adapted and converted to suit the requirements of the Girl Guide Association, but the premises were now vacant and unoccupied. The applicants had demonstrated that there was no demand for the use of the site for community purposes. The application proposed the demolition of the existing building and the construction of a new block of 6 residential apartments. The existing vehicle entrance would be re-positioned and a new residents car park created. The site formed part of the Built-Up Area and was considered to be under-utilised at present. Accordingly, the redevelopment of the site to provide a number of new residential units was considered to be acceptable in principle.

It was noted that there had been a significant amount of development in recent years along La Grève d'Azette, which had altered the original character of the area. Building heights in the local area along the sea-front were typically 2, 3, and 4 storeys, with some buildings being 6 or 7 storeys high. On this basis, the scale and design of the development (a 3-storey block) was considered appropriate. The proposed new units complied with the required residential standards and each would have a car parking space. The Highway Authority had confirmed that the transport implications of the proposed development, including highway safety in relation to the new vehicle entrance, were acceptable. The scheme also included an enhanced pedestrian footpath, as well as a developer contribution towards cycle infrastructure. The concerns raised by immediate neighbours were acknowledged and had been taken into account. Some of the concerns raised related to the loss of sea views across the site, which was not considered to be a reasonable ground for refusal. Other concerns related to the general scale and impact of the proposed development but the Department did not believe that it would result in unreasonable harm to the occupants of neighbouring properties. 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) to secure the following –

- a financial contribution [REDACTED] towards the Eastern Cycle Route Corridor; and,
- the extension of the existing public footpath/pavement along the La Grève d'Azette roadside boundary of the site to a width of 2 metres to accord with the requirements of the Transport section of the Infrastructure, Housing, and Environment Department. Thereafter, the new section of footpath, together with the applicants' interest in the party-owned wall at the southern end of the footpath, would be ceded to the public. The new section of footpath was required prior to the first occupation of the development.

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

The Committee noted that 9 representations had been received in connexion with the application.

The Committee heard from Mrs. ■ Van Neste, representing Sandritch Holdings Limited, which company part-owned roadside apartments at Brise de Mer. Mrs. Van Neste advised that she was not opposed to the development of the application site per se, but was mainly concerned with the potential loss of view from 50 per cent of the property. This meant that the company's asset would decrease in value and tenants would lose their views out. She suggested that consultation with neighbours could have resulted in proposals for a taller building which was set further back on the site with access underneath leading through to car parking. This would protect views and reduce the impact of the development on neighbouring properties, whilst also providing additional apartments. In conclusion, Mrs. Van Neste felt that a much more sympathetic approach could have been adopted.

The Committee heard from Ms. ■ Garvin ■ who advised that ■ property would experience the greatest impact from the proposed development. ■ the majority of properties had originally been fishermen's cottages. The Island Plan aim of achieving high density housing in the Built-Up Area had meant that many small properties had been 'swallowed up' in the interest of 'packing as many people and flats as possible into a confined space'. The proposed development was substantial and, in combination with other development in the area, would have a significant impact on ■ quality of life in terms of sunlight and the view out. She, too, believed that consultation with neighbours could have resulted in a more sympathetic approach and would have addressed the issues which had arisen. She also supported pushing the building back on the site towards the road and initiating underground parking, with the potential to build higher. Ms. Garvin believed that the proposed surface level car parking concept was flawed.

The Committee heard from Mr. ■ Rothband, representing Ms. Garvin. Mr. Rothband referenced comments regarding the lack of demand for the use of the site for community purposes. He asked for evidence of the marketing exercise which had been undertaken to demonstrate the same. He also drew the Committee's attention to images of the proposed development from the balcony of Les Vagues and expressed the view that the new building would have an overbearing impact. Mr. Rothband described amendments to the scheme as 'mere gestures' which had very little effect.

The Committee heard from Mr. ■ Worthington of Castletree Homes, who advised that the application had been submitted in September 2019, and there had been considerable consultation with the Department regarding the design. 10 apartments in a 4-storey building had initially been proposed. The number of apartments had subsequently been reduced to 7 then 6 and the building reduced by one storey – which was considered commensurate with the street scene. Additional visitor parking had also been included, in response to comments from the Highway Authority. The building had been stepped back away from sea defences and to give neighbouring properties relief. Moving the building further to the north would be alien to the overall street scene. The impact on daylight, and in particular on the property to the west, had been carefully considered when designing the building, with the '45 degree test' having been undertaken. Whilst this test had not been formally adopted in Jersey, it was used as a guideline to check structures which were

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perpendicular to a window which provided the main source of light to a 'habitable room'. The 45 degree line was drawn diagonally back from the end of the structure towards the nearest neighbouring window. If both lines crossed the centre point of the nearest neighbouring window then overshadowing would occur. In this case, it had been concluded that overshadowing would not be an issue. To the east of the site, the proposed new building would be 1.5 metres from the centre line of the boundary. Trees had been introduced to soften the roadside appearance and a new footpath incorporated in the north eastern corner as part of the POA. Mr. Worthington went on to discuss the proposed materials and the per cent for art contribution, which referenced the Ramsar status of the south east coast. Finally, with regard to the marketing exercise, this had been undertaken by Buckley and Company and had been submitted as part of the application.

Having considered the application, the Committee, with the exception of Deputy K.F. Morel of St. Lawrence, (who was concerned about the design of the new building in this context and potential loss of light to the roadside elevation of Brise de Mer) decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of the entering into of a POA, as set out above. Having regard to the manner in which the character of the area had changed and having expressed the view that the proposed design was not in-keeping (a view which was shared by the Chair), Deputy Morel suggested that supplementary planning guidance should be developed for the area. Finally, Deputy Morel urged the applicant and residents to seek to resolve an issue concerning a small section of a party wall between the application site and Brise de Mer. The removal of this section of wall would facilitate the continuation of the footpath without obstruction. However, Mrs. Van Neste stated that the matter was complicated and that the lack of consultation on the part of the applicant had led to this situation.

Chateau
Vermont, Le
Mont Sohier,
St. Saviour:
proposed
change of use
of gym and spa
to nursery.

P/2019/1477

A7. The Committee, with reference to Minute No. A7 of 20th February 2020, of the Committee as previously constituted, considered a report in connexion with an application which sought permission for the change of use of the lower ground floor of the property known as Chateau Vermont, Le Mont Sohier, St. Saviour from a gym and spa to provide additional music spaces for the existing music school. The Committee had visited the site on 19th October 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone. Relevant Island Plan Policies were as follows: SP1, GD1, SP5, NE7 and SCO1.

The Committee noted that Chateau Vermont was a substantial 4-storey property, set within extensive landscaped grounds. In addition to the open grounds, the application site included an area of wooded hillside. Originally constructed as a private dwelling, the building was now used for employment/commercial purposes; to include and spa and fitness centre on the lower ground floor and the Jersey Academy of Music on the upper floors. The site was also used for wedding receptions, corporate hire and music events.

In early 2020, the Planning Committee had granted permission for the conversion of the spa and fitness centre to provide a children's nursery. The nursery was to have been operated as a 'Forest School', making use of the adjoining woodland as part of day-to-day educational activities. However, neighbours had launched a successful Third-Party appeal against that decision on the grounds of the impact on ecological diversity, landscape character, traffic and highway safety concerns and the harmful impact on neighbouring amenity. The Independent Planning Inspector appointed to consider the appeal had been broadly content with most aspects of the proposed development (including the principle of a change of use within the Green Zone, the traffic and car parking proposals and the neighbour impact). However, the effect on the adjoining woodland was deemed not to have been properly considered and the application refused on the sole grounds of the impact on ecology/biodiversity.

The application under consideration again related to the lower ground floor and the proposal was to change the use of the gym/spa to facilitate an extension of the music academy already established on the upper floors of the building. There would be no external alterations to the building and no use of the wider site (to include the woodland).

The site formed part of the Green Zone, wherein there was a general presumption against development. However, Policy NE7 allowed for the change of use of employment land and buildings (involving the conversion of a building) to other employment uses as an exception to this general presumption. Accordingly, the Department was satisfied that the proposed change of use was justified in principle, having regard to Green Zone policy.

A number of letters of objection had been received from nearby residents, with the main area of concern being around potential traffic intensification. The applicant had provided evidence to demonstrate that the latest proposal actually represented a de-intensification in the use of the site, compared with the established/authorised use (as a gym/spa), and also when compared to the previously (quashed) permission as a children's nursery (the traffic and highway implications of which the Inspector had found to be acceptable). On this basis, the Department was satisfied that the proposal would not cause 'unreasonable harm' to the amenities of local residents, as set out in Policy GD1. The Department had also received several letters in support of the application from those who welcomed the additional space which this application would provide for musical education.

It was recommended that the Committee grant permission, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee heard from Mrs. ■. Lucas ■ and her agent, Mrs. ■. Steedman. Mrs. Steedman offered apologies from a number of residents who were unable to attend the meeting. Mrs. Lucas advised that, since the closure of the gym and spa in 2019, operations at this site had increased. This included traffic intensification in the afternoons and noise from children screaming and shouting in the grounds. The number of children attending the Academy had not been provided so it was not possible to calculate existing vehicle trips or properly assess the impact of the proposals on the same. Mrs. Lucas noted that the applicant calculated 10 additional students equating to 20 trips, which Mrs. Lucas believed would be closer to 40 on the basis that students were often dropped off and collected later. Groups of children arrived at the site by coach and blocked the road and the driveway at Les Fontaines. Whilst the applicant stated that there were no lessons after 7.30 pm, it was alleged that activity on the site sometimes continued until 9.00

which was undertaken by the Academy. Whilst Covid restrictions had resulted in adaptations, since returning to the usual format the need for more space to ensure distancing had been recognised. A dedicated space for theory examinations was also required. Ms. Harvey confirmed that coaches were able to access the site, but she acknowledged that there had been occasions when coaches had stopped on the road and this was not condoned by the Academy.

Mr. Nicholson expressed surprise at the number of representations received in relation to the application, given the simplicity of the proposal and the fact that the Independent Planning Inspector had cited the impact on the ecology/biodiversity of the adjoining woodland as the sole reason for refusal of the previous application. The Academy was operated in accordance with the approved use, and references by Mrs. Steedman to the inclusion of the woodland on the plan were merely a distraction. The Committee had previously approved a gym and children's nursery on the site and this facility would have generated its own noise and traffic and the Inspector had had been broadly content with most aspects of the proposed development. Similarly, the approved gym and spa use had generated traffic and noise 7 days a week all year round. The proposed use would be contained within the existing building and children would mainly arrive after school. There was ample on-site car parking and the location of the application site meant that alternative modes of transport could be used. In conclusion, Mr. Nicholson urged the Committee to approve the application.

The Committee heard from Mr. ■ de Sousa, representing the applicant, who advised that work was being undertaken to rectify a major leak in the basement. As part of that work an acoustic suspended ceiling and acoustic wall panels would be installed.

In response to a question from Deputy J.M. Maçon of St. Saviour regarding the conditions which had been attached to the original permit for the Academy, it was confirmed that these were set out in application reference P/2008/1994. Whilst Mrs. Steedman stated that there were no conditions, the Committee was subsequently advised that the permit included 6 conditions, the most relevant of which related to improvements to visibility splays, restrictions on the number of outside events to no more than 12 per year (and the same for recitals and indoor concerts) and the submission of an event management plan detailing car parking and access arrangements, hours of operation and mitigation measures for potential noise nuisance from amplified music. The case officer advised that any additional condition attached to the permit, if permission was granted, would only apply to the lower ground floor. In response to a question from a member, Ms. Harvey advised that the Academy did not usually open on a Sunday. However, Mrs. Lucas advised that there were occasions when the Academy was open and activities were taking place when Ms. Harvey was not present. In response to a question from the Vice Chair regarding the number official visits from Environmental Health Officers, Mr. Boxall advised that Mr. and Mrs. Lucas had made a complaint approximately 3 – 4 years previously regarding what they had believed to be the felling of trees on the application site. Environmental Health Officers had visited the site and had noted that the lower branches of a tree were being cut by a caretaker.

Having considered the application, the Committee endorsed the officer recommendation to grant permission, subject to the imposition of the conditions detailed within the officer report. In doing so, Deputy K.F. Morel of St. Lawrence, supported by other members, suggested conditions which would restrict the operation of the new facility to 5 - 5½ days per week. However, the difficulty was that the Committee was unable to retrospectively condition the hours of operation for the remainder of the Academy so the imposition of such a condition would not achieve the desired effect. Consequently, members directed that an extra condition

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be attached to the permit which required additional sound proofing.

Langwylla,
No. 2 Les
Landes
Avenue, La
Route des
Genets, St.
Brelade:
proposed
demolition and
redevelopment.

A8. The Committee considered a report in connexion with an application which sought permission for the demolition of the dwelling known as Langwylla, No. 2 Les Landes Avenue, La Route des Genets, St. Brelade and its replacement with 2 new dwellings with associated landscaping and relocated vehicular access onto Les Landes Avenue. The Committee had visited the site on 19th October 2021.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee also viewed images which had been prepared as part of a daylight study and noted that the application site was located in the Built-Up Area. Relevant Island Plan Policies were as follows: SP1, SP6, SP7, GD1, GD3, GD7, NE1, NE2, H6, TT4, LWM2 and LWM3.

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The Committee noted that Langwylla was a 4-bedroom detached dwelling in Les Landes Avenue, St Brelade. The dwelling was located towards the southern end of the plot and benefitted from a sizeable undeveloped garden to the rear. It was understood that the property dated from the 1930s, was of poor construction and was well-below modern standards. The site formed part of the Built-Up Area and was surrounded on all sides by neighbouring residential properties. The application proposed the demolition of the existing dwelling and the construction of 2 replacement dwellings, with associated landscaping and a revised vehicle access. One of the new dwellings would be located broadly on the footprint of the existing dwelling; the other would be in the garden area to the north. The Department was comfortable with the overall scale and form of the proposed development and the contemporary design of the 2 dwellings was considered to be acceptable in this location.

It was noted that a number of objections had been received from the occupants of neighbouring properties. In response to the initial comments, the scheme had been amended in order to address the concerns raised. The changes included alterations to the general fenestration pattern of the 2 units, including repositioning some of the first-floor windows and reducing the size of others. The scale of the new dwelling on the northern part of the site had also been reduced. It was recognised that the redevelopment of the site would clearly result in an increased impact from the perspective of neighbouring residents. However, the policy test was one of unreasonable harm and the concerns of neighbours had to be balanced against the wider requirements of the Island Plan including, in this case, the applicant's reasonable expectations of developing a site in the Built-Up Area. In this instance, it was considered that the proposed development would not result in 'unreasonable harm'.

The application was recommended for approval, subject to the imposition of certain conditions detailed in the Department report.

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

The Committee heard from Ms. [REDACTED] Rebours [REDACTED] Ms. Rebours advised that the main issue was the size of house No. 2 and the impact it would have on the amount of natural light which the properties known as Cumbala and Hollyoak currently enjoyed. Ms. Rebours believed that during the Summer months most of the south west facing garden of Cumbala would be in shade and early evening sunlight would be lost [REDACTED] In December, [REDACTED] would be completely in shade. Whilst the sunlight analysis focussed on Spring, mid-Summer and mid-Winter, loss of light would be experienced all year round. She believed that this represented an unreasonable impact which would be detrimental to wellbeing and contrary to human rights. If the Committee was minded to approve the application, Ms. Rebours asked that a scaffold profile be erected so that the impact could be properly assessed and that the floor levels were shown on the drawings.

The Committee heard from Mr. [REDACTED] Le Quesne [REDACTED] who concurred with the views expressed by Ms. Rebours and stated that the scheme would result in the overdevelopment of the site. Mr. Le Quesne also felt the amenity space for the proposed dwellings would be very restricted.

The Committee heard from Mr. [REDACTED] Godel, representing the applicant. Mr. Godel advised that during the course of the application there had been considerable dialogue with the Department and the design had been altered in response to objections. The amended scheme had generated only 2 objections. Mr. Godel explained that Cumbala and Hollyoak were situated on the boundary with the garden of the application site, which both properties overlooked. Mr. Godel advised that permitted development rights under the General Development Order would allow for the erection of a 2 metre high fence on the boundary or a flat roofed structure which was no more than 3 metres tall. The height of house No. 2 had been reduced on the boundary with Cumbala and was one and half metres away from the boundary. It was perfectly possible for the applicant to plant hedges or trees on the boundary, which could grow to 5 or 6 metres. Every effort had been made to ensure that the proposed development had no greater impact than development permissible under the permitted development rights and to address existing issues. Mr. Godel accepted that there would be some impact on neighbours, but efforts had been made to limit this, as demonstrated by the sun light diagrams. He added that an indicative landscaping schedule had been shown which would provide shading. It was not unusual to have overlooking relationships in this context and this was evident in existing relationships. Quite remarkable steps had been taken to ensure there was no overlooking and this had been at the expense of the quality of the bedroom spaces. Impacts on sunlight would occur at extreme points of the year but would be no worse than that experienced by structures erected in accordance with permitted development rights or if there was landscaping. The application site was in the Built-Up Area and the Island Plan aimed to secure the highest reasonable density levels.

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

Stella Maris,
Victoria
Avenue, St.
Helier:
proposed
raising of roof
to enlarge first

A9. The Committee considered a report in connexion with an application which sought permission for the raising of the roof of the property known as Stella Maris, Victoria Avenue, St. Helier to enlarge the first-floor habitable space and construct 2 balconies to the south-west elevation with various internal alterations. The Committee had visited the site on 19th October 2021.

site was located in the Built-Up Area. Relevant Island Plan Policies were as follows: GD1, GD7, GD9 of the 2011 Island Plan.

The Committee noted that the application site had been acquired by the Channel Islands Co-Operative Society and the premises was currently used as a convenience store. The application sought permission for the installation of one petrol totem at the north-west corner of the site, a fascia sign at the west elevation of the existing building and 4 fascia signs around an existing petrol forecourt canopy. The application was before the Committee due to the number of objections received. An initial objection from the Highway Authority had been overcome by the submission of revised plans. In the Department's view the proposed advertisements and petrol totem were of an appropriate design and were unlikely to detract from the appearance of the premises themselves or the immediate environment.

8 letters of objection from 7 separate addresses had been received.

The Committee heard from Mr. ■ Plumley of the Channel Islands Co-operative Society, who advised that a standard package of signage was proposed and that the petrol totem had been re-positioned as requested.

Having considered the application, the Committee endorsed the officer recommendation to grant permission.

Units, A, B
and C,
Springside
Industrial
Estate, La Rue
de la Monnaie,
Trinity:
proposed
demolition and
redevelopment.

A11. The Committee considered a report in connexion with an application which sought permission for the demolition of Units, A, B and C, Springside Industrial Estate, La Rue de la Monnaie, Trinity and their replacement with 3 steel frame industrial units with associated parking to the south east of the site. The Committee had visited the site on 19th October 2021.

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

P/2021/0282

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area on a Protected Industrial Site. Relevant Island Plan Policies were as follows: EIW1, EIW2, EIW4, GD1, GD7, E1, NR1, GD4 and TT2 of the 2011 Island Plan. The Committee's attention was also drawn to the Countryside Access Strategy of 2016.

The Committee noted that permission had been granted in 2019, for the demolition of the above industrial units and their replacement with a new light industrial building which would be sub-divided into 6 units. If permission was granted for the current scheme, the approved scheme could not proceed as the proposed car parking area was shown on the site of the approved building.

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Permission was sought for the construction of 3 new units on the site of an existing car park and the demolition of an original 1960s building to form a replacement car park. The size of the proposed development triggered the requirement for funding towards various off-site works via a Planning Obligation Agreement (POA), to which the applicant had agreed. The proposed development was in accordance with policy and had not attracted any objections, which meant that there was no requirement for it to be determined by the Committee. However, the Connétable of Trinity had requested that the application be referred to the Committee for determination on the basis that the Parish of Trinity was keen to secure a safe public access through the site from Ville a l'Eveque to Le Petit Pré, a Site of Special Interest, which was located to the east of the application site. The applicant had expressed concerns about this proposal on the grounds of safety and security and was not willing to accede to the request. This public access had not been identified as a requirement by the Highway Authority and the POA funding could not be diverted to provide this. The Department was of the view that, as this was private land with a high level of industrial activity, requiring the formation of a public footpath through the site would be unreasonable and potentially dangerous and not justifiable in planning terms. In short, the Department could not require the applicant to provide public access through the site via planning mechanisms and if the Committee decided to divert the POA funding away from the works required by the Highway Authority to enable to the public access, the support of the latter would be withdrawn on the basis that the scheme would not comply with policy.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a POA to secure financial contributions ■-

- ■ for the provision of a bus shelter in the vicinity of the site (to be managed by the Infrastructure, Housing and Environment Department (IHE));
- ■ towards improvements for walking/cycling to the site, to be managed by IHE; and,
- ■ towards the provision of a bus service subsidy, to be managed by IHE.

If a suitable POA could not be agreed within a certain timeframe the application would be re-presented to the Committee.

In response to questions asked during the site visit, the Committee noted that all existing trees would be retained and that the applicant was willing to plant additional trees (this could be dealt with by a planning condition) and that a separate application had been submitted for a proposed new electricity sub-station.

The Committee heard from the Connétable of Trinity, who advised that he had submitted a late representation dated 15th October 2021. This had been circulated to members under separate cover and sought to demonstrate, among other things, how the application complied with Policy GD4 (Planning Obligations). The Connétable advised that the estate had grown over the years and the surrounding road network was narrow. The proposed footpath would redress the balance and the proposal was supported by planning policy. The Connétable was disappointed at the lack of support from the applicants, as the path would provide a safe off-road route and would secure another link in the chain of paths which connected St. Helier with the northern parishes. The adjacent site formed part of Trinity Manor grounds and support for the proposal had been forthcoming. The Connétable urged the

Committee to insist that funding be diverted from the POA for the footpath. In response to questions regarding safety concerns raised by the applicant, the Connétable advised that a food kiosk operated out of the estate at present and this could be accessed by the public. He also believed that insurance cover could be obtained with insignificant cost implications.

The Committee heard from Mr. [REDACTED] Worthington, representing the applicant. Mr. Worthington advised that the footpath referred to by the Connétable did not form part of the submitted application. He expressed considerable concern at the prospect of unsupervised public access to the estate and noted that the route the footpath would take was steep. Heavy goods vehicles and forklift trucks used the estate and Mr. Worthington was concerned about the potential for accidents. Surveillance would be required as the site was unlit and unoccupied at night. In terms of insurance, Mr. Worthington was of the view that if an accident occurred it would be difficult to secure insurance in the future and there would be health and safety questions. Mr. Worthington concluded that there were more suitable alternatives routes for the footpath through Trinity Manor and the applicant was willing to consider other locations. Mr. Worthington confirmed that the food kiosk was used by those working on site and was not frequented by members of the public, albeit that it was possible for the public to enter the site. He believed that the Parish of Trinity had a particular agenda and the application under consideration was being used as a vehicle by which to force this through. Ultimately, the proposed footpath was contrary to the Department's advice and was not supported by the applicant. Deputy K.F. Morel of St. Lawrence questioned whether it was appropriate for heavy goods vehicles to use Rue de la Monnaie and Mr. Worthington advised that this was not a matter for the applicant. The Deputy also focussed on Mr. Worthington's comments regarding the topography of the proposed footpath and stated that if this argument was followed through to its ultimate conclusion, public access to the Island's cliff paths would be precluded. Mr. Worthington did not consider this comment relevant in this context. Deputy S.G. Luce of St. Martin sought clarification as to the ownership of an area of land to the north of the application site and it was confirmed that this was not owned by the applicant.

Having considered the application and having noted that the diversion of monies from the POA to fund the proposed footpath did not align with the Supplementary Planning Guidance, the Committee endorsed the officer recommendation to grant permission for the application as presented, subject to the conditions set out in the officer report and on the basis of the entering into of a POA to secure [REDACTED] for the provision of a bus shelter in the vicinity of the site (to be managed by the Infrastructure, Housing and Environment Department (IHE); [REDACTED] towards improvements for walking/cycling to the site, to be managed by IHE; and, [REDACTED] towards the provision of a bus service subsidy, to be managed by IHE.

The Committee regretted that it was unable to support the proposal of the Parish of Trinity. Deputy Luce felt unable to support the application on the basis that the proposed new structure would be much larger than the existing building and he was also concerned about the loss of semi-mature trees and the absence of any plans to replace these. Consequently, the Committee directed that a landscaping condition be attached to the permit.

Part of Field
No. 534, Le
Mont de la
Hague, St.
Peter:
construction of

A12. The Committee, with reference to its Minute No. A7 of 30th September 2021, considered a report in connexion with a retrospective application which sought permission for the construction of certain storage buildings for hay and agricultural equipment on part of Field No. 534, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September and 19th October 2021.

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storage
structures/hard
standing area
(RETRO-
SPECTIVE).

P/2020/1644

Deputy G.J. Truscott of St. Brelade 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 was a Listed Place (currently under review). Policies NE7, ERE1, ERE6 and HE1 of the 2011 Island Plan were relevant.

The Committee recalled that it had previously deferred consideration of this and a number of other related applications pending the receipt of further information. However, it was noted that no additional information had been received as yet. The Committee had viewed trial pits which had been dug during its most recent site visit and a representative of the Land Controls and Agricultural Development Section was in attendance to provide advice on the viability of the agricultural land at Home Farm.

Turning to the application under consideration, the Committee recalled that it related to a small area within Field No. 534, which was located centrally within Home Farm. An area of concrete hardstanding had been formed and an L shaped building erected to store hay and agricultural equipment. As the site was within an agricultural field and the proposed use related to the grazing of animals, which was an agricultural use, the Department had no objection to the application, subject to the condition that the use remained agricultural. It was recommended that permission be granted on this basis.

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

The Chair advised those present that, having heard from a number of individuals at the previous meeting, no further oral representations would be heard, save for one from Senator L.J. Farnham, who had convinced the Committee that he wished to make planning specific observations. The Committee would also receive advice from Mr. ■ Surcouf, Mapping and Data Officer, Land Controls and Agricultural Development Section.

Senator Farnham reminded the Committee that Article 19(1) of the Planning and Building (Jersey) Law 2002 (as amended) stipulated that '*all material considerations shall be taken into account in the determination of an application for planning permission*'. In this particular case, the circumstances were quite unique and the Committee's decisions would have a significant impact on the community and the Island. A number of charitable organisations, voluntary groups and Islanders relied upon the use of the application site. The quality of the agricultural land was poor and the parish Roads Committee had no concerns regarding traffic or highway safety. This was not an open field and a number of activities already took place on the application site. An adjacent builder's yard had been in situ for *circa* 40 years and there was also a commercial warehouse in close proximity. To the best of the Senator's knowledge, the application site could not be viewed from the public realm. Material considerations such as overlooking, loss of privacy, loss of light, provision of car parking, highway safety, traffic, noise, layout, density and disabled access were all material considerations. Senator Farnham noted that motorhomes were stored on the site and he was aware of at least one which had a permit issued by a Government Department. The access to the site was excellent and was suitable for use by disabled persons and the application 'scored very well' against the remainder of the material planning considerations outlined by Senator Farnham for the Committee's benefit. Senator Farnham made references to a 'strong Island community', the 'Parish system and the 'uniqueness of Jersey', which set the Island apart from many other places. The Island community had been severely challenged

during the pandemic but had shown resilience and Senator Farnham believed that Article 19 of the aforementioned legislation enabled the Committee to take all of the foregoing into account when determining the applications.

Mr. Surcouf addressed the Committee and drew members' attention to aerial photographs from 1997, 2017, 2018 and 2020, which demonstrated the changes which had been made. The land itself was subject to full agricultural restrictions, albeit that it was more suited to rough grazing than growing crops. Remedial works had commenced in a bid to improve the land in the 1980s but had been aborted. Hedgerows had been planted on the field boundary in 2003. Since the submission of the various applications, there had been dialogue with the applicant regarding the use of the land and he had advised that it was being used to grow potatoes and hay and for occasional grazing, all of which was permissible.

Deputy J.M. Maçon of St. Saviour noted that whilst the application site was situated within the Green Zone and the land was agricultural, the Committee had been presented with the counter argument that this was not 'virgin' land and that there was an 'underlay' of concrete. Mr. Surcouf advised that the applicant had purchased the application site in the 1980's and the 1997 ariel photograph showed that it was all grassland. It was acknowledged that whilst the quality of the land might be poor, it was still useable for agricultural purposes and conditions applied. Over time the appearance of the site had changed and whilst the existence of concrete was noted, it was not clear when this had been laid. In conclusion, the conditions which were attached to the use of the land remained and the applicant had not made an application to seek the removal of the same.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, approved the application. Connétable M. Troy of St. Clement abstained from voting on the basis that he had not been present at the meeting held on 30th September 2021, when the Committee had first considered the application. Deputy K.F. Morel of St. Lawrence advised that he had also not been present, but having visited the site and having considered all of the background information he felt sufficiently well informed to participate in the determination of the application.

Part of Field
No. 534, Le
Mont de la
Hague, St.
Peter: hard
surfacing of
track.

A13. The Committee, with reference to its Minute No. A8 of 30th September 2021, considered a report in connexion with a retrospective application which sought permission for the hard surfacing of a track through part of Field No. 534, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

P/2020/1645

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and was a Listed Place. Policies NE7, ERE1, ERE6 and HE1 of the 2011 Island Plan were relevant.

The Committee recalled that it had previously deferred consideration of this and a number of other related applications pending the receipt of further information. However, it was noted that no additional information had been received as yet, but the Committee had viewed trial pits which had been dug during its most recent site visit and a representative of the Land Controls and Agricultural Development Section was in attendance at the meeting to provide advice on the viability of the agricultural land at Home Farm.

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The Committee noted that the application sought retrospective permission for the hard surfacing of a track through Field No. 534, which was located centrally within Home Farm. A strip of tarmac had been laid in 2015, presumably over hardcore, for a distance of 65 metres in an east-west direction across the field. The tarmac had been laid in preparation for a particular 'living history' event at an authorised World War II re-enactment area to the east of the site many years ago, to aid access across the field. This unauthorised development should have been removed. The application was contrary to Policies NE7, HE1 and ERE1 and was recommended for refusal.

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

All oral representations in relation to Minute Nos. A12 – A16 were recorded under Minute No. A12 of the meeting.

The Committee endorsed the officer recommendation to refuse permission for the reasons set out above. Connétable M. Troy of St. Clement abstained from voting on the basis that he had not been present at the meeting held on 30th September 2021, when the Committee had first considered the application. Deputy K.F. Morel of St. Lawrence advised that he had also not been present, but having visited the site and having considered all of the background information he felt sufficiently well informed to participate in the determination of the application.

Field Nos. 534
and 536 (land
between), Le
Mont de la
Hague, St.
Peter: siting of
storage
containers and
other storage
structures.

A14. The Committee, with reference to its Minute No. A9 of 30th September 2021, considered a report in connexion with a retrospective application which sought permission for the siting of 11 containers and 3 storage structures on a strip of land between Field No. 534 and 536, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

Deputy G.J. Truscott of St. Brelade 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 Policies NE7 and ERE1 of the 2011 Island Plan were relevant.

MS/2020/1646

The Committee recalled that it had previously deferred consideration of this and a number of other related applications pending the receipt of further information. However, it was noted that no additional information had been received as yet, but the Committee had viewed trial pits which had been dug during its most recent site visit and a representative of the Land Controls and Agricultural Development Section was in attendance at the meeting to provide advice on the viability of the agricultural land at Home Farm.

The Committee noted that the site was located centrally within Home Farm, on a strip of land between Fields Nos. 534 and 536. The application sought retrospective permission for 11 mobile structures, 2 covered areas and a general storage area. The mobile structures were metal shipping containers currently used for storage by Headway and the Freedom Church. The covered areas and general storage area were used by the applicant for storing agricultural machinery.

The site was located within the Green Zone and was classed as agricultural land. The relevant policies were restrictive and the siting of the shipping containers for general (non-agricultural) storage use by parties other than an agriculturalist was not a permissible use within the terms of the Green Zone Policy, or policies protecting

agricultural land. Whilst the Department had no objection to agricultural storage uses, the mobile containers were not acceptable structures for long term use or for non-agricultural uses. The application was, therefore, not compliant with policy and was recommended for refusal on this basis.

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

All oral representations in relation to Minute Nos. A12 – A16 were recorded under Minute No. A12 of the meeting.

The Committee endorsed the officer recommendation to refuse permission for the reasons set out above. Connétable M. Troy of St. Clement abstained from voting on the basis that he had not been present at the meeting held on 30th September 2021, when the Committee had first considered the application. Deputy K.F. Morel advised that he had not been presented but having visited the site and having considered all of the background information he felt sufficiently well informed to participate in the determination of the application.

Home Farm,
Le Mont de la
Hague, St.
Peter:
construction of
storage
structures/hard
standing area.

A15. The Committee, with reference to its Minute No. A10 of 30th September 2021, considered a report in connexion with a retrospective application which sought permission for the change of use of an existing yard to facilitate a dry storage use and for car parking at Home Farm, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

P/2020/1647

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies NE7, ERE1 and GD1 of the 2011 Island Plan were relevant.

The Committee recalled that it had previously deferred consideration of this and a number of other related applications pending the receipt of further information. However, it was noted that no additional information had been received as yet but the Committee had viewed trial pits which had been dug during its most recent site visit and a representative of the Land Controls and Agricultural Development Section was in attendance at the meeting to provide advice on the viability of the agricultural land at Home Farm.

The Committee noted that aerial photographs showed that the site had been used for growing vegetables until 2018, but had progressively been hard surfaced and was now used for the storage of vehicles. The site was located within the Green Zone and was classed as agricultural land. The relevant policies were restrictive and the use of the land for the parking of vehicles as a commercial enterprise was not a permissible use within the terms of the Green Zone Policy, or policies protecting agricultural land. The application was not, therefore, compliant with policy and was recommended for refusal.

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

All oral representations in relation to Minute Nos. A12 – A16 were recorded under Minute No. A12 of the meeting.

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The Committee endorsed the officer recommendation to refuse permission for the reasons set out above. Connétable M. Troy of St. Clement abstained from voting on the basis that he had not been present at the meeting held on 30th September 2021, when the Committee had first considered the application. Deputy K.F. Morel of St. Lawrence advised that he had also not been present, but having visited the site and having considered all of the background information he felt sufficiently well informed to participate in the determination of the application.

Home Farm,
Le Mont de la
Hague, St.
Peter:
construction of
stables/store/ha
rd standing.

A16. The Committee, with reference to its Minute No. A11 of 30th September 2021, considered a report in connexion with a retrospective application which sought permission for the construction of stables, an associated store and the formation of a hardstanding area at Home Farm, Le Mont de la Hague, St. Peter. The Committee had visited the site on 28th September 2021.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

P/2020/1649

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies NE7, ERE1 and ERE6 of the 2011 Island Plan were relevant.

The Committee recalled that it had previously deferred consideration of this and a number of other related applications pending the receipt of further information. However, it was noted that no additional information had been received as yet but the Committee had viewed trial pits which had been dug during its most recent site visit and a representative of the Land Controls and Agricultural Development Section was in attendance at the meeting to provide advice on the viability of the agricultural land at Home Farm.

The Committee was advised that the application related to a small, elongated site to the immediate north of Field Nos. 536 and 537, which was located centrally within Home Farm. An area of concrete hardstanding had been formed and 2 structures erected; a 4 bay stable building and a store building. The use of the site for the stabling of grazing animals, which was an agricultural use, was considered acceptable and the application was recommended for approval, subject to the imposition of certain condition detailed within the officer report.

A number of letters of representation had been received in connexion with the application, some of which did not specifically refer to this particular application.

All oral representations in relation to Minute Nos. A12 – A16 were recorded under Minute No. A12 of the meeting.

The Committee endorsed the officer recommendation to grant permission subject to the imposition of certain condition detailed within the officer report. Connétable M. Troy of St. Clement abstained from voting on the basis that he had not been present at the meeting held on 30th September 2021, when the Committee had first considered the application. Deputy K.F. Morel of St. Lawrence advised that he had also not been present, but having visited the site and having considered all of the background information he felt sufficiently well informed to participate in the determination of the application.

Rateavon, La
Rue de la
Forge,
Grouville:

A17. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the repositioning of 2 shipping containers to the south of the main building at the

siting of
shipping
containers
(RETRO-
SPECTIVE).

P/2021/0441

premises occupied by the construction company known as Rateavon, La Rue de la Forge, Grouville. The Committee had visited the site on 28th September 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and Policies GD1, GD7, BE6, TT3 and EIW4 of the 2011 Island Plan were relevant.

Deputy G.J. Truscott of St. Brelade did not participate in the determination of this application.

The Committee noted that the shipping containers had originally been situated to the east of a designated light industrial building, which was located in a predominantly residential area. They had subsequently been relocated to the south of the building without consent. It was noted that the shipping containers were used for storage purposes and concerns existed with regard to the appearance of the containers in this context and the proximity of the site to residential development. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7 and EIW4 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Mr. ■ McCreaney ■ who had submitted a written representation which stated that the appearance of the shipping containers evidenced the fact that they had exceeded their lifespan. He had also noted that buildings materials were often stored on top of the containers and had advised that there was some noise associated with their use in what was predominantly a residential area. Mr. McCreaney supported the recommendation to refuse permission.

The Committee heard from Mr. ■ Corey, Managing Director of Rateavon. Mr. Corey advised that the applicant company had secured the use of the current site approximately 2 years previously, when it had been forced to vacate premises on Bath Street, St. Helier. He understood that the light industrial site had existed long before the surrounding residential development and he found it difficult to understand the objections to the application. He explained that the shipping containers were moved around as required, dependent on specific projects. The property which was next to the application site had been extended and re-positioned on the site so that the windows now over-looked the yard area of the application site. Mr. Corey understood that there had previously been complaints about machinery used by Jersey Oak on the application site. He assured the Committee that every effort was made to minimise disruption and advised that the applicant company had offered to paint the containers grey. Finally, Mr. Corey stated that the site was usually kept much tidier than it was at present.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of St. Martin, endorsed the Department recommendation to refuse permission for the reasons set out above.