

KML/KS

PLANNING COMMITTEE

(5th Meeting)

6th May 2021**PART A (Non-Exempt)**

**The Minutes of this meeting were written by Mrs. K.M. Larbalestier, Specialist Secretariat Officer, States Greffe from notes taken by Miss K. Slack, Specialist Secretariat Officer, States Greffe, who attended the meeting.*

All members were present, with the exception of Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and K.F. Morel of St. Lawrence, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chairman
(not present for item No. A17)
Deputy G.J. Truscott of St. Brelade, Vice Chairman
(not present for item No. A7, A10, A11 and A18)
Connétable D.W. Mezbourian of St. Lawrence
(not present for item Nos. A8, A9, A10, A11, A15 and A22)
Deputy L.B.E. Ash of St. Clement
Deputy S.G. Luce of St. Martin
(not present for item Nos. A10, A11 and A19)
Deputy M.R. Le Hegarat of St. Helier
(not present for item Nos. A15, A16 and A24)

In attendance -

G. Duffell, Principal Planner
C. Jones, Senior Planner
J. Gladwin, Senior Planner
L. Davies, Planner
R. Hampson, Planner
K. Ambrasa, Planner
G. Vasselin, Planner
T. Ingle, Principal Historic Environment Officer
K. Slack, Specialist Secretariat Officer, States Greffe (notes)

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

Minutes.

A1. The Minutes of the meetings held on 31st March and 1st April 2021, having been previously circulated, were taken as read and were confirmed.

L'Etacq
Quarry/land to
the south of
field No. 990,
La Route des
Landes, St.
Ouen:
proposed
change of

A2. The Committee, with reference to Minute No. A9 of its meeting of 1st April 2021, considered a report in connexion with an application which sought approval for the change of use and extension of an existing quarry works building to facilitate a self-catering use at L'Etacq Quarry/land to the south of Field No. 990, La Route des Landes, St. Ouen. The Committee had visited the application site on 30th March 2021.

use/extension
of building.

P/2020/1437

The Committee recalled that it had been minded to refuse the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and the reasons for refusal, the application was re-presented.

The Committee confirmed its decision to refuse permission on the grounds that the proposal was contrary to Policies NE7 and SP1.

Saut Falluet
Cottage and
Chalet du Pre,
La Rue du Saut
Falluet, St.
Peter:
proposed
change of use
to self-
catering.

P/2020/1017

A3. The Committee, with reference to Minute No. A15 of its meeting of 1st April 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the change of use of Saut Falluet Cottage, La Rue du Saut Falluet, St. Peter to self-catering accommodation. It was also proposed to demolish an existing porch and kitchen and construct a new extension to the east elevation and demolish the 4 bedroom dwelling known as to Chalet du Pre, which was to the south-west of the site, and replace it with 2 combined 2 bedroom self-catering units. It was also intended to restore and renovate 2 granite outbuildings, construct a car port and bat loft extension to the east elevation of the granite outbuilding in the north-west of the site. The scheme also proposed various environmental, ecological and landscaping improvements. The Committee had visited the application site on 30th March 2020.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and approving the conditions to be attached to the permit, the application was re-presented.

The Committee confirmed its decision to grant permission, subject to 3 conditions detailed within the officer report.

Le Coin
Fleurie, La
Route des
Cotils,
Grouville:
proposed part
demolition of
wall/creation
of new access
and parking
area (RFR).

P/2020/1047

A4. The Committee, with reference to Minute No. A17 of its meeting of 1st April 2021, considered a report in connexion with a request for the reconsideration of an application which proposed various works to facilitate the creation of a new car parking area and vehicular access at the property known as Le Coin Fleurie, La Route des Cotils, Grouville. The application had been refused by the Department under delegated powers. The Committee had visited the application site on 30th March 2020.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and approving the conditions to be attached to the permit, the application was re-presented.

The Committee confirmed its decision to grant permission, subject to 2 conditions detailed within the officer report.

No. 4 St.
Saviour's
Crescent, St.
Saviour:
proposed
replacement
extension and
balconies/
conversion of
residential
units (RFR).

A5. The Committee, with reference to Minute No. A7 of its meeting of 31st March 2021, received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of an existing extension and its replacement with a new 5 storey extension and balconies to the south-west elevation of No. 4 St. Saviour's Crescent, St. Saviour. It was also proposed to convert the existing 19 x one bedroom residential units to form 3 x one bedroom and 5 x 2 bedroom residential units. The Committee had visited the site on 30th March 2021.

Meeting
06.05.21

P/2019/1677

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and approving the conditions to be attached to the permit, the application was re-presented.

The Committee confirmed its decision to grant permission, subject to the conditions detailed within the officer report.

Field No.
519A, La Rue
de Basacre, St.
Martin:
proposed
installation of
solar panels
(RFR).

A6. The Committee, with reference to Minute No. A6 of its meeting of 31st March 2021, received a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the installation of 60 solar panels to the north-eastern side of Field No. 519A, La Rue de Basacre, St. Martin. The Committee had visited the site on 30th March 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and approving the conditions to be attached to the permit, the application was re-presented.

P/2020/0329

The Committee confirmed its decision to grant permission, subject to the condition detailed within the officer report.

Fair Acre, La
Route Orange,
St. Brelade:
proposed
demolition and
redevelopment.

A7. The Committee considered a report in connexion with an application which sought approval for the demolition of the property known as Fair Acre, La Route Orange, St. Brelade and its replacement with an apartment building comprising 15 x 2 bedroom residential units with basement car parking and landscaping. The Committee had visited the application site on 4th May 2021.

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

P/2020/1533

A site plan and drawings were displayed (the Committee also had sight of paper copies of drawings). The Committee noted that the application site was situated in the Built-Up Area and the Green Zone and that Policies SP1, 2, 3, 6 and 7, GD4, NE1, NE2, NE4, H4, TT4, TT8, WM1 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the proposed new building would comprise 3 storeys of residential accommodation above a basement car parking level. The proposed main elevations of the building would be rendered with granite stone cladding, including projecting stone sections to the front and a rendered projected section to the rear. The top floor of the building would be inset and have metal cladding and glazing with a green roof. 27 car parking spaces and bicycle storage were proposed in the basement with 9 car parking spaces externally at ground level with a planted pergola to the north of the proposed building. There would be a total of 36 car parking spaces - 2 parking spaces per apartment, with one of the 15 apartments having 3 spaces.

The site was located in the Built-Up Area close to the urban centre of Red Houses/Les Quennevais in a highly sustainable location close to all amenities, as well as within walking distance of bus stops, recreation facilities and a public car park. Policy H6 of the 2011 Island Plan stated that new housing would be permitted within the Built-Up Area. The internal room/apartment sizes met the minimum housing standards and amenity space was provided in the form of a communal garden area within the site, as well as private balconies to the apartments. The proposed apartment building would be sited back from the site frontage in a similar

position to the existing house. The front boundary would be landscaped with the existing Leylandii hedge at the front being retained to the east of the widened vehicular access. Additional landscaping to all boundaries was proposed and this would help screen the development from public vantage points, which were largely from La Route Orange. Concerns had been raised in relation to loss of privacy, but the Department had concluded that the proposed development would not cause unreasonable harm to neighbouring properties as it would be sited away from the boundaries and the scheme proposed the retention of existing and additional landscaping. Furthermore, the western and eastern elevations of the proposed building were largely blank with the exception of one obscure glazed window to each side elevation. The inclusion of privacy screens to two balconies was also proposed.

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) within 6 months of the date of approval to secure a financial contribution [REDACTED] to provide a bus shelter for the Town-bound bus and to contribute towards improving pedestrian facilities near La Moye school.

94 letters of representation had been received from 80 households and a further 2 late representations had also been circulated.

The Committee heard from Mr. [REDACTED], who [REDACTED] referred the Committee to his written representation, in which he had identified those Island Plan Policies with which he believed the scheme conflicted. He stated that none of the issues he had raised had been satisfactorily addressed. [REDACTED] recalled that a previous application for 18 apartments had been withdrawn. Whilst the current application would result in a 17 per cent reduction in the number of units proposed (when compared with the previously withdrawn application), the top floor units would be much larger, thus representing only a 6.8 per cent reduction in size. Comparisons between the proposed roof and the existing were considered unfair as the new development would have a large flat roof. Reference was also made to a summary of the representations received within the Department report, which was believed to diminish the value of the comments made. Whilst it had been stated that 94 letters of representation had been received from 80 households, Mr. [REDACTED] expressed the view that all objections should be given equal weight and he noted that, where representations had been received from a couple sharing a household, these had been counted as a single objection. Mr. [REDACTED] had checked the Government website the previous evening and had noted 99 letters of objection from 100 people.

Mr. [REDACTED] continued, stating that a large number of mature trees were shown on the drawings and this was not reflective of reality and it would be several decades before new trees reached maturity. He stated that a more realistic 3-dimensional model would have shown a few young trees and the property as a 'massive monolith'. The proposed development was completely out of proportion in size and mass and would result in a significant increase in occupancy. Mr. [REDACTED] described the scheme as 'extremely unpopular' and noted that there had not been a single letter of support. He suggested that removing the 3 apartments on the top floor would be the least-worst option. He concluded by stating that he strongly objected to the application.

The Committee heard from Mrs. [REDACTED], representing 2 neighbours who lived within 50 metres of the application site. Mrs. [REDACTED] advised that Fair Acre had been occupied until recently and appeared to be capable of repair (an independent

Meeting
06.05.21

engineering report had been submitted in this context). Policy GD1.1(a) presumed against development where a property could be repaired and Mrs. [REDACTED] argued that the policy test was not met in this case. In terms of the natural environment, she noted that the latest ecological report recorded a low number of birds and she believed this could be directly attributed to the large number of trees and vegetation which had already been removed. Neighbours had watched in disbelief as mature and healthy trees had been felled and the work had caused damage to a neighbouring property and compromised nearby trees, whilst also adversely impacting wildlife. There appeared to be no reason for the removal of the mature trees.

The scheme did not accord with relevant Island Plan Policies in relation to landscape protection and preservation of the character of the Built-Up Area. The scheme proposed the introduction of an apartment block into a leafy suburban area comprising single detached dwellings. The proposed development felt ‘muscular’, was closer to boundaries and did not respect the character of nearby dwellings. The landscaping scheme suggested that trees along the boundary would be removed. Whilst it was understood that design was subjective, Mrs. [REDACTED] did not feel that the scheme met high quality design requirements. The submitted information was confusing and there appeared to be some contradiction in terms of the Department’s understanding of what was proposed in respect of the trees on the northern boundary. Discrepancies in the plans also made it difficult to understand the landscaping proposals and concerns were heightened because of the felling of trees. Understanding site levels was also difficult. It was not clear whether the Parish Parks and Gardens Department was supportive of the landscaping scheme as concern had previously been expressed about the removal of trees. Mrs. [REDACTED] concluded that the scheme did not meet the policy test for protecting the landscape. Overlooking and the overbearing impact of the development were also issues and the balconies would result in residents being closer to boundaries at a higher level. At the moment the neighbouring properties benefitted from complete privacy so any intrusion was considered unreasonable. Mrs. [REDACTED] stated that this was ‘the wrong development in the wrong place’ and that the submitted information made it difficult to understand the impact on the landscaping. The Committee was urged to protect the environment and the character of the area by refusing the application.

The Committee heard from Mr. [REDACTED] which he believed would be most seriously affected by the proposed development. He noted views that the proposed development was too large and unsympathetic to the neighbourhood, but advised that there was another aspect to consider – the integrity of the proposed development. In carrying out his own research, Mr. [REDACTED] had noted the comments of a UK High Court Judge in respect of a specific development proposal. These comments had included reference to development not being deceptive, misleading, fraudulent or unfair. In this particular case, claims that the building was beyond repair were refuted and Mr. [REDACTED] advised that [REDACTED] the property in June 2019 [REDACTED] it had been occupied. A few months later it had been vandalised under what he believed to be ‘strange circumstances’ by someone who appeared to have a knowledge of construction. Guttering had been unclipped and removed together with the central section of a downpipe. Roof tiles had been removed and windows pushed out. Mr. [REDACTED] asked why the current owners had not repaired the property to make it watertight and now appeared to be claiming that it was beyond repair due to the damage caused by water ingress. Mr. [REDACTED] described this as ‘a callous action’. He also questioned the costings for certain aspects of the proposed development and stated that the property could be restored. He understood that in the UK a number of planning committees had required developers to restore buildings in a concerted effort to prevent wilful neglect and subsequent decay.

Mr. [REDACTED] went on to state that the submitted information did not allow for a

height comparison, which he considered appalling. He also distributed a series of images which showed the house intact in 2019, and made reference to discrepancies between an original satellite image from Google Maps and the same image, which was alleged to have been altered, in the applicant's submission. Much had been made of the claim that new native planting would disguise the new building. However, Mr. [REDACTED] noted that the scheme included Silver Birch, a deciduous Finnish species, which was small and slow growing and would not provide screening. He concluded by urging the Committee to refuse permission.

The Committee heard from Deputy M. Tadier of St. Brelade, who advised that he did not normally get involved in planning issues, but had done so in this particular case as there were so many objections from residents with regard to the impact of the scheme. Whilst demand for housing in the Island had to be borne in mind, the Deputy asked the Committee to consider the impact of the scheme and the precedent it might set. He had noted a suggestion in the Bridging Island Plan that Les Quennevais could become a 'second town' and there was a strong risk that if the application was approved ahead of the Plan, it could send out a message that it was acceptable for single dwellings surrounded by relatively large green areas to be converted into multiple apartments, despite ongoing issues of congestion in St. Brelade and uncertainty around the future use of the former Les Quennevais school site. In considering the elevations, the Deputy added that the proposed development looked like a civic building. The Deputy was of the view that community support was essential when large developments were proposed and, in this particular case, such was the opposition to the scheme that consideration had to be given to producing a more appropriate development which was acceptable. He believed that residents' expectations for the site were reasonable and that they were not opposed to appropriate development.

The Committee heard from Mr. [REDACTED], also a resident of the area. He stated that context was crucial and references in the Department report to Clos des Sables and Waitrose were misleading as these structures were not relevant. Route Orange was key and the scale and massing of the proposal were out of proportion in this context and failed the policy test.

The Committee received Ms. [REDACTED] Messrs. [REDACTED], [REDACTED]. [REDACTED], representing the applicant company. Mr. [REDACTED] addressed the Committee first, advising that he had considered all of the objections and the themes were not consistent. He reminded the Committee of the pressing Island housing needs and noted the appropriateness of the site for a development of this nature. This was a brown field site which was close to amenities and good access to public transport. In terms of the Bridging Island Plan, it was true to say that this encouraged more efficient use of land in support of the provision of new homes and Les Quennevais was well placed to support further development. Demolition of the property was justified and a report from a surveyor had been submitted. Policy H6 supported new housing in the Built-Up Area subject to certain criteria, all of which had been met. Electric vehicle and bicycle charging points/bicycle stores/a car club were all included and the development had been endorsed by the Highway Authority. The density, scale and form of the development was appropriate to the mixed suburban character of the area. Space around the building would be generous and there would be no unreasonable harm. The design and build were of a high quality. Extensive landscaping proposals would result in a series of ecological enhancements not seen in any other application. The same applied for energy efficiency.

Mr. [REDACTED] asked the Committee to focus on the benefits which would arise. The proposed development would set a new standard for sustainable housing and would use renewable energy systems such as photovoltaic solar panels. Water

Meeting
06.05.21

conservation and management, ecological enhancement, facilities and space for waste recycling were all proposed together with transport initiatives. The proposed apartments would be generously spaced and were 60 per cent larger than the minimum standard requirements. High acoustic insulation and a dual aspect to enhance access to sunlight were features, to include large balconies and non-load bearing partitions for flexible living. The proposed development would reduce the environmental impact and ensure that the land was reused in a sustainable manner. The scheme proposed a mix of purpose-built apartments and larger dwellings whilst maintaining space and privacy. Mr. [REDACTED] concluded that the space, mass and density were not unreasonable. A roadside granite wall would be constructed to enhance the street scene and the proposed development would protect and enhance the landscape character. The scheme would use only one third of the site so this was a low density scheme which would deliver much needed new homes and make a positive contribution towards the aim of carbon neutrality by 2030. 7 per cent of the site would be given over to soft landscaping and the applicant company had worked with Nurture Ecology. It was noted that an expert inspection of 70 trees had resulted in advice that 6 should be felled for safety reasons and a further 3 pollarded. Mature planting would be retained in the southern garden, to include a protected species of orchid. Further screening would be added in the form of a mix of native trees and a wildlife space. To the east and west hedging and trees would protect privacy and provide unbroken wildlife corridors. Pergolas would be constructed to screen parking and provide shade.

The Committee heard from Mr. [REDACTED] of Nurture Ecology, who advised that ecological surveys had been carried out over the last year and these had identified 3 species of bat in the loft space. Surveying would be completed by the end of June and this would inform the demolition period. Several clusters of flora, to include 2 rare orchids had been identified. There were no reptiles or amphibians and bird activity was low with just 2 nesting pairs this year. A significant volume of ecological information had been gathered and factored into the scheme, resulting in an exceptionally high standard of species protection. The scheme included a large bat loft in a general utility building reusing existing roofing and the internal layout to resemble that which had existed to enhance uptake by bats. The design went beyond that which was normally required and high level mitigations to protect bats during deconstruction were proposed. It was noted that the bat loft design was not dependent on the survey results. The protection and relocation of protected flora to dune habitats was proposed and there was a strong commitment to the success of this environmental initiative with a long term management strategy proposed.

Mr. [REDACTED] advised that the proposals would deliver much needed homes without the need to rezone land and would promote and protect wildlife corridors. The scheme included significant ecological enhancements which went beyond policy requirements and these would safeguard the natural environment. A new granite wall would be constructed to enhance the public realm and the applicant company was willing to increase the height of this wall if the Committee considered this appropriate. A percent for art contribution [REDACTED] would be made, together with a financial contribution [REDACTED] to provide a bus shelter for the Town-bound bus and to contribute towards improving pedestrian facilities near La Moye school. Mr. [REDACTED] repeated comments regarding the positive contribution towards carbon neutrality and stated that he believed the scheme was an excellent example of sustainable design in Jersey.

Having considered the application, the Committee, with the exception of Deputy L.B.E. Ash of St. Clement and M.R. Le Hegarat of St. Helier, concluded that it could not support the scheme on the basis that the mass, density, impact on neighbours and the local environment were just too great. The Committee was also deeply concerned to note that so many trees had been felled, albeit that these were not protected, and

that the property had been left to deteriorate to such an extent.

Having recognised that is decision was contrary to the officer recommendation, the Committee noted that the application would be represented at the next scheduled meeting for decision confirmation.

Manor House Farm, Rue de Bas, St. Lawrence: proposed change of use/extension of farm group/change of use of field to form driveway.

A8. The Committee considered a report in connexion with an application which sought approval for the change of use of parts of existing farm group at Manor House Farm, Rue de Bas, St. Lawrence and the construction of extensions to the west and east elevations and a glazed link to form a community centre (including a function room, café, day rooms, kitchen and ancillary accommodation). It was also proposed to construct a pergola to the south elevation. The change of use of part of Field No. 755 to create a vehicular access on to Rue de Bas and form a driveway and parking areas to the west of site was also proposed. The Committee had visited the application site on 4th May 2021.

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

P/2020/1024

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and the Green Zone and that Manor House Farm was a Listed Building. Policies SP1, 4, 6 and 7, GD1, 5 and 7, NE1, NE2, NE7, HE1, HE5, BE6, ERE1, ERE4, SCO3, TT5, TT9 and LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site comprised a main house constructed in 1875 with a range of outbuildings to the north and east. These buildings were Grade 2 Listed. The site was located off Rue de Bas, which was a narrow country lane with no footways, via a single width unmade access track. The main house, which was 2 storey, but raised up a level on a half basement, was visible from the road and overlooked Waterworks Valley (Le Chemin des Moulins). Whilst development had been implemented in connexion with a 2014 planning permission, the main building and adjoining farm buildings were currently in a poor condition. The application proposed the conversion and extension of the easterly group of granite outbuildings to provide a day centre for the elderly which would contain a café and shop. A new western wing to the house would also be constructed to form a function room offering community lectures and talks. The space would be multi-functional in order to accommodate fitness, educational and wellbeing programmes for the elderly. The main house would comprise a self-contained suite of consultation rooms for a range of groups, with staff offices above and accommodation for guests and speakers. The southerly barn would be left open to form an 'eco-barn' for bio-diversity enhancement. The existing grass amphitheatre to the south would be used for outside theatre productions on an infrequent basis. In Field No. 755 a new vehicular access and driveway would be provided off Rue de Bas, with the existing site access forming the site entrance only. A new car park for 30 vehicles was also proposed to the south of the new access, together with 6 shuttle bus spaces, a drop off zone and 3 disabled parking spaces. The applicant had confirmed that the elderly community would be encouraged to contribute to the everyday management of the centre with an emphasis on remaining an active part of the community.

The Committee noted that the proposal failed to satisfy the relevant Island Plan Policies in relation to the Green Zone, Listed Buildings, agricultural land, skyline views and community facilities and, as such, could not be supported by the Department. Consequently, it was recommended that the Committee refuse permission.

7 letters of support, together with endorsements from various organisations and the

Meeting
06.05.21

Office of H.E. Lieutenant Governor had been received. The application had generated one letter of objection.

The Committee heard from Ms. T. Ingle, Principle Historic Environment Officer, who advised that the application had generated an objection from the Historic Environment Section. The site comprised a spectacular 1875 house with associated 19th century farm buildings incorporating fragments of older remains on a site dating back to the medieval period. Ms. Ingle advised that she had suggested a modest extension to the east and believed that the proposed new large extension would have a significant visual impact on primary views of the front façade. The proposed western extension would also have a detrimental impact as it breached the building line and obscured the singularity of the 1875 Cod House. The restoration of the house was positive and the conversion of buildings offered an opportunity to retain important features. However, the application could not be supported from a heritage viewpoint. If the Committee decided to grant permission, it was recommended that the details of the level of intervention (as set out in the Historic Impact Assessment (HIA)) be shown on the submitted drawings.

The Committee heard from the applicant's architect, [REDACTED], who advised that the western extension would form the new arrival courtyard. With regard to the proposed eastern extension, the HIA stated that 'the visual impact of the single storey building when seen from the west would be minimal, given the slope of the land away from the road, which resulted in the farmhouse being set below road level'. Furthermore, the Department report stated that 'whilst the western extension would be viewed from Rue de Bas, this followed the scale and mass of the approved (2014) elements and, as such, was acceptable'. The report also concluded that the extension would be lower than existing outbuildings. The HIA noted that the existing setting of the farm buildings was altered by the 'L' shaped buildings to the east and west and the setting of the main house would be improved by the addition of the new single storey west wing. A pitched slate roof would be constructed on the eastern extension and the use of granite masonry would minimise the impact. There would be no change to the intensification of the use of the junction as it was currently used by farm vehicles and the car parking area would be screened by planting. The Environmental Land Control Section had not objected and Policy SCO1 supported the proposal.

The Committee heard from Mr. [REDACTED], representing the applicant. He advised that this was a philanthropic project which would benefit the Island. No Government funding was being requested to fund the scheme. Ongoing concerns arising from the impact of the pandemic on the wellbeing of the ageing community were a significant factor. The proposed development would provide a safe haven and the inclusion of younger people would help to bridge the gap between young and old. Mr. [REDACTED] advised that he had been involved in the project for 8 years with pre-application advice having been sought in 2015. It was proposed to reduce trips to and from the site by using a minibus. However, it had to be borne in mind that the existing working farm generated approximately 100 vehicle movements in a day for agricultural purposes. The scheme would present excellent opportunities for biodiversity, environmental and habitat enhancement and restoration. The woodland would be regenerated and safeguarded for future generations. With regard to the loss of the agricultural field, this would be counterbalanced by the return of 2.25 verges of land to agriculture. With regard to the historic buildings, there was no desire to make significant changes but there was a drive to share the buildings with Islanders. Permission had been granted in 2014, for a residential development, but it had been decided not to implement the permit in favour of using the resource for the benefit of the Island.

The Committee discussed the application and, in response to a question from the

Chairman regarding how the project would be secured for the benefit of the community in perpetuity, Mr. [REDACTED] stated that the Committee might wish to consider the entering into of a Planning Obligations Agreement (POA) to secure the use. The applicant company would provide funding for on-going costs for the first few years. After this, it was anticipated that community involvement would lead to a self-supporting development. Mr. [REDACTED] went on to discuss the vision for how the facility would evolve and whilst it would be generally aimed at older people, younger Islanders would be encouraged to participate. The Vice Chairman suggested that consideration should be given to imposing a Tree Preservation Order on an existing mature tree.

Connétable D.W. Mezbourian of St. Lawrence addressed the Committee, advising that Mr. [REDACTED] was a Parish Roads Inspector. She confirmed that she had been approached 6 years ago regarding the project, primarily in the context of the impact on the parish road network if approved and in terms of the wider beneficial impact. Since that time, she had had no further involvement. However, as Parish Connétable she felt that it would be remiss of her not to speak in favour of this philanthropic project. The Connétable had seen the impact of COVID-19 on the elderly in terms of both health and wellbeing. She understood that the Committee had to focus on the relevant planning policies in determining the application and she asked members to consider the policy preamble which allowed some flexibility in terms of interpretation. When the Roads Committee had met to discuss the scheme, Rue de Bas had a speed limit of 30 miles per hour – this had now been reduced to 15 miles per hour as part of the speed limit consultation in 2016. Off road car parking next to the Parish church had also been created, providing additional car parking spaces which would allow people to park and walk along the Green Lane to access the facility. She concluding by stating that general improvements had been made to the area in the last 6 years.

Ms. G. Duffell, Principal Planner confirmed that, whilst the policy preamble did refer to flexibility, it also directed new facilities to the Built-Up Area and not the Green Zone.

Having considered the application, the Committee, with the exception of Deputies G.J. Truscott of St. Brelade, Vice Chairman and M.R. Le Hegarat of St. Helier, was convinced by the overall community benefits which would arise. Consequently, permission was granted, subject to a Tree Preservation Order, as detailed above and further investigation into the most appropriate mechanism by which to secure the community use in perpetuity. The Committee was also advised that the Highway Authority was likely to have specific requirements which would either be achieved by the imposition of planning conditions or a POA. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be represented at the next scheduled meeting for decision confirmation and for the approval of any conditions/POA.

Manor House Farm, Rue de Bas, St. Lawrence: proposed change of use/extension of farm group/change of use of field to form driveway.

A9. The Committee, with reference to its Minute No. A8 of 6th May 2021, considered a report in connexion with a retrospective application which sought approval for the demolition of a pump house in Field No. 804, Manor House Farm, Rue de Bas, St. Lawrence, the creation of an amphitheatre and the widening of the vehicular access from Le Chemin des Moulins. The Committee had visited the application site on 4th May 2021.

Connétable D.W. Mezbourian 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 Green Zone and that Manor House Farm was a Listed

Meeting
06.05.21

P/2020/1024

Building. Policies SP4, GD1, GD5, NE4, NE7 and ERE1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the site comprised a main house constructed in 1875 with a range of outbuildings to the north and east. These buildings were Grade 2 Listed. The site was located off Rue de Bas, which was a narrow country lane with no footways, via a single width unmade access track. The main house, which was 2 storeys, but raised up a level on a half basement, was visible from the road and overlooked Waterworks Valley (Le Chemin des Moulins).

The amphitheatre had been constructed in 2017, and the pumphouse demolished prior to that. The Committee noted that although it was almost 4 years old, the amphitheatre had been constructed without planning permission and it was considered unacceptable in this Green Zone location, on agricultural land outside the domestic curtilage of the main house and visible from outside the site. Whilst the temporary access arrangements off Le Chemin des Moulins were no longer operational, the existing amphitheatre was unacceptable and could not be supported. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies NE7, ERE1 and GD5 of the 2011 Island Plan.

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

The Committee heard from the applicant, [REDACTED], who advised that the amphitheatre had been naturally formed from the landscape and that it had previously been used as a dumping ground, with 6 vehicles and significant amounts of plastic and waste having been removed from the site. It was anticipated that the amphitheatre could be used for talks/presenting countryside management initiatives and would provide a pleasant area for visitors.

The Committee heard from Ms. T. Ingle, Principle Historic Environment Officer, who advised that there were no objections to the proposal from a heritage perspective.

Having considered the application the Committee concluded that there would be no adverse impact. Consequently, the application was approved, contrary to the officer recommendation and would be represented at the next scheduled meeting for decision confirmation and for the approval of any conditions.

Tamba Park,
La Rue des
Varvots, St.
Lawrence:
change of use
of café and
shop/
replacement
pumps/
increase in size
of store
(RETROSPEC
TIVE).

P/2020/0760

A10. The Committee considered a report in connexion with a retrospective application which sought approval for the change of use of the former café and shop at Tamba Park, La Rue des Varvots, St. Lawrence to facilitate an agricultural use. The replacement of existing air source heat pumps and an air handling unit was also proposed, together with an increase in the size of an internal store. The Committee had visited the application site on 4th May 2021.

Deputies G.J. Truscott of St. Brelade, Vice Chairman and S.G. Luce of St. Martin and Connétable D.W. Mezbourian 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 Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the applicant company has secured a licence to cultivate pharmaceutical grade Hemp/CBD at Retreat Farm, and had previously been granted permission for the erection of fencing and gates, in accordance with States of Jersey Police requirements for the site operation.

The Committee was advised that there was an established tourism/agriculture use on the site and the application sought retrospective approval for the change of use of the former café and shop to facilitate an agricultural use, to include an increase in the floor area of an internal store. The replacement of existing air source heat pumps and an air handling unit in an open area immediately to north of the former café and shop building was also proposed. The existing glasshouse use had long been established, having been built in the 1960s and the use of the glass house to grow hemp was recognised by the Department as an agricultural use, which did not require a change of use application. Therefore, the assessment did not consider the principle of the use and focussed on the acceptability of the proposed development in the Green Zone context, and whether it would unreasonably harm the amenities of neighbouring uses and the character of the area. Overall, the proposed works were incidental to the operation of the glasshouse and the scale, form, siting, and design were considered acceptable within the Green Zone context and would not cause serious harm to the landscape character. The works were situated at a satisfactory distance away from any neighbours and would not cause unreasonable harm to the amenities of the neighbouring properties. Consequently, approval was recommended, subject to the imposition of certain conditions detailed within the officer report.

On a related matter, works to the glasshouse internally such as an office, meeting room, toilets etcetera had been assessed and had been defined as Permitted Development, not requiring planning permission.

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

The Committee heard from Mr. [REDACTED], representing residents of the area. He noted that retrospective approval was recommended on the basis that the proposed development was incidental to the agricultural use of the glass house. He questioned whether all of the activities in the glass house could be classed as agricultural and whether the proposed development was actually incidental. He understood that the Minister for the Environment had made it clear that the use was industrial and, following a visit to Warwick Farm, had not been supportive of a similar industrial process on that site. Mr. [REDACTED] did not believe that the existing use could be classified as agricultural. Furthermore, the works to the glasshouse internally to create an office, meeting room, toilets etcetera had been assessed and had been defined as Permitted Development; not requiring planning permission. Mr. [REDACTED] believed this assessment to be flawed and did not consider the works to be of a minor nature. A significant amount of equipment had been installed in the premises with no assessment of noise, light or pollution. He asked to where the water from the operation was being discharged and hoped that it was not into a nearby stream or through the pumping station, where excessive waste-water had caused raw sewage to flow into the stream. Despite this, there had been no environmental impact assessment and no information on the disposal of waste material from medicinal cannabis or details of the hours of operation. Mr. [REDACTED] argued that the Committee had insufficient information upon which to base its decision. He urged members to refuse the application and prevent a large industrial development in the countryside. In concluding, he noted that 2 Scrutiny Panels were currently carrying out reviews into medicinal cannabis.

The Committee heard from Mrs. [REDACTED] [REDACTED] was upset that the Committee had not visited her property when it had visited the application site, [REDACTED]. She questioned the location selected on the site for the development, given the proximity to residential development and the impact on neighbours and asked why the applicant company could not construct a new building for the

intended purpose. She asked members to consider whether they would wish to live next to such a facility and felt aggrieved at the lack of consultation or consideration for the wellbeing of residents.

The Chairman apologised for not having visited Mrs. [REDACTED]'s property and advised that the Committee had not been made aware that she had wished members to do so. Mrs. [REDACTED] informed the Committee that she had made Deputy K.F. Morel of St. Lawrence aware of her desire for a visit from the Committee. However, it was noted that the Deputy had not attended the site visits as he had been unwell. Mrs. [REDACTED] felt that the Committee's scheduled visits 2 days prior to the meeting were too close to the public meeting. However, it was explained that viewing sites immediately prior to the meeting was extremely helpful. Mrs. [REDACTED] remained upset that the Committee had not thought to visit her property and stated that this was not the first time this had happened and she felt most disappointed.

The Committee heard from Mrs. [REDACTED]. [REDACTED] stated that the application site had never been used for agriculture and that the former play zone use had been unauthorised. She also stated that medicinal cannabis was being processed on the site (not grown), rather than hemp and that the use was industrial rather than agricultural. Mrs. [REDACTED] stated that the applicants had not responded to any of the queries she had raised and she added that the application only referred to part of the building. Significant industrial machinery would be installed and a crane had been used to install one piece of machinery. There had been no details regarding the hours of operation and the building was less than 2 metres from some boundaries. The use of the building had previously generated noise complaints and it had been recommended that mitigation measures be put in place. Mrs. [REDACTED] noted that this was an industry which required security fencing and staff on site around the clock. She asked where the security assessment for residents was, based on proximity to the application site. There had been no environmental assessment and she urged the Committee to refuse the application.

Connétable D.W. Mezbourian advised that she had not been contacted by residents and had been unaware of Mrs. [REDACTED]'s request for a site visit. The Connétable was most disturbed to hear that the processing could result in large quantities of water being generated as there had been problems in the past. She asked for clarity on the amount of water which would be generated.

Mrs. [REDACTED], on behalf of Willin Limited addressed the Committee. She stated that it was not appropriate for residents to have to continually attend meetings to contest applications submitted by the applicant company, most of which were retrospective. Mrs. [REDACTED] advised that she had seen many changes on the application site and had been 'put under pressure' by the current owners – something she had not experienced when Jersey Gold had operated from the site. She added that the previous use had been tourism related and not agricultural. In any case, it was evident from the applicant company's website that the use was not agricultural. She, too, believed that the applicant company used the site for the processing of THC medicinal cannabis and not hemp, and she described the activity as industrial. There would be an impact on air quality and odour from industrial machinery. The vault was less than 2 metres from residential properties and whilst the Department had stated that there were no concerns for the safety of residents from criminal activity/noise and pollution, the site required round the clock staff presence. Mrs. [REDACTED] asked where the impact assessment for neighbours was. She also noted the significant investment required to replace the existing air source heat pumps and an air handling unit and suggested that the applicant company's willingness to do so suggested that it believed that planning permission was a foregone conclusion. Mrs. [REDACTED] advised that the western glass house had been removed without consent and a large crane had placed equipment to the north of site. Mrs. [REDACTED] had been visited by staff from

the applicant company on several occasions, to include the Financial Controller, who knew little about the activity. There had been no effort to clear Mrs. [REDACTED]'s land after a firework display held on the application site and there had been no recompense for damage. Mrs. [REDACTED] felt that this demonstrated that the applicant company was willing to inconvenience neighbours and persistent intrusions and bullying were alleged. She understood that the applicant company operated from vast sites in the USA, but it was clear that shareholders and senior staff in Jersey were inept and there did not appear to be a business plan for the operation. There had been no awareness of the requirement to submit a planning application for the air handling unit. Mrs. [REDACTED] stated that shareholders of Tamba Park were involved in Northern Leaf and these same individuals had previously described the glass houses as derelict. It now appeared that they provided the perfect facility from which to run a multi-million pound business. Mrs. [REDACTED] believed that the operation could damage Jersey's landscape and international reputation and that consideration of the application should be deferred until a professional assessment of noise, pollution and safety had been carried out.

The Committee heard from Mr. [REDACTED] representing the applicant company, Northern Leaf Limited. Mr. [REDACTED] felt that some of the objections raised had strayed away from the proposal and were unrelated to the proposed change of use. He reminded the Committee that the 22 acre site had originally been used by Flying Flowers. The current use was not industrial and he explained that seeds were irrigated, planted, harvested and then sold. This process was not dissimilar to that carried out in respect of tomatoes or potatoes. The most important part of the proposal was the change of use of the internal part of the building. Whilst it was accepted that some objectors lived in close proximity to the application site, others did not. The Committee had viewed the location of the strong room, which was not located near residents. Inside activities would relate to the produce grown on site and there would be no importing from outside. Much of Jersey Hemp's produce was imported, which might explain from where the perception of an industrial process had come. Mr. [REDACTED] advised that complaints about raw sewage had nothing to do with the business. The business was supported by Government as a suitable diversification and it merely involved growing a different product in the glass houses. The former Tamba Park had generated many vehicle movements and noise related issues. The applicant company intended to submit an application for the whole site – to include the western glass houses, which were derelict, but until financing had been secured, firm proposals could not be progressed. However, it was anticipated that the applicant company would replicate what was on the eastern side of the site. In response to questions regarding the absence of a noise assessment and the business operations of Flying Flowers, Mr. [REDACTED] confirmed that a Home Office Inspector had visited the site as part of the licence process for the growing of medicinal cannabis and an environmental health impact assessment had been satisfactorily completed. When an application was submitted for the western portion, a further environmental impact assessment would be carried out. He went on to explain that water was extracted from a bore hole and plants sat in trays, so that the water went directly to the roots and did not cascade on to the flower. Regular testing was carried out by the relevant Government Department as the water extracted contained nitrates, potassium etcetera. The water was recycled so that there was no run-off.

Mrs. [REDACTED] interjected advising that the Flying Flowers packing operation had been carried out on a different part of the site (Rue de la Frontiere, St. Mary).

In view of the issues raised and the request for a site visit by Mrs [REDACTED], the Committee decided to defer consideration of the application until the next scheduled meeting.

Meeting
06.05.21

Tamba
Park/Retreat
Farm, La Rue
des Varvots,
St. Lawrence:
change of use
of café and
shop/
replacement
pumps/
increase in size
of store.
(RETROSPEC
TIVE)
P/2020/0760

A11. The Committee, with reference to its Minute No. A10 of the present meeting, considered a report in connexion with a retrospective application which sought approval for the change of use of the former car park associated with Tamba Park at Retreat Farm, La Rue des Varvots, St. Lawrence for use as a car park in association with agricultural use. It was also proposed to extend the existing timber fence to the eastern site boundary, install water and oil storage tanks and an air source heat pump with landscape screen bunding. The Committee had visited the application site on 4th May 2021.

Deputies G.J. Truscott of St. Brelade, Vice Chairman and S.G. Luce of St. Martin and Connétable D.W. Mezbourian 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 Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the applicant company has secured a licence to cultivate pharmaceutical grade Hemp/CBD at Retreat Farm, and had previously been granted permission for the erection of fencing and gates, in accordance with States of Jersey Police requirements for the site operation.

The Committee was advised that there was an established tourism/agriculture use on the site and the application sought retrospective approval for the use of the car park in association with the agricultural use, together with the erection of a small scale water tank, oil tank heat pump and some close boarded fencing panels, all in connexion with the use of the site for hemp production. The existing glasshouse had long been established, having been built in the 1960s and the use of the glass house for growing hemp was recognised by the Department as an agricultural use, which did not require a change of use application. Therefore, the assessment did not consider the principle of the use and focussed on the acceptability of the proposed development in the Green Zone context and whether it would unreasonably harm the amenities of neighbouring uses and character of the area.

Overall, the proposed works were incidental to the operation of the glasshouse and were considered acceptable within the Green Zone context and not considered to cause serious harm to the landscape character. The proposed oil tank, water tank and heat pump were also situated at a satisfactory distance away from neighbours and would not result in unreasonable harm to the amenities of the neighbouring properties. The existing car park had been in-situ for some considerable time and the application proposed its use for agricultural parking rather than tourism parking.

The application was recommended for approval, subject the imposition of certain conditions detailed with the officer report.

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

In view of issues raised and recorded under Minute No. A10 of the present meeting (and the request for a site visit to her property by a resident), the Committee decided to defer consideration of the application until the next scheduled meeting.

Land to the
east of Vue des
Champs, Le
Mont Gras
d'Eau, St.
Brelade:

A12. The Committee considered a report in connexion with a retrospective application which sought approval for the change of use of agricultural land to the east of Vue des Champs, Le Mont Gras d'Eau, St. Brelade to create a temporary parking site with associated fencing in connexion with the redevelopment of the former Windmills Hotel site. The Committee had visited the application site on 4th May 2021.

proposed
change of use
of land for
temporary
parking
(RETRO-
SPECTIVE).

P/2020/1810

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

The Committee recalled that the applicant company had secured planning permission for the redevelopment of the former Windmills Hotel site and wished to use a previously unused grassed area as a parking and storage zone for a temporary period whilst the development was being constructed. The applicant had confirmed that the land would be restored to its original (and better) condition prior to the temporary use ceasing. Consequently, it was not considered that the proposed use would impact on the character or appearance of the area. The use of the land for this purpose would be beneficial in terms of reducing the impact of construction traffic on the narrow access road, the use of which would have been necessary had a site compound been created within the former hotel site.

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

10 individual letters of objection and a petition containing 28 signatories had been received in response to the application.

The Committee heard from Mr. [REDACTED] [REDACTED] advised that the application should be refused for 3 key reasons, as follows

- it did not comply with Island Plan Policies or planning legislation;
- conditions on the original permit had not been satisfied, and;
- there would be a detrimental impact for neighbours/a loss of space and the creation of an ‘eyesore’, which could possibly be the ‘thin end of the wedge’.

Mr. [REDACTED] believed that the Department had been well aware of the applicant’s intentions before the application had been submitted and this undermined planning protections. When the original application had been approved, it had been stated that development would be restricted to the Built-Up Area and the Green Backdrop Zone and that all construction work, including car parking, would be accommodated on the Windmill site. There were no exceptions within the Green Zone Policy for ‘temporary’ proposals. The Department’s assessment was flawed and the strong presumption against development in the Green Zone should be maintained. There were contradictions in the application of law. The application highlighted the fact that the construction management plan was deficient and approval had been conditional upon the implementation of the same. A Royal Court Judgment in respect of Field No. 248A had determined that there would be a detrimental impact arising from the loss of the open space and, whilst recognising that the land was not agriculturally viable, this had been considered to be of lesser significance than the Green Zone designation. The Department report contradicted this and ignored the 28 signatories to the petition, 15 of whom lived within 50 metres of the site. The recommendation for approval was contrary to the Green Zone Policy. Non-compliance with legislation, planning policy, conditions and the significant detrimental impact on open space were all legitimate reasons for refusal.

The Committee heard from Mr. [REDACTED], who advised that he [REDACTED] [REDACTED] would be directly impacted by the application. He, too, highlighted the presumption against development in the Green Zone, even on a temporary basis. He advised that in September 2020, a car park had ‘appeared’ in Field No. 248A, but before a

Meeting
06.05.21

retrospective application for this could be determined, the car park had been enlarged. 4 days before the site notice had been displayed, the field had been turned into a compound. These actions showed a total disregard for the planning process. When the car park had been extended, Mr. [REDACTED] believed that the correct action would have been to issue a stop notice and in failing to do so, the Department had given the impression it condoned this serious breach of Planning legislation. Mr. [REDACTED] believed that it should have been evident from the outset that the construction management plan was not workable and appropriate permissions should have been sought for the temporary use of the field prior to the commencement of development. Whilst it had been stated that there had been consultation with neighbours, Mr. [REDACTED] advised that he had not been consulted and he was extremely concerned about the unauthorised works in this sensitive Green Zone location. He asked the Committee to consider the history when assessing the application.

The Committee heard from Mr. [REDACTED], representing the applicant company. Experience in the construction industry meant that the applicant company understood and appreciated the disruption that major development could bring. It was in everyone's interest to keep this disruption to a minimum and there had been an awareness of the issues in carrying out construction work on this small site prior to the contract being awarded. This was a large development on a site with limited access so the decision had been taken to approach the owner of Field No. 248A to use the field for a temporary period to enable those working on the site to park in one place and minimise vehicle movements and control the number of cars on the site. Using the field also meant that there was less mud on the roads and provided a holding area for large trucks that were delivering to the site. This enabled effective working and minimised disruption. Mr. [REDACTED] informed the Committee that discussions with the Department over several months had ensued and the matter had taken longer to resolve than expected. An application had been submitted in November 2020, based on advice from the Department. Whilst the right of residents to oppose the application was respected, the aim was to minimise disruption and work in as considerate a manner as possible. The applicant company would ensure that the field was returned to a better environmental state than previously and a range of options would be presented to the owner. All remedial works would be funded by the applicant company and this work would be carried out irrespective of whether the Committee granted permission or not. If the application was refused, the decision would not be appealed and restitution work would commence immediately.

The case officer confirmed that the original consent had not been conditional upon all associated vehicles/storage compound etcetera being accommodated on site.

Having considered the application, the Committee was unable to reach a unanimous decision with Connétables P.B. Le Sueur of Trinity, Chairman, D.W. Mezbourian of St. Lawrence and Deputy S.G. Luce of St. Martin being opposed to the application and unable to support the Department recommendation. The remaining members: Deputies G.J. Truscott of St. Brelade, Vice Chairman, L.B.E. Ash of St. Clement and M.R. Le Hegarat of St. Helier indicated support for the application.

In accordance with agreed procedures where a vote was tied, the application was determined in the negative and was refused on the basis that it was contrary to Policy and would have a detrimental visual impact on the landscape. Members also expressed considerable concern at the retrospective nature of the application and the lack of foresight in terms of the issues which might arise during the construction process.

No. 2 Les Hêtres Cottage, La Route des Hêtres, St. Peter: proposed new doorway/ replacement windows/ internal alterations.

P/2020/1581

A13. The Committee considered a report in connexion with an application which sought approval for the replacement of an existing doorway with a window and the creation of a new doorway at ground floor level at No. 2 Les Hêtres Cottage, La Route des Hêtres, St. Peter. It was also proposed to replace the existing first floor UPVC windows on the north elevation with hard wood and carry out various internal alterations. The Committee had visited the application site on 4th May 2021.

It was noted that the applicant was both a States Member and a member of the Planning Committee. Consequently, it fell to the Committee to determine the application, in accordance with agreed procedures.

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

The Committee was advised that the scheme sought to create a new doorway, allowing for easier access into the garden and to replace the UPVC windows with more traditional hardwood sash windows. Further changes included removing and replacing a non-original staircase and removing studwork and creating new internal openings. The proposed works were considered relatively modest. The Policy tests were met and the works would not result in serious harm to the character of the dwelling, nor any unreasonable impact on adjoining properties. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

No representations had been received in connexion with the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that, following amendments to the scheme, there were no objections from the Historic Environment Section.

The Committee heard from the applicant, Mr. R. Huelin, who stated that the application was non-controversial and was only before the Committee due to the fact that he was both a States Member and a member of the Planning Committee.

Having considered the application, the Committee endorsed the officer recommendation for approval and granted permission, subject to the imposition of certain conditions detailed within the officer report.

No. 2 Les Hêtres Cottage, La Route des Hêtres, St. Peter: proposed replacement windows.

P/2020/1581

A14. The Committee considered a report in connexion with an application which sought approval for the replacement of 5 windows on the south elevation of No. 2 Les Hêtres Cottage, La Route des Hêtres, St. Peter. The Committee had visited the application site on 4th May 2021.

It was noted that the applicant was both a States Member and a member of the Planning Committee. Consequently, it fell to the Committee to determine the application, in accordance with agreed procedures.

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

The Committee was advised that the existing windows were in a poor state of repair, with evidence of damp and rot throughout. The scheme sought to replace 5 units with detailed double-glazed hardwood windows with structural glazing bars,

Meeting
06.05.21

replacing the existing poorer quality softwood frames and detailing. The proposed works were considered to be relatively modest and the Policy tests were met. The works would not result in serious harm to the character of the dwelling, nor would they any unreasonable impact upon adjoining properties. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

No representations had been received in connexion with the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that the replacement of the windows had been sufficiently justified within the submission and was considered to be acceptable in the context of Policies HE1 and HE2 of the 2011 Island Plan.

The Committee heard from the applicant, Mr. R. Huelin, who explained that the existing windows were in extremely poor condition. The application was non-controversial and was only before the Committee due to the fact that he was both a States Member and a member of the Planning Committee.

Having considered the application, the Committee endorsed the officer recommendation for approval and granted permission, subject to the imposition of certain conditions detailed within the officer report.

Elmwood, Le
Mont Cambrai,
St. Lawrence:
proposed
change of use
of sheds.

A15. The Committee considered a report in connexion with an application which sought approval for the change of use of some existing agricultural sheds at Elmwood, Le Mont Cambrai, St. Lawrence to facilitate a warehouse use. The Committee had visited the application site on 5th May 2020.

Connétable D.W. Mezbourian of St. Lawrence and Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this item.

P/2020/0558

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, SP2, SP5, SP6, GD1, NE7, E1 and ERE5 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application related to a pair of adjoining metal-clad agricultural sheds (with associated areas of external hardstanding). The site was accessed via a long driveway from Le Mont Cambrai which was shared with a small number of neighbouring residential properties. The scheme proposed the change of use of the existing sheds from agricultural to dry storage/warehouse use. It had been confirmed that there would be no staff based on the site on a permanent basis.

The Committee recalled that the application had originally been scheduled for consideration at a meeting to be held in public in November 2020. However, that meeting had been cancelled due to Covid related restrictions. The Department had published an assessment report ahead of the anticipated November 2020 meeting and had recommended approval of the application. However, in light of additional information which had been received in the intervening period in relation to the issue of agricultural redundancy, the Department had reviewed the recommendation and had concluded that it could no longer support the application.

The site was located within the Green Zone wherein there was a general presumption against development. However, the change of use of existing employment premises to alternative employment uses was one of the potentially allowable exceptions. The applicants had advised that the premises had been 'adequately and extensively' marketed, and that there has been no genuine interest expressed for continued agricultural use. At the same time, there had been interest from other potential

commercial (non-agricultural) users. The Land Controls and Agricultural Development Section had stated that whilst there was no objection to a temporary change of use away from agriculture, a permanent change of use should be resisted.

It was noted that claims of redundancy were disputed by objectors, with correspondence having been received which suggested an interest from third parties in the continued use of the site for agricultural purposes – albeit, the identities of potential agricultural occupants had not been disclosed to the Department. This lack of disclosure (the claims of continuing agricultural interest having been made on their behalf by a local solicitor) was not entirely satisfactory and the Department recognised the applicant's concerns that this apparent interest had not emerged through the marketing exercise. Nevertheless, having received this correspondence, the Department found it difficult to conclude that – with reference to Island Plan Policy ERE 5 – the building was redundant from agriculture. Consequently, the application was recommended for refusal on the basis that it failed to satisfy the requirements of Policy ERE5

There would be no physical alterations to the building itself and no change to the landscape setting. The applicants had undertaken a transport assessment which demonstrated that the traffic and highway implications of the proposed new use would not be unreasonable. The Highway Authority had confirmed that it did not object to the application. With regard to the wider issues around the potential impact on neighbouring amenity, the Department considered that any impacts could be managed through an appropriate set of planning conditions, should the committee be minded to grant permission.

A total of 22 letters of representation had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] of MS Planning on behalf of neighbours of the application site. Mr. [REDACTED] highlighted the importance of Policy ERE5 and the need to determine redundancy. It was evident from the submitted information that there was interest in the continued use of the sheds for agricultural purposes from 2 individuals and reference was made to correspondence which detailed the financial offers which had been declined and which had been based on a professional valuation. It was alleged that the sum which was being sought by the applicant was financially prohibitive. Mr. [REDACTED] concluded that the marketing exercise had not been entirely transparent and that there was interest in using the shed for agriculture. The process had been designed to fail and the building was not redundant from agriculture.

The Committee heard from Mr. [REDACTED] who advised that he was a genuine agriculturalist and was interested in purchasing or leasing the building at a realistic price. The exercise appeared to have been flawed and Mr. [REDACTED] expressed a desire to re-start the process.

The Committee heard from Mrs. [REDACTED]. She stated that when the second shed had been constructed there had been no objection due to the agricultural use, which was deemed necessary. The sheds had subsequently been sold and the applicant considered them redundant from agriculture. Mrs. [REDACTED] noted that although it was understood that the Jersey Royal Potato Company had stated that it no longer had a use for the sheds, the company had continued to use them for a further 2 years until an application for housing had been submitted and then withdrawn. Mrs. [REDACTED] stated that the applicant wished to sell the sheds [REDACTED] Mrs. [REDACTED] did not believe the sheds were redundant from agriculture. The lane was rural in character and there was very little traffic, with the exception of agricultural vehicles at certain

Meeting
06.05.21

times of year. The application site was considered to be an inappropriate location for commercial vehicles and whilst it had been stated there would be no increase in traffic, Mrs. [REDACTED] was unconvinced. She added that, without knowing how the sheds would be used and by whom it was impossible to say there would be no increase in traffic. She was particularly concerned about noise disturbance from vehicle reversing alarms and highway safety on the narrow lane, which lead to Mont Cambrai where width restrictions were in place.

The Committee heard from Mr. [REDACTED]. He did not believe that the submitted layout reflected reality and added that any activity on the site would immediately affect his property due to the proximity. He was supportive of the recommendation for refusal and did not believe that redundancy from agriculture had been proven and that the applicant's expectations were unrealistic and precluded agricultural users. He, too, was concerned about highway safety, given the immediate context and suggested that Mont Cambrai would have to be widened to accommodate the proposed use. This would obviously have a detrimental impact.

The Committee heard from Mr. [REDACTED] on the understanding that the sheds were used for agricultural purposes. He, too, was concerned about highway safety.

The Committee heard from Mrs. [REDACTED] on behalf of the applicant. Mrs. [REDACTED] understood the concerns expressed by residents, but confirmed that the applicant had complied with policy requirements in terms of marketing the site. This was an employment land site so a change to another type of employment use required consideration under Policy ERE5. There had been potential interest from 3 parties, 2 of whom had not engaged with the marketing exercise. With regard to the interest arising from the marketing, the individual concerned had given a strong indication that the sheds were intended for personal and not agricultural purposes. As far as the applicant was concerned, the site was available for agricultural use and discussions could be entered into in this context. There had been no objection from the Environmental Land Control Section and the applicant was willing to comply with the suggested time limited condition which had been recommended. The proposed dry storage use would be low key and it was noted that the constraints of the facilities meant that staff numbers would be limited. Mrs. [REDACTED] also suggested the imposition of conditions on outside use. She stated that there was a shortage of storage facilities and the agriculture industry was changing. The Jersey Royal Potato Company had no further use for the sheds. The key question appeared to be whether the marketing requirements had been met and if this was considered to be the case then the application complied with the relevant policy framework.

The Committee heard from the applicant, [REDACTED], who stated that the marketing exercise had been carried out in accordance with the requirements and there had been no genuine offers in respect of leasing the premises for agriculture. He confirmed that he had dismissed one offer due to the anonymous nature of the same. Professional due diligence had been undertaken to ascertain the agricultural credentials of the individual who had made the anonymous offer and no information on the intended use had been forthcoming. He explained that another individual had wished to rent 7,000 square feet for dry storage and 3,000 square feet for personal use. Mr. [REDACTED] explained that he had been trying to lease the sheds for 4 years and had taken the decision to submit an application for determination in accordance with the agreed procedures. There was a lack of commercial space in the Island and there had been considerable interest in using the sheds for this purpose. Not all of the intended uses had been deemed suitable for this location and noise and disturbance and highways safety had been taken into account. The aim was to lease the sheds to an established company with no permanent staff on site. Many companies were

desperate to have Island-based storage for supplies, especially due to COVID-19 restrictions. Mr. [REDACTED] advised that he did not wish to sell the sheds and was open to leasing them to a bona fide agriculturalist, subject to terms. He did not understand the anonymous nature of one of the bids, nor the decision not to reveal the nature of the intended use.

Mr. [REDACTED], on behalf of the applicant, confirmed that the original marketing exercise had been carried out by Buckley and Company at an agricultural rate [REDACTED]

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

Springvale House, Le Chemin des Pietons, St. Brelade: proposed demolition of outbuilding and store/ construction of extension to form residential unit/ conversion of principal dwelling.

P/2020/1357

A16. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the demolition of an existing outbuilding and store to west of Springvale House, Le Chemin des Pietons, St. Brelade and the construction of a ground floor extension to the west elevation to form a one bedroom residential unit. It was also proposed to convert an existing 4 bedroom dwelling into 2 residential units. The Committee had visited the application site on 5th May 2021.

Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, GD1, GD7, NE1, 2 and 7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that Springvale House was a 2½ storey dwelling located at the western end of a terrace of 3 properties, accessed from Mont Les Vaux. The property was a registered guest house and the employment/commercial use was accepted. The property was in a very poor and dilapidated condition and was understood not to have been occupied for many years. The application proposed its extension and conversion to provide 2 dwellings. A third (adjoining) dwelling was also proposed in place of a previously-demolished garage. The redevelopment/reuse of the existing property for residential purposes was considered acceptable in principle. However, as with a previous application which had also been refused, the Department remained concerned with the overall increases in scale and form (and floor space) of the development. The Department's view was that the proposal did not satisfy the requirements of the Green Zone policy for a development of this kind. Accordingly, the application had been refused for a second time.

The Committee noted that the applicants believed that approval was justified on the grounds that the increases in footprint and size were 'modest', and that there was a significant need for housing units of this size in the Island. It was also argued that the location of the site (a short distance from the Built Up Area of St. Aubin) was suitable development with good sustainable transport options available. There was also a significant amount of residential development within the area. The Department recognised the need for housing and noted the arguments made with regard to the locality. However, concerns with regard to the scale of the development remained and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. [REDACTED], who advised that [REDACTED] She was concerned that the proposed development could potentially result in the collapse of the rock face and highlighted the impact this would have on her property. Services located under the access lane could also be damaged by construction traffic. In

conclusion she suggested that 2 units might be appropriate for this site.

The Committee heard from Mrs. [REDACTED]. She had no objection to the creation of 2 residential units on the site, but wished to ensure that the natural environment was not detrimentally affected. There was a beautiful stream which ran alongside the application site, which was jointly owned [REDACTED]. She advised that she had not been approached by applicant with regard to his future plans. She, too, was concerned about the impact on the access lane and its capacity to accommodate construction traffic.

The Committee heard from the applicant, Mr. [REDACTED] and his agent, Mr. [REDACTED] of Gallagher Architects. Whilst the Green Zone Policy protections were understood, context was very important in this case. Mr. [REDACTED] noted that the Island Plan did not categorise different areas within the Green Zone and the need for greater levels of protection in some areas was apparent. The context of the particular site was built-up, but the existing policy framework did not provide a suitable exemption in this case. Housing needs were more pressing than ever before and the scheme proposed the creation of 3 units from one large unit in the form of a terrace. The application site was surrounded by larger buildings and was in a sustainable location in terms of amenities. This was a sizeable plot and the scheme would make the best use of the land available without overdeveloping the site. Mr. [REDACTED] highlighted the environmental gains which would arise and referred the Committee to a report which had been commissioned in this connexion. The application site was nestled amongst more dominant buildings and was difficult to see from outside the site. The proposed development would have a low impact on the wider context and character and there were sensible grounds for making an exception to policy in this case.

Mr. [REDACTED] informed the Committee that the property was in a very poor state and was of no heritage value. There were 5 bedrooms in the house and it was reported that a garage, which had previously been demolished, had contained a ‘bedroom unit’. The gardens would nestle into the site and engineering works would be required to facilitate this. However, the progression of any further assessment work in this respect would not be carried out until the application had been determined. The creation of a pond would result in environmental gain and some work would be carried out on the stream to address flooding to the existing building. The focus was on environmental gain and the provision of new homes. Mr. [REDACTED] stated that the properties would be suitable for young professionals a [REDACTED]

In response to a question from a Member, Mr. [REDACTED] confirmed that initial discussions with an engineer had taken place and ground tests would be carried out. If approved works to the site would be overseen by the Natural Environment Section.

Having considered the application, the Committee decided to maintain refusal for the reasons set out above.

Au Beau Milieu, La Rue du Haut de l’Orme, Trinity: construction of garage with landscaping (RETROSPECTIVE).

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 which sought permission for a single storey detached garage with associated landscaping to the south of the property known as Au Beau Milieu, La Rue du Haut de l’Orme, Trinity. The Committee had visited the application site on 5th May 2021.

Connétable P.B. Le Sueur of Trinity, Chairman did not participate in this application. Deputy G.J. Truscott of St. Brelade, Vice Chairman acted as Chairman for the duration of this item.

RP/2020/1123

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, HE1 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee noted that a flat roof, single storey detached garage with associated paved access drive, parking area and landscaping was proposed to the south of the above site within the existing lawned garden. To clarify the retrospective nature of the application, it was noted that the soakaway and ground works and first coursing of the blockwork of the garage building had been commenced on site.

Au Beau Milieu was situated within the Green Zone wherein there was a general presumption against development. Policy NE7 offered exceptions for the development of ancillary buildings. The property formed part of a mixed residential and commercial use site, which included a Grade 3 Listed former farmhouse and historic outbuildings, as well as several modern structures located outside the extent of the Listing. The site plan noted an existing single garage to the north of the courtyard, north of the existing dwellings, belonging to Au Beau Milieu, sited amongst various commercial premises and noted to be used for storage. The garden to the south currently had no vehicular access and the proposed garage would rely on access via the garden of the neighbouring property to the west. It was understood that both properties were owned by the applicant, but this information had not been included within the original submission.

The Historic Environment Section (HES) had objected to the application on the basis that the design of the garage and the amount of hardstanding proposed would erode the character of the property resulting in an unacceptable impact on the setting of the Grade 3 Listed Building, contrary to Policy HE1. HES was also of the view that the parking area/garage would be better located with other ancillary structures to the west or north of the site and had invited the applicant to discuss alternative parking solutions in the event that the Committee maintained refusal, as recommended.

Ms. T. Ingle, Principal Historic Environment Officer addressed the Committee, advising that this early 19th century farmhouse was Listed for its particularly fine stonework. The buildings were in very good order and had been well cared for. The extent of the Listing ran to the southern extension on the western side across the garden so the proposed new structure would be outside the extent of the Listing. The concern was that the large flat roofed double garage would have a detrimental impact on the setting of the Listed Building.

The Committee heard from the applicant, Mr. [REDACTED] and his agent Mr. [REDACTED], CAD Design Studio. Mr. [REDACTED] stated that the first reason for refusal of the application – *‘the application seeks permission for a garage which relies on an existing access which is not under the applicant's control’* was invalid as the applicant owned the neighbouring property to the west. The application site was outside the extent of the Listing and was 20 metres away from the façade of the Listed Building. The scheme sought to address problems with maintaining access and would avoid parking in the commercial area to the north. A high-quality finish would be achieved with timber doors and lime pointed granite from Mont Mado quarry.

With the exception of Deputy Truscott of St. Brelade, Acting Chairman, all members expressed support for the officer recommendation to refuse permission for the reasons set out above.

Meeting
06.05.21

Bel Air, Petit
Port Close, St.
Brelade:
proposed
increase in size
of approved
garage.

P/2020/0680

A18. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers which sought permission for an increase in the size of an approved double garage at Bel Air, Petit Port Close, St. Brelade. The Committee had visited the application site on 5th May 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 that Policies NE7 and GD1 of the 2011 Island Plan were of particular relevance.

The Committee noted that the approved application granted permission for a garage measuring approximately 7 metres x 6.1 metres and 3.9 metres high to the ridge of the pitched roof, clad in timber with a slate roof. The current application sought permission for an increase in the height of the garage in excess of 4.4 metres to the top of the mono-pitched roof, with the addition of a further mono-pitched car port, adding 15.7 square metres to the existing approved 42.7 square metre footprint. The design change in roof style and materials to render and slate suggested the appearance of a dwelling rather than an ancillary building, which would not maintain the character or high quality of the other buildings on the site, as required by Policy NE7. Consequently, the proposal was not considered to be modest or proportionate to the existing buildings on site and would not satisfy the requirements of Policies GD7 and NE7. The previous approval was considered to be more in keeping with the character of the site and surrounding sensitive Green Zone location. It was recommended that the Committee maintain the decision to refuse permission and it was noted that the applicant had been advised to submit revised plans to accommodate the additional height required based on the style of the previously approved scheme.

The Committee heard from the applicant, Mr. [REDACTED], who explained that the extra height was required to accommodate [REDACTED]. He also wished to tidy up the refuse collection area and store [REDACTED] within the proposed new structure. There had been no objections and neighbouring development was far higher than that which was being approved.

The Committee heard from Mr. [REDACTED] of MS Planning, representing the applicant. He explained that a mono-pitched roof would align with other buildings and the applicant was willing to use complimentary materials such as hardi-plank. The proposed development would be contained within the domestic curtilage and would tidy up the area. The overriding test was one of landscape harm and Mr. [REDACTED] argued that the scheme passed the policy test. The approved structure had been intended to accommodate the applicant's [REDACTED], but had been found to be deficient in this respect. The proposed car port would provide under cover storage for refuse bins and bikes. Whilst the building was in the Green Zone, the parking forecourt was not.

Having considered the application, the Committee unanimously refused permission for the reasons set out above.

Maison du
Midi, Le Mont
Mallet, St.
Martin:
proposed
demolition and
redevelopment.

A19. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers which sought permission for the demolition of the dwelling known as Maison du Midi, Le Mont Mallet, St. Martin and its replacement with a new 3 bedroom dwelling and 2 bedroom dwelling with external terrace and swimming pool. Various landscape alterations were also proposed. The Committee had visited the application site on 5th May 2021.

P/2019/1621

Deputy S.G. Luce of St. Martin did not participate in the determination of this application.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, 2, 4, 6, 7, GD1, 5 and 7, HE1, NE7, LWM2 and 3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that, whilst the existing dwelling design, appearance and condition warranted its removal and replacement, the proposed development did not respect the character and appearance of the area, both in terms of its size, height and design details and lack of landscaping - all of which were required by the various relevant Island Plan Policies. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that whilst the dwelling was not Listed, it was next to Pilot House which was Grade 3 Listed and adjacent to Seymour Farm, which was Grade 4 Listed. Consideration also had to be given to the wider setting of Mont Orgueil Castle and Gorey Harbour, both of which were Grade 1 Listed. The Historic Environment Section was concerned about the impact in terms of the length and height of the new ridge line and the impact of the gables within the context of contours above the hillside. On balance, the scale, mass and impact on the settings of important Listed Buildings was considered to be too great.

The Committee heard from the applicant, Mr. [REDACTED] and his agent, Mr. [REDACTED] of Axis Mason Limited. Mr. [REDACTED] advised that [REDACTED]. Prior to buying the property, he had received positive professional advice on the potential for constructing a new house on the site. An original scheme had resulted in objections from Pilot House so had been withdrawn. Further discussions with the owners had culminated in the formulation of the existing plans. Mr. [REDACTED] had been disappointed at the decision to refuse the application and urged the Committee to grant permission to enable him to build his dream home.

Mr. [REDACTED] advised that discussions with the owners of Pilot House had resulted in a positive response to the current scheme and no objections had been received. The proposed new dwelling would replace an incongruous and tired house situated directly on the roadside. The proposed dwelling used traditional forms, which took cues from the surrounding area and used materials such as natural stone, render and slate roofing. There would be reduced openings onto the roadside and more glazing to take advantage of the view and sunlight. There would be no overbearing impact on neighbours and repositioning back from the road presented opportunities for more planting to soften the impact. With regard to the distant views, the dwelling would only be partially visible from the end of Gorey Pier and was not considered to have an unacceptable visual impact. The new house would be 300 millimetres higher than the previous dwelling and there had been careful consideration regarding its position relative to Pilot House to ensure that views were not affected and that the setting was largely unaffected. The scheme had been amended in line advice from HES, to include the introduction of stone cladding to the gables. Although an additional

Meeting
06.05.21

storey was proposed, the building would not read as 3 storeys and would be pulled away from the neighbouring property to the east, thereby improving access.

The Committee heard from Mrs. [REDACTED], also representing the applicant, who advised that the proposed replacement dwelling in the Green Zone could be supported. There had been much development in the vicinity and the applicants had a legitimate expectation of improving a tired family home. In terms of Policy NE7, there would not be a significant increase in occupancy – a 4 bedroom house would be replaced with a 5 bedroom house. The reasons for refusal could be distilled down to size, scale and impact on the skyline. Views were from more distant locations and design was subjective. There were limited views of the site and the new dwelling would sit comfortably within the group of houses. There was scope for environmental gains from a landscape perspective but these were more difficult to achieve. However, an energy inefficient building was proposed with one that would be more sustainable and would deliver improvements in terms of its relationship with neighbours.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chairman and Deputy L.B.E. Ash of St. Clement, endorsed the officer recommendation to refuse permission for the reasons set out above.

Westpoint, La
Route de la
Villaise, St.
Ouen:
proposed
vehicle
store/garage/
Workshop/
hardstanding/
raised
deck/altered
access.

A20. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a basement vehicle store with garage and workshop above to the north elevation of the property known as Westpoint, La Route de la Villaise, St. Ouen. It was also proposed to create an area of hard standing to the south of site, demolish an existing deck and construct a raised deck with screen wall, bar/shower room to the south-east of the site and alter the vehicular access onto La Route de La Villaise. The Committee had visited the application site on 5th May 2021.

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

RP/2020/0283

The Committee noted that whilst the Green Zone Policy made provision for domestic extensions provided that the strict tests were met, in this particular instance, the size, design and placement on site of the proposed development was considered to be overly large and excessive relative to the existing bungalow. The proposed positioning of the extension would also result in a separate and dominant wing, which related poorly to the bungalow. Consequently, the application had been refused on the grounds that it was contrary to Policies Because of the above, the proposals are unacceptable and contrary to Policies GD1, GD7 BE6 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr [REDACTED], who advised that he had spent many years looking for the perfect family home and had known that West Point was right immediately. The property benefitted from an extant permit for an extension. However, there had been objections to the approved scheme, so the applicants had sought to reduce the visual impact in a revised scheme and enhance views for neighbours. The applicants [REDACTED] wished to have a garage to carry out work on [REDACTED] vehicles and keep them safe and secure in one place [REDACTED]. If permission was granted, the applicants' existing 4 bedroom property would be freed up.

The Committee heard from Mrs. [REDACTED], representing the applicant. Mrs. [REDACTED] stated that the Island Plan recognised the reasonable expectation of Islanders to improve and extend their homes. In 2015 permission had been granted for a more intrusive extension at first floor under the existing policy framework. The application site comprised a detached dwelling in a large plot with ample space to extend. Mrs. [REDACTED] considered the approach adopted by the Department in its assessment of the application under Policy NE7 to be unjustified and she was aware that consideration had to be given to the impact on the landscape in the Green Zone, as opposed to size. In this respect, she made reference to experiences she had gained in appeals to Planning Inspectors. The preamble to Policy NE7 referred to the capacity of the landscape to accept change. Great care had been taken to maintain trees and the intention was to reinstate a granite wall and plant additional trees. She believed the application could be supported because it complied with Policy.

In response to a question from a member in respect of Mrs. [REDACTED]'s comments about the impact on the landscape in the Green Zone versus an increase in size, Ms. G. Duffell, Principal Planner advised that whilst this view had been taken by Planning Inspectors in some cases, a contrary view had been taken in others. Mrs. [REDACTED] interjected advising that whilst reference was made to footprint in the Coastal National Park Policy, it was not mentioned in the Green Zone Policy. The Committee viewed the approved plans for the site and noted that the permit would expire in July 2021.

Having considered the application, the Committee, with the exception of Connétable D.W. Mezbourian of St. Lawrence and Deputy M.R. Le Hegarat of St. Helier, expressed support for the application and decided to grant permission, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for decision confirmation and the approval of any conditions which were to be attached to the permit.

Field No. 881,
La Rue des
Fosses a
Mortier, St.
Brelade
(agricultural
shed):
proposed
variation of
condition.
(RFR).

A21. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the variation of a condition attached to the permit in respect of an agricultural shed on Field No. 881, La Rue des Fosses a Mortier, St. Brelade. The Committee had visited the application site on 5th May 2021.

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

P/2020/0454

The Committee was advised that the change of use of the shed from Class D (agriculture) to Class E (Dry Storage) had been approved by the Department, under delegated powers, in November 2020 for a period of 5 years. Condition No. 3 of the permit restricted the hours of operation and prohibited the use of the shed on Saturdays and Sundays (given that there were residential properties to the west and north of the site and a residential property to the north). The current application sought to amend the condition so that the site could not be operated outside of the hours of 7.30 am and 6.30 pm. Whilst the use of the site on a Saturday was not opposed, the Department could not support its' use between the hours of 7.30 am and 6.30pm on a Sunday or on Bank Holidays given the impact on the amenities of residents in the vicinity. Consequently, the application had been refused on the basis that it was contrary to Policies GD1 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. [REDACTED] and his agent, Mrs. [REDACTED] of KE Planning. Mr. [REDACTED] advised that he had a good

Meeting
06.05.21

relationship with his neighbours and that there had been no issues with the dry storage use.

Mrs. [REDACTED] addressed the Committee, advising that the application site had previously been used by Lucas Brothers and there had been vehicles coming and going at all times. Consequently, the change of use to dry storage had been welcomed by neighbours. No external storage was permitted and the use could be kept under review.

Having considered the application, the Committee was convinced by the arguments made and decided to grant permission, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for decision confirmation.

La Maison du
Mont, La Rue
de la Blanche
Pierre, St.
Lawrence:
proposed
partial
demolition and
redevelopment.

A22. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the partial demolition, redevelopment and extension of the property known as La Maison du Mont, La Rue de la Blanche Pierre, St. Lawrence. The Committee had visited the application site on 5th May 2021.

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

P/2020/1673

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies GD1, GD5, GD7, WM1, LWM2, NE1 - 3 and NE7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that, in this particular case, there were issues with the scale of the proposed development, the principle of the substantial replacement of a building which was in a good state of repair and wildlife concerns. The site lay within the Green Zone wherein there was a general presumption against development. Reasonable extensions to a dwelling could be permitted provided they were not harmful to the character of the area and did not facilitate a significant increase in occupancy. However, proposals for replacement dwellings had to overcome stricter tests and achieve significant environmental gains. Policy GD1 1(a), which set a presumption against the redevelopment of buildings which could be repaired and refurbished also had to be considered.

The application site comprised a single storey dwelling with a U-shaped floor plan. Whilst the proposed development had been described as an extension, it was noted that the roof would be removed and replaced by a full first floor of accommodation and the courtyard area infilled. Most of the ground floor walls would be partially or wholly removed. The majority of the existing dwelling would not be recognisable on completion. The increase in scale and mass would be significant. The applicant's agent noted that the length of the south elevation would not be increased and the length of the west elevation would be reduced. However, most of the west and south elevations were currently single storey and both would be 2 storeys high under the proposed scheme and the courtyard infilled with a 2 storey addition. The site was also in a prominent location at the top of the escarpment and the increased scale of the building, particularly at first floor level, would be visible. The Department did not object to the architectural style, but this was not the only, or the most important consideration under Policy NE7. In addition to the increase in mass, the proposal significantly increased the floor area of the building, particularly at first floor level (by around 166 per cent) and, therefore, facilitated a potentially significant increase in occupancy.

Members were reminded of an application for a property known as Windermere (application reference P/2015/1837) where an Independent Planning Inspector had clearly stated it was not just the number of bedrooms shown that should be considered in the context of Policy NE7. Furthermore, the existing house was in good order and its substantial demolition and replacement raised conflict with Policy GD1 1(a) regarding sustainability. Finally, although requested, no wildlife survey had been submitted to satisfy policies NE1, NE2 and NE3.

The application had been refused on the grounds that it was contrary to Policies NE7, GD1, GD5, and GD7, GD1 1(a), NE1, NE2 and NE3 of the 2011 Island Plan.

The Committee heard from the applicant, Mr. [REDACTED] and his agent, Mr. [REDACTED]. Mr. [REDACTED] advised that the property had been constructed in the early 1960s and had been empty for several years. It was described as 'tired' and having an unusual layout. The applicant wished to refurbish the dwelling and make it more suitable for 'modern' living. The house was in the Green Zone so Policy NE7 was applicable and particular reference was made to NE7(1), which was considered relevant. Policy NE7(3) was not considered to be applicable in this case. Some demolition work was proposed but not to the extent that a waste management plan would be required. The proposed development would make the property more relevant to existing buildings and there would not be a significant increase in occupancy. The increase in square footage would not mean multi-occupancy and a restrictive covenant prevented there from being more than one unit on the site. There would be no impact on the landscape character and the improved design approach would have a positive effect. The slight increase in massing had been carefully concealed behind the main façade and the refurbished house would be more compact. In concluding, Mr. [REDACTED] stated that the scheme complied with Policy NE7 and added that a report which had been commissioned had revealed that there were no protected species. The Committee was urged to approve the application in accordance with policy.

The Committee heard from Mr. [REDACTED] who addressed the Policy context and, in particular Policy GD1.1(a). He advised that the scheme did not propose the complete replacement of the property so this was not relevant. Policy GD1.1(c) stated that new proposals should encourage energy efficiency and this would be achieved by virtue of the proposed development. The courtyard behind the principal façade would be infilled and there would be little increase in the accommodation. The footprint of the existing U shaped house was 471.4 square metres and the proposed development would be 472.4 square metres, so there would be an increase of just one square metre. Turning to Policy GD5 – skyline vistas and views – this particular policy referred to 'serious detrimental impact'. However, there had been no objections from neighbours or the wider public in this context so Mr. [REDACTED] contended that there could be no detrimental impact. In terms of the design approach, the Department did not object to this and it was considered to be an acceptable approach for this site.

Having considered the application, the Committee, with the exception of Deputies G.J. Truscott of St. Brelade, Vice Chairman S.G. Luce of St. Martin, was convinced by the arguments made and expressed support for the scheme. Permission was granted, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for decision confirmation and the approval of any conditions which were to be attached to the permit.

Meeting
06.05.21

Former CICS
warehouse site,
Goose Green
Marsh, St.
Peter:
proposed
change of use
of retail unit.

A23. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for a variation of a condition in respect of the change of use of an existing retail unit to part retail/part café on the ground floor of the approved residential development on the former CICS warehouse site, Goose Green Marsh, St. Peter. A golf performance centre was also to be created on the first floor of the development. The Committee had visited the application site on 5th May 2021.

RP/2020/1617

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and included a Listed Building at ground floor. Policy GD1 was of particular relevance.

The Committee was advised that the applicants wished to vary condition No. 1 of the permit so that the opening time for all of the uses was 7.30 am - Monday to Friday (as opposed to 8.00 am) and the closing time for the golf performance centre be extended to 10.00 pm 3 evenings per week. Whilst the Department did not object to the earlier opening time of 7.30 am, it did not support extending the closing time of the golf performance centre and was advising that this should remain at 8.00 pm to protect residential amenity. It was recommended that the Committee permit the earlier opening time but maintain refusal with regard to the later closer time in respect of the golf performance centre.

The Committee heard from the applicant, Mr. [REDACTED]. He advised that [REDACTED] the facility would be managed professionally. The new state of the art facility would include world class technology which would be available to golfers of all abilities and which would be used in the evening or when the weather was poor. It was vital to be able to teach in the evening and the facility could generate an additional [REDACTED] per annum. If the Committee was not minded to vary the condition as proposed, members were asked to consider permitting a 9 pm closure from Monday to Saturday. The café would be closed by 4 pm and the shop after 6 pm. At all times the facility would only be available by advance booking and coaching would usually be done on a one to one basis. An absorbent catching screen and putting green would be installed so there would be no noise issues. Clients would park at the front of the building usually on a 'one in one out' basis to minimise disturbance to neighbours. The long-term ambition was to use the first floor solely for golf. The Jersey Golf Union would use the facility and restricting the hours would have an impact as most members worked during the day. The facility would encourage elite athletes.

Mr. [REDACTED] of MS Planning addressed the Committee advising that this was a benign use and the facility would mostly offer one to one coaching. There would be no noise or light pollution and Mr. [REDACTED] felt that the proposal was acceptable and would not cause disturbance.

The case officer reminded the Committee that a retail use had originally been anticipated.

Having considered the application, the Committee was minded to approve the revision of the condition to permit an opening time of 7.30 am and a closing time of 9 pm 6 days per week – Monday – Saturday, contrary to the officer recommendation. It was noted that the application would be re-presented at the next scheduled meeting for decision confirmation.

Biffrons Villa,
La Route de
St. Aubin, St.
Helier:
proposed
vehicular
access (RFR).

P/2020/1372

A24. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the creation of a new vehicular access at the property known as Biffrons Villa, La Route de St. Aubin, St. Helier. The Committee had visited the application site on 5th May 2021.

Deputy M.R. Le Hegarat of St. Helier did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policy GD1, BE8 and BE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application sought to demolish the existing boundary wall to facilitate the creation of on-site car parking and a vehicular access onto La Route de St Aubin. The Committee noted that the proposal would result in the loss of the existing frontage garden and the traditional railings and walls. Consequently, the works were considered to have a detrimental visual impact on the dwelling and surrounding streetscape, contrary to policy BE8 of the 2011 Island Plan.

Guidelines provided by the Highway Authority stated that new accesses would only be permissible where visibility requirements could be met and where peak traffic flow did not exceed 400 vehicles per hour. Neither criteria could be met in this instance and the site also lacked sufficient space for on-site manoeuvring. To achieve the desired visibility, a neighbouring boundary wall would have to be demolished and this had not been outlined in the original submission. Moreover, both properties had strong boundary features and their removal was considered to be detrimental to the character of the dwellings and the surrounding streetscape. The application had been refused for the reasons set out above and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mrs. [REDACTED] and [REDACTED], Ms. [REDACTED]. Ms. [REDACTED] advised that whilst there was no reference to the demolition of the neighbouring boundary wall on the electronic version of the application, although it was detailed in the paper copy. The consent of the owner of the wall had been obtained and the applicant had consulted with utility companies. This would result in the desired visibility splays being achieved. It was accepted that vehicles would be unable to turn on-site, but it was understood that some discretion could be exercised in this regard. Ms. [REDACTED] did not believe that the proposed new access would pose a danger to highway safety and noted that [REDACTED] other vehicles reversing onto the road with minimal impact. There were many different frontages along the road and the application would see the removal of a small portion of the wall with many of the railings retained. Part of the neighbouring wall, which was concrete, would be replaced with a more sympathetic material. Ms. [REDACTED] explained that [REDACTED] previously parked nearby, but the site was now being developed and no longer able to be used for this purpose. This made it extremely difficult [REDACTED]
[REDACTED]
[REDACTED] it was intended to purchase an electric vehicle and install a vehicle charging point. If parking could not be secured on site it was likely that the applicant would have to move to a new house and this was something she did not wish to do.

Mrs. [REDACTED] addressed the Committee explaining how much she enjoyed living in her beautiful Victorian property and the area. There was room for her small car on the site and she hoped that permission could be granted.

Meeting
06.05.21

Whilst the Committee sympathised with the applicant's predicament, the overriding issue was one of safety and the Committee was unable to grant permission for the reasons set out above.

Planning and
Building
(Jersey) Law
2002:
recommendat-
ions in
accordance
with Article
9A.

A25. The Committee decided to make the following recommendations to the Minister arising from its assessment of the application of planning policy, in accordance with Article 9A of the Planning and Building Law (Jersey) 2002 –

- reiterated that consideration be given to the formulation of an independent schedule of industry agreed rates for agricultural land and structures (Minute No. A1 of 31st March and 2021 refers); and,
- enhanced tree protection measures were required (Minute No. A7 of the present meeting refers).

The Committee discussed certain allegations made regarding altered images (Minute No. A7 of the present meeting refers) and noted that the Department only approved elevational drawings and not computer generated images.