

KML/MH/257

PLANNING COMMITTEE

(3rd Meeting)

23rd August 2018PART A (Non-Exempt)

All members were present, with the exception of Deputies G.J. Truscott of St. Brelade, Vice Chairman, J.M. Maçon of St Saviour and R.E. Huelin of St. Peter.

Deputy R. Labey of St. Helier, Chairman  
 Deputy R.J. Rondel of St. Helier  
 Deputy S.M. Wickenden of St. Helier  
 Connétable D.W. Mezbourian of St. Lawrence  
 (not present for item Nos. A3 and A6)  
 Connétable K. Shenton-Stone of St. Martin

In attendance -

A. Townsend, Principal Planner  
 G. Duffell, Senior Planner  
 R. Hampson, Planner  
 L. Davies, Planner  
 K.M. LARBALÉSTIER, Committee Clerk, States Greffe

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

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| Minutes.  | A1. The Minutes of the meeting held on 2nd August 2018, having been previously circulated, were taken as read and were confirmed.  |
| Durrell<br>Wildlife<br>Conservation<br>Trust, La<br>Profonde Rue,<br>Trinity:<br>proposed<br>construction of<br>single storey<br>building/<br>installation of<br>bicycle<br>racks/fencing.<br>477/5/2(694)<br><br>P/2018/0257 | <p>A2. The Committee, with reference to Minute No. A5 of 2nd August 2018, considered a report in connexion with an application which proposed the construction of a single storey retail building on an existing overflow car park at Durrell Wildlife Conservation Trust, La Profonde Rue, Trinity. It was also intended to install bicycle racks and fencing. The Committee had previously visited the application site.</p> <p>The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions to be attached to the permit, the application was represented.</p> <p>Having noted that not all members present had participated in the determination of the application on 2nd August 2018, the Committee requested that the application be re-presented for confirmation of the decision at the next scheduled meeting in September 2018.</p> |
| Field No. 14,<br>Willow Farm,<br>Le Hucquet,<br>St. Lawrence:<br>proposed<br>agricultural   | A3. The Committee considered a report in connexion with an application which proposed the construction of 8 x 2 bedroom and 2 x 3 bedroom agricultural staff accommodation units to the north of Field No. 14, Willow Farm, Le Hucquet, St. Lawrence. The Committee had visited the application site on 21st August 2018.  |

staff  
accommodat-  
ion.

1070/2/1/3  
(156)

P/2016/1773

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.

A site plan was displayed. The Committee noted that the application site was located within the Green Zone and that Policies NE7, SP1, 2, 3 and 6, H9 and GD1 of the 2011 Island Plan were of particular relevance.

The Committee noted that Willow Farm was owned by Hi-Ho Growers, which company had previously enjoyed a trading relationship with Amal Grow Limited; the latter having ceased trading in 2015. Following the closure of Amal Grow, Woodside Farm Limited had stepped in to provide food security for the Island and to safeguard against job losses. Woodside and Willow Farms were described as having 'a symbiotic relationship', with Woodside Farm being responsible for the operational side of the business and Willow Farm providing accommodation for staff employed at Woodside Farm and other staff (currently or formerly) in the agricultural industry. It was unclear as to how the existing staff accommodation at Willow Farm was divided between the respective occupants. The application under consideration sought consent for 3 blocks of staff accommodation as follows -

Block 4: 4 x 2 bed units & gardens (detached)

Block 5: 4 x 2 bed units & gardens (detached)

Block 6: 2 x 3 bed units & gardens (attached)

A total of 30 car parking spaces were also proposed.

The proposed development would provide accommodation for staff employed by Woodside Farm. The applicants were willing to enter into a Planning Obligation Agreement (POA) to ensure that the proposed staff accommodation was used for senior staff only. The applicants argued that there were both social and moral grounds for approving the application as both companies were major contributors to Jersey's food security and employees should be provided with appropriate accommodation.

The Committee noted that as a result of the expansion of operations at Woodside Farm, the company had an existing total staff requirement of 180 - 200 at peak times, as confirmed by the Land Controls and Agricultural Development Section. Approximately 40 of these staff were managers (it was unclear as to why all managers/senior staff required staff worker accommodation). In the event that these 40 managers were accommodated privately, there would be a need to provide accommodation for 140 - 160 staff. It was acknowledged that some existing staff worker accommodation had been lost due to the redevelopment of other sites and it was also noted that staff accommodation previously utilised by Amal Grow had not been made available to Woodside Farm. However, the Committee was informed that a previous application for staff accommodation for 140 staff at Woodside Farm, which had been supported by the Land Controls and Agricultural Development Section, had ultimately been withdrawn as the applicant had been unable to resolve certain highways issues. In the schedule of existing staff accommodation submitted with the application, facilities at the property known as Cheraleen, St. Mary were described as substandard. However, planning consent for the replacement of this substandard accommodation had been granted under application reference P/2012/1123 to provide staff accommodation for 20 workers in 10 units. Willow Farm already benefitted from the provision of 16 units of staff accommodation (4 x 3 bed, 2 x 2 bed and 10 x 1 bed). Accordingly, the staff accommodation requirements were considered to be met and there was insufficient justification for the additional accommodation at Willow Farm.

The Committee's attention was drawn to Policy H9 which directed development to the Built- Up Area and set a high bar for the creation of staff worker accommodation in the Green Zone by requiring the satisfaction of a number of criteria, which the Department believed the application failed to satisfy. Policy NE7 also set a strong presumption against development. Staff worker accommodation was only permitted where (1) it accorded with Policy H9 and (2) it did not cause serious landscape harm. By virtue of the size, design and associated amenity/parking space the proposal was considered to cause serious harm to the landscape character. In conclusion, the application failed to pass a number of key Island Plan policy tests, which sought to protect the countryside and direct development to the Built- Up Area. The application proposed a substantial amount of development in a rural part of the Island and approval would require exceptions to Policies H9 and NE7. The Department did not believe that sufficient justification existed for doing so. Therefore, the application was recommended for refusal.

2 letters of representation had been received in connexion with the application. In addition, late representations had been sent to the Committee under separate cover. The Committee noted that the application was not supported by the Land Controls and Agricultural Development Section and concern had been expressed regarding the provision of accommodation for senior staff only when seasonal staff accommodation was required.

The Committee heard from Mr. D. Vibert, who expressed concerns regarding the impact of the development on the area. Mr. Vibert explained that he had experienced considerable disturbance over the years from the existing staff accommodation on the site. Noise, speeding vehicles – which gave rise to safety concerns, trespass, fly tipping, scrumping from fruit trees and the lighting of bonfires were all issues. Mr. Vibert had spoken to the owner of the site on occasion regarding these problems and whilst this resolved issues temporarily, it was not long before the unneighbourly behaviour started again. Mr. Vibert was also concerned about the potential for the accommodation to be used by non-agricultural workers and he feared that this might be the case with the existing accommodation.

The Committee heard from Connétable D.W. Mezbourian of St. Lawrence. The Connétable advised that whilst Mr. Vibert was a Parish employee as well as a parishioner, she was speaking in her capacity as Parish Connétable. She was opposed to development in the Green Zone on the basis that it was contrary to Policy NE7. She was also concerned about the tenure of the proposed new units and explained that, in her capacity as Connétable, she had reason to speak to a married couple who currently lived on the application site. When they had described their employment to her it had become clear that they were not involved in agriculture. Consequently, the Connétable was concerned that accommodation which had been permitted for use by agricultural staff was being rented to people who were not employed in the industry. Whilst she accepted the need to provide good quality accommodation for agricultural workers, she questioned whether managers also needed to be housed in staff worker accommodation which had historically been provided for pickers and planters. In concluding, the Connétable asked about the level of rental that was charged for the units and asked whether profit was derived from renting the accommodation.

The Committee heard from the applicant, Mr. C. Gallichan of Woodside Farm, his agent, Mrs. S. Steedman, Mr. J. Vautier, Business Adviser, Rural Economy and Connétable C.H. Taylor of St. John, Assistant Chief Minister.

Mr. Gallichan addressed the Committee, advising that Woodside farm had been operational for over 130 years. At present a wide range of products were grown for the local, UK and European markets. 70 – 80 percent of Jersey's vegetables were

grown by the applicant company and although processes were heavily mechanised and the labour profile was changing, the company still required significant labour. Mr. Gallichan advised that Woodside Farm was the applicant company's operational hub and Willow Farm was used primarily for storage. Traditionally farming was a low paid industry and managerial staff could not afford to rent properties on the open market. Previously, Mr. Gallichan had sought to obtain essentially employed status for a manager, but had been advised by the relevant States Department that the application could not be supported because the salary level was too low. Mr. Gallichan felt that this illustrated the impact of conflicting government policies on industry. In response to a question regarding rental levels, Mr. Gallichan advised that these matched minimum wage guidelines.

The Connétable of St. John addressed the Committee, reminding members that farmers had been criticised in the past for providing poor quality accommodation so he believed that support was much needed for the provision of good quality housing for agricultural workers. He also believed that renting accommodation on the open market could be problematic, particularly as workers would have to park work vehicles on residential developments.

The Committee heard from Mr. Vautier, newly appointed Rural Business Adviser - Rural Economy, Growth, Housing and Environment Department. Mr. Vautier advised that he had previously been employed within the Land Controls and Agricultural Development Section and he apologised for any confusion which might have arisen with regard to the information provided in support of the application (given this change of role). He explained that the focus of his new role was one of economic analysis and the remit was to deliver outcomes as set out in the Rural Economy Strategy. Woodside Farm was an important component part of the rural economy which required the tools and resources to remain viable and sustainable. Over the years there had been a gradual removal of direct financial support in real terms to the agriculture industry so that providing other means of support was vital. Mr. Vautier referred the Committee to the applicant company's business case, which had been approved by Jersey Business. He went on to discuss the close working relationship between Woodside and Willow Farms and emphasised the importance of rural businesses working together, sharing labour, land and machinery. Mechanisation within the industry was increasing and there was a growing need to attract skilled labour. In concluding, Mr. Vautier advised that whilst the written response from the Land Controls and Agricultural Development (LCAD) Section stated that the application was not supported, he had subsequently addressed the issues which had been raised and believed that the application was now supported by LCAD, albeit that written confirmation of the same had not been received. Mr. A. Townsend, Principal Planner, advised that this contradicted the Department's understanding of the situation and that there had been no revised written response from LCAD.

The Committee heard from Mrs. Steedman, who also understood that LCAD was now willing to support the application and she stressed just how important it was for this to be noted. She also stated that a representative of Jersey Business was present should the Committee wish to learn more about the applicant's business plan. Mrs. Steedman referred the Committee to a recent Royal Court judgement in which the Court had stated that a holistic approach must be taken in terms of assessing applications against all relevant Island Plan Policies. The strategic policies of the Plan set out the framework for decision making and encouraged the use of brown field land for development. Policy SP4 gave a high priority to the environment and Policy SP5 supported economic growth and diversity. There was a need to balance all of the issues. Mrs. Steedman drew the Committee's attention to the Island Plan proposals map in order to illustrate the location of each farm in relation to the other. Whilst it was accepted that the preference was for development to be directed

towards the Built-Up Area, this did not make sense in this particular case due to the Green Zone location of the business and the fact that it would result in increased trip generation. Moreover, the provision of accommodation in the Built-Up Area was cost prohibitive. The scheme sought to provide staff accommodation to support a very successful agricultural business which operated almost entirely in the Green Zone. In this connexion, Mrs. Steedman drew the Committee's attention to Policy SP1. She pointed out that the application had received considerable support from government and other agencies and it was well known that the industry was facing increasing difficulty in securing qualified staff. The construction of staff accommodation at Willow Farm would allow the applicant company control over the price and quality of the facilities. The proposed development would be designed in such a way that the accommodation could be used flexibly to respond to changes in the make-up of households. Willow Farm was considered a suitable site for the proposed development as it already benefitted from the provision of staff accommodation and had a business relationship with the applicant company. In terms of the comments made by the Connétable of St. Lawrence regarding occupancy, it was noted that LCAD had been provided with a list of occupants at Willow Farm. A condition which had been attached to the permit in respect of the existing staff accommodation at Willow Farm restricted occupancy to staff employed or recently employed within agriculture and all units were occupied in accordance with the conditions set out in the permit. This had recently been checked by enforcement officers. In terms of the proposed new accommodation, the applicant company was more than willing to enter into a Planning Obligation Agreement to limit the occupation of the units to Woodside Farm agricultural staff. Mrs. Steedman went on to state that there would be minimal impact on the landscape from the scheme and the applicant was prepared to enhance the existing landscaping. The site already benefitted from a connection to the foul sewer network and mains water. In terms of the behaviour of occupants of the site and the wider effect on the environment, the owner of Willow Farm would submit a management strategy, a copy of which would be given to each household. Any occupant who did not comply would be requested to vacate the accommodation. In concluding, Mrs. Steedman stated that there was no moratorium on development in the Green Zone but there was a need to provide for the reasonable expectations of business. Policy NE7 allowed for exceptions, with part 4 being particularly relevant. The Island Plan recognised that housing staff was important to agriculture and tourism and exceptions could be made on the basis of proven economic need. It was considered that the scheme met the tests set out in Policies NE7 and H9 and the Committee should, therefore, in Mrs. Steedman's opinion, grant permission in accordance with Article 19(1) of the Planning and Building (Jersey) Law 2002.

In response to Mrs. Steedman's comments, Mr. A. Townsend, Principal Planner advised the Committee that Policy NE7 was one of the keystone policies of the Island Plan. The Department did not believe that the scheme satisfied the relevant policy tests; hence the recommendation for refusal. The application was unusual in that the staff accommodation was to be provided in one place and the operational base in another. In terms of points raised regarding conflicting policy objectives, this was addressed in Policy NE7. The Department did not believe that the circumstances of this particular application justified making a policy exception.

The Committee discussed the application and whilst the Chairman, Deputy R. Labey of St. Helier and Deputy R.J. Rondel of St. Helier felt unable to support the application on policy grounds, Deputy S.M. Wickenden of St. Helier and Connétable K. Shenton-Stone of St. Martin were convinced by the arguments made regarding the symbiotic relationship of the businesses and also recognised the role of Woodside Farm as a major contributor to Jersey's food security. As the Committee was unable to reach a majority decision on the application, the application was determined in the negative, in accordance with agreed procedures, for the reasons

set out in the officer report. Consequently, the application was refused.

La Hougue Farm and part of Field No. 447, La Route de la Hougue Bie, St. Saviour: change of use (RETRO-SPECTIVE) (RFR). 477/5/2(784) P/2017/1594

A4. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission retrospectively for the change of use of part of Field No. 447, La Route de la Hougue Bie, St. Saviour. The Committee had visited the application site on 21st August 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that La Hougue Farm was a Grade 3 Listed Building. Policies NE7, ERE1 and GD1 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application sought permission for the change of use of part of Field No. 447 to domestic curtilage to be used in conjunction with La Hougue Farm. The applicant had advised that a much larger part of the field (including the application site) had been used as domestic curtilage for over 8 years and the majority of this would be returned to agriculture, if an area measuring 184 square metres (the application site) was approved for use as domestic curtilage. The Department did not accept that the current use of the field as domestic curtilage was established. Aerial photographs from the last 8 years showed some parking activity on the site and it was noted that a trampoline had been placed in the field. However, the Department did not accept that the incidental parking of cars or the placing of a trampoline on a field established the principle of domestic use.

It was considered that the proposal would impact on the rural character of the area and would alter the shape of the field, which would be exacerbated by the proposed planting of new hedging. The Committee was informed that La Hougue Farm benefitted from substantial existing domestic curtilage to the north and the proposal would result in the incremental loss of, and damage to, agricultural land, domestication of the countryside and erosion of the rural character of the area contrary to Policies GD1, NE7 and ERE1 of the 2011 Island Plan. For these reasons the application had been refused and it was recommended that the Committee maintain refusal.

The Committee noted that the Land Controls and Agricultural Development Section objected to the application and had referred to certain restrictions which applied in respect of the use of the field by individuals wholly or mainly engaged in work of an agricultural nature. The field must also be used for agricultural or horticultural purposes only, excluding the grazing of equine animals and the growing of trees.

The Committee heard from the applicant, Mrs. R. Siodlak and her agent, Mrs. S. Steedman. Mrs. Siodlak advised that she and her husband had purchased the above field in 2004 and the majority of the land was used by the Jersey Royal Company. The applicants had retained a small strip of land for the purpose of accessing a car parking space at the rear of their property. It was not proposed to construct any buildings on the land and, if approved, an appropriate, non-permanent surface material would be laid. Mrs. Siodlak did not believe that the proposal would harm the landscape character and stated that the planting of a hedge was not considered essential. The applicants supported agriculture and allowed the tenant farmer to use the field in exchange for produce.

Mrs. Steedman stated that La Hougue Farm was one of the earlier farm conversions and comprised 4 dwellings with a shared access. The parking provision for some of the properties was more generous than for others. Mrs. Steedman understood that, in past, the change of use of agricultural land had been permitted on some sites to assist with car parking and access arrangements. The applicants were merely seeking

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to regularise a long standing arrangement whereby they accessed their parking area to the rear via the field. She advised that this activity had been taking place for over 8 years so was, she believed, immune from enforcement action and the Committee was shown aerial photographs which she contended evidenced the same. Mrs. Steedman went on to recommend that, if the Committee was minded to approve the application, then permitted development rights could be removed.

Mr. A. Townsend, Principal Planner, advised the Committee that the 8 year immunity rule applied to unauthorised development. With regard to Mrs. Steedman's comments in relation to previous approvals for the change of use of agricultural land to assist with access arrangements, this was normally when highway safety was an issue. However, Mrs. Steedman interjected advising that a change of use of agricultural land had been permitted at a property to the west so she believed that a precedent had been set.

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

Heather Farm,  
La Rue de la  
Ville au Bas,  
St. Ouen:  
proposed  
conversion of  
outbuilding to  
dwelling  
(RFR).  
477/5/3(400)

A5. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the conversion of an outbuilding at Heather Farm, La Rue de la Ville au Bas, St. Ouen to provide a 2 bedroom dwelling. The Committee had visited the application site on 21st August 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Zone and that Policies NE7, SP1, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

P/2018/0241

The Committee was advised that the application related to an existing concrete outbuilding within the garden of Heather Farm. The site formed part of a cluster of residential properties located within the Green Zone. It was recalled that the Green Zone Policy afforded a high level of protection, including a presumption against the formation of new dwellings. Further, the overarching aim of the Island Plan Spatial Strategy was to direct new development to existing Built-Up Areas and, in particular, St Helier. Only in exceptional circumstances was new development permitted in areas outside the Built-Up Area. Accordingly, the above application had been refused. Beyond the aforementioned Policy issues, other concerns existed with regard to the detail of the proposal. For instance, the applicants had not provided any kind of independent confirmation (that is, a structural engineer's report) that the existing building was capable of conversion. Concern also existed regarding the landscape impact of the scheme. The existing outbuilding was generally viewed within the context of other buildings, but the addition of a storey would increase its visual impact in the Green Zone.

The Committee was informed that the applicants had referred to other applications which had been approved in the Green Zone and had also suggested that the outbuilding was, in fact, a commercial bake house and its conversion was, therefore, justified under Green Zone Policy. However, the Committee was reminded that all applications had to be considered on their own individual merits and should pass the relevant policy tests. There had been no indication at the time of the submission of the application that the building was a commercial site and the scheme had been assessed on the basis of the submitted information. Further, redevelopment proposals for commercial/employment sites in the Green Zone required the submission of a robust case, including evidence of marketing and proven redundancy. Accordingly, the Department was recommending that the Committee maintain refusal of the application.

The Committee received the applicants, Mrs. M. Barrette, Ms. A. Barrette, Mr. T. Titshall and their agent, Mr. M. Collins. Mr. Collins advised that this was a very large building which was in excess of the size of a 2 bedroom apartment. It was quite a unique situation which he did not believe was covered by existing planning policy. The historic commercial use (it was claimed that the building had been used as a bake house by the occupying forces) was difficult to prove given the passage of time and the derelict state of the building. However, its size suggested a commercial use. If the application was approved a structural survey would be carried out. Reference was made to similar developments in the immediate vicinity which had been approved. In concluding, Mr. Collins stated that making use of the redundant structure would provide a home for a young family who otherwise could not afford to get on the property ladder. No objections to the application had been received.

The Committee heard from Mrs. M. Barrette, who advised that the application was supported by Parish representatives both past and present. Mrs. Barrette explained that her daughter and her family wished to convert the structure to create a family home. Mrs. Barrette's family had lived in St. Ouen all of their lives and were enthusiastic contributors to parish life. She referred to other approved developments in the parish where she believed the circumstances were similar and she asked for consistency of approach. Her daughter and her family were currently renting very cramped accommodation at significant cost.

The Committee heard from Ms. A. Barrette who advised that, together with her partner and their 2 children, she rented a very small flat in St. Ouen. They wished to create a modest home on family land and it was intended that her partner would construct the dwelling. The family would still need to raise funds for the work but this solution would be much more affordable than purchasing a property on the open market. The scheme was supported by neighbours and would result in a significant visual improvement.

In response to a question from the Connétable of St. Lawrence, the case officer advised that if permission were to be granted and it subsequently transpired that the property was not structurally capable of conversion, the applicants would have to submit a fresh application. The Committee was reminded that the scheme under consideration sought not only to convert the existing building, but to add an additional storey.

The Committee, having considered the application, and with the exception of the Connétable of St. Lawrence, was minded to grant permission, contrary to the officer recommendation. The Committee was convinced by the arguments regarding the former commercial use of the building and concluded that, given the nature of the building, it would not be necessary for the applicant to prove redundancy. The Committee directed that its officers liaise with the applicant in the context of landscape restoration works. Whilst the Committee acknowledged that reduced occupancy would not be achieved it was considered that, on balance, the scheme was acceptable and it was noted that there would be no increase in footprint.

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

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Bay Croft, La  
Route de la  
Haule, St.  
Lawrence:  
proposed  
demolition and  
redevelopment  
(RFR).  
477/5/3(1040)

A6. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated authority and which sought permission for the demolition of the property known as Bay Croft, La Route de la Haule, St. Lawrence and its replacement with 8 x 2 bedroom and 6 x one bedroom apartments with car parking and associated landscaping. The Committee had visited the application site on 21st August 2018.

Connétable D. D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.

P/2018/0381

A site plan and drawings were displayed. The Committee noted that the application site was situated within the Built-Up Area and that Policies SP1, 2, 6 and 7, GD1, 3, 4, 7, 8, NE1 and NE2, H6, TT4, TT8, TT13 and TT14 of the 2011 Island Plan were relevant to the application.

The Committee was advised that Bay Croft was a one and half storey detached dwelling located on a substantial plot (approximately 2,280 square metres/24,500 square feet). The dwelling was set back from the road by around 23 metres, with large garden areas to both the front and rear. The property had a single point of access from the main road at the south eastern corner of the site. The site was surrounded on three sides by residential development, including the Parc du Rivage private estate.

The application proposed the demolition of the existing dwelling and garage and the construction of 2 apartment buildings to provide a total of 14 new units. Vehicle access to the site would also be altered.

The Committee was advised that the site formed part of the Built Up Area, and, in principle, some form of redevelopment, leading to an increase in unit numbers, was likely to be acceptable. However, the Department had significant concerns with regard to the scale of the current proposal and, in particular, its impact upon neighbouring residents. A number of objections had been received from nearby residents and it had been concluded that the scheme as proposed, represented an unacceptable overdevelopment of the site. Accordingly, the application had been refused and it was recommended that the Committee maintain refusal.

In addition to the concerns raised by neighbours, there was also a strong objection from the highway authority relating to the repositioning of the site access. However, the Department did not agree with the highway authority's position on this matter and this had not been listed as a reason for refusal.

The Committee heard from Mrs. J. Le Masurier, a resident of the area. Mrs. Le Masurier referred the Committee to her written representation and advised that her main concerns related to the design and density of the development and traffic intensification. She drew the Committee's attention to Policy GD3, which dealt with density levels and argued that 'reasonable density' was subjective. She noted that the Policy did not permit residential development proposals on sites measuring more than 0.2 hectares unless a minimum density in accordance with supplementary planning guidance was achieved. The new supplementary planning guidance was currently under review and, based on UK guidance, 6 dwellings on a site of this size would be considered a minimum. Furthermore, the proposed increase in density would impact upon the number of vehicles accessing La Route de la Haule; an extremely busy road with traffic flowing constantly to the west and north of the Island. Traffic volumes were already set to increase with the approved development of the Co-Operative Society site at Beaumont. Turning her attention to the design of the proposed development and the potential for loss of privacy and natural light, Mrs. Le Masurier felt that a more traditional design approach would have minimised

the impact and would have been much more in context. She concluded by asking what the point of the Island Plan was if it could be interpreted to suit anyone's purpose.

The Committee heard from Mrs. S. Gisler, who advised that a bat survey which had been carried out in June 2018 had identified that Bay Croft was highly suitable for crevice seeking bats. At her own property there had been sightings of a returning maternity roost. The current wild areas at Bay Croft and the existence of a pond provided an ideal feeding habitat for bats. It was understood that the application site would be re-examined in September 2018.

The Committee heard from the applicant's agent, Mr. R. Godel. Mr. Godel reminded the Committee that the application site was situated in the Built-Up Area, where new development was directed. Density levels also had to be maximised in the Built-Up Area and Mr. Godel informed the Committee that the standards were currently being reviewed and he believed that the application site fell within the secondary urban zone where target density levels were 80 – 120 habitable rooms per acre (in order to prevent additional land being re-zoned for housing). The scheme proposed a density level of 80 – 85 habitable rooms per acre so was at the lower end of the scale. The site was suitable for redevelopment and an increase in density and Mr. Godel believed that the Department would not consider developments which did not meet that minimum density levels as there was a huge impetus to capitalise on sites like this. Mr. Godel recognised that the scheme was controversial and would impact on neighbours, but if new homes were to be delivered this kind of development was essential. Objections to the style of the development proposed were subjective and Mr. Godel stated the proposed development would be an asset to the built environment. In terms of overlooking, he concluded that the design successfully addressed such issues and he pointed out that there would be opaque guarding to balconies. However, given that an increase in density was required, a certain amount of compromise was necessary.

In response to a question from the Chairman as to whether there was a case for paying homage to the character of the area, Mr. Godel stated that delivering authentic reproductions was difficult due to the need to provide private amenity space in the form of balconies and terraces. There was also a requirement to capitalise on views from the development. Mr. Godel stated that the proposed design represented an interpretation of the style and proportions of traditional buildings.

Mr. A. Townsend, Principal Planner clarified that the review of density levels referred to by Mr. Godel was in the very early informal stages and the guidance had yet to be adopted. Therefore, no weight could be given to the figures referred to by Mr. Godel. In any case, the Chairman expressed the view that site sensitivities had to be taken into account in tandem with approved density levels. Mr. Godel argued that the policy did not take the sensitivities of specific sites into account. However, it was noted that Policy GD1, 3 and 7 addressed such issues.

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

Planning and Building (Jersey) law 2002: recommendations in accordance with

A7. 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 (Jersey) Law 2002 -

that consideration be given to a review of the agricultural worker policy to allow for changes in the industry;  
that consideration be given to whether there was a need for input from the Committee on residential standards (for example, density levels);

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Article 9A.  
410/99(1)

that consideration be given to the appropriateness of the 8 year immunity rule.

The Committee also discussed some procedural issues and asked the Department to consider whether it remained appropriate for the Committee to –

be met on site by applicants;  
receive lengthy late representations when there was clearly insufficient time for members to digest the contents of the same;  
receive lengthy, often repetitious, oral presentations from agents at the public meeting when comprehensive written submissions had been submitted.