

KML/MH/92

PLANNING COMMITTEE

(10th Meeting)

7th March 2019**PART A (Non-Exempt)**

All members were present, with the exception of Deputy R.E. Huelin of St. Peter and Connétables P.B. Le Sueur of Trinity and K. Shenton-Stone of St. Martin.

Deputy R. Labey of St. Helier, Chairman
(not present for item No. A7)
Deputy G.J. Truscott of St. Brelade, Vice Chairman
(not present for item No. A5)
Deputy S.M. Wickenden of St. Helier
(not present for item No. A7)
Deputy J.M. Maçon of St Saviour
Connétable D.W. Mezbourian of St. Lawrence

In attendance -

P. Le Gresley, Director, Development Control
J. Gladwin, Senior Planner
E. Stables, Senior Planner
L. Davies, Planner
G. Urban, Planner
R. Greig, Planner
K.M. Larbalestier, Committee Clerk, States Greffe

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

Minutes.	A1. The Minutes of the meeting held on 7th February 2019, having been previously circulated, were taken as read and were confirmed.
Canada Cottage, La Grande Route de Rozel, St. Martin: proposed conversion and extension of outbuilding (RFR). 477/5/2(791) P/2018/1026	<p>A2. The Committee, with reference to its Minute No. A8 of 7th February 2019, considered a report in connexion with an application which had been refused by the Department under delegated powers, and which sought permission for the conversion and extension of an existing outbuilding to provide a one bedroom residential unit at the property known as Canada Cottage, La Grande Route de Rozel, St. Martin. Various external alterations were also proposed. The Committee had visited the application site on 5th February and 5th March 2019.</p> <p>The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. In the intervening period, it had come to light that a neighbour had not been alerted about the appeal against the original decision to refuse the application. Consequently, it had been agreed that the neighbour, Mr. G. de Sousa should be permitted to make representations to the Committee.</p>

Mr. de Sousa advised that he owned a neighbouring property and strongly objected to the application on the basis that it would adversely affect his enjoyment of his property and garden. He was concerned about overlooking and loss of light and explained that his property had a raised ground floor. The distance between the

proposed development and his property was only 10 metres in some cases. Mr. de Sousa confirmed that, contrary to statements made, he had not reduced the level of his garden. He informed the Committee that privacy had been a major attraction in purchasing his property. The boundary wall was not at right angles to the property and this would increase the potential for overlooking from the proposed new unit. Mr. de Sousa noted that the proposed residential unit would not comply with Supplementary Planning Guidance (SPG) Note No. 6 – A minimum specification for new housing development (which did not include a minimum size for a 2 storey single occupancy property) and he added that the existing structure had not been intended for use as living accommodation. Whilst the applicant had stated that this would be a single occupancy unit, there was no actual restriction on the number of people who could occupy the property. Shadowing, caused by the existing unit, would be worsened by the increased height and width. Mr. de Sousa referred the Committee to Policy HE1 and, in particular, references to the impact of development on Listed Buildings. He asked the Committee what message was being conveyed by permitting the proposed development, given the policy context and questioned whether this was his reward for his efforts in restoring his historic property. Turning his attention to the car parking arrangements, Mr. de Sousa argued that this would give rise to highway safety concerns. He stated that it would be impossible for a car to turn without doing a 3 point manoeuvre and visibility was poor, increasing the potential for accidents. He was of the view that the Department should be held accountable if an accident occurred and he considered the position of the entrance unacceptable. The single lane already served a number of units and Mr. de Sousa believed that 8 additional cars on the application site would cause undue strain. He referred to other sites in the Island, which the applicant had developed and felt that it was unlikely that Canada Cottage would be the applicant's 'forever home' and stated that he would likely sell the property. He alleged that the development was motivated by 'pure greed' and that the developer understood the planning system well. Mr. de Sousa stated that every tree and shrub had been removed from the site, together with evidence of bats and wildlife. He concluded by stating that the existing structure should be used for parking vehicles with an improved entrance point.

The Committee heard from the applicant, Mr. R. Killen, who advised that Canada Cottage would be his family's home. When he had purchased the property, in March 2018, Canada Cottage had not been Listed. 4 weeks after purchasing the property, he had been notified of the intention to List the property. Mr. Killen advised that he had approached Mr. de Sousa, with a view to discussing the possibility of improving visibility splays by reducing the height of a party wall. Mr. Killen alleged that Mr. de Sousa had become quite agitated and had pressed him for information on his future plans for Canada Cottage. Mr. Killen had advised that it was possible that there could be 3 units on the site if he could use the back of the property. He alleged that Mr. de Sousa had stated that he would do everything he could to prevent this and had the tools available to do so. Mr. Killen stated that Mr. de Sousa had made it clear he would only support 2 dwellings on the site. Mr. Killen found it difficult to accept that Mr. de Sousa had been unaware of the date of a Planning Committee meeting at which an application for development on a neighbouring property was being considered. He added that Mr. Sousa was a professional architect. He felt that his neighbour was seeking to prevent him from carrying out the development. It was intended that Mr. Killen's 21 year old son would live in the proposed residential unit, which would be ancillary to the main house, with which it would share services and amenities. Mr. Killen stated that a scaffold profile, erected by Mr. de Sousa, was inaccurate and that a number of vehicles had been parked in the lane to create the illusion of congestion. Mr. Killen asked the Committee to cast its mind back to its original site visit and whether there had been any vehicles blocking the lane on that particular day. Mr. Killen indicated that Mr. de Sousa had engaged the services of a consultant to advise on how best to get in and out of the property, but the solution proposed was not considered workable. Mr. Killen concluded by stating that he

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believed the application complied with policy and stated that the case officer had informed him that, had she realised the proposed unit was ancillary to the principal dwelling, a positive recommendation would have been made in the first instance.

Mr. Le Beuvant stated that there was a 450 millimetre difference in ground levels, so overlooking would not be an issue. Furthermore, there would be no windows in the roof space. He too believed that the profile, which had been erected, was inaccurate and pointed out that the site plan showed only 4 cars - not 8. Mr. Le Beuvant disagreed with comments made regarding shadowing/highway safety/manoeuvring.

Mr. de Sousa stated that the profile was accurate and he pointed out that the property was not at right angles to the wall.

In response to a question from the Chairman, the case officer confirmed that she did not believe that prejudice by virtue of overlooking would be an issue.

The Committee, having considered the representations made, concurred with the view of the case officer that there would be no prejudice by virtue of overlooking and/or overshadowing. It was acknowledged that the various issues had to be balanced and the Committee concluded that it was content to confirm the decision to approve the application, subject to the imposition of certain conditions detailed within the officer report.

Nos. 26 and 27
Clairvale
Road, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(649)

A3. The Committee, with reference to its Minute No. A6 of 7th February 2019, considered a report in connexion with an application, which sought permission for the demolition of Nos. 26 and 27 Clairvale Road, St. Helier and the construction of a residential development comprising 6 new dwellings. The Committee had visited the application site on 5th February 2019 and again on 5th March 2019, when a number of neighbouring properties had been visited and the Committee had, unusually, received representations on site, with the applicant's agent in attendance.

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A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, 6 and 7, GD1, 3 and 7, H6 and E1 of the 2011 Island Plan were of particular relevance.

The Committee recalled that the application proposed the demolition of all existing buildings on the site and the construction of 4 terraced residential houses to the front of the site onto Clairvale Road (2 houses on each side of the central vehicle entrance to the site) and 2 detached residential properties to the rear of the site. Each property would have one car parking space and a small garden.

The Committee had previously deferred consideration of the application, pending a series of site visits to neighbouring properties, in order to get a fuller understanding of the impact of the development. Objectors had raised a number of concerns about the scheme; primarily in respect of the 2 detached properties to the rear of the site.

The Committee noted that, in response to concerns raised, the applicant had submitted amended plans in respect to Units No. 5 and 6 to the rear of the site. The roofs had been reduced in size to mitigate the potential impact on neighbouring properties. As well as the amended floor and elevation plans, sun path shadow plans and sketch plans had been updated.

The site was located in a sustainable location close, to the town centre with good access to public transport, schools and services. It had not been used for a number of years (with the last use being commercial storage and retail/offices). The site was currently in a poor state of repair. As the proposal would result in the loss of an

employment use, a marketing exercise had been undertaken, with no interest having been shown in its continued use as an employment site. The marketing exercise was considered to have been satisfactorily undertaken with both the terms and cost regarded as reasonable. The site was located within a largely residential area on a site surrounded by residential properties and the benefits of replacing a commercial use with a residential scheme were considered to outweigh the loss of employment use on the site. The proposal was, therefore, considered to be in accordance with criteria 1 and 3 of Policy E1. The principle of the residential redevelopment of the site was considered acceptable and would provide much needed 2 and 3 bedroom properties in a sustainable location.

With regard to the proposed development, the Committee was advised that this was considered to be of a high quality, was in keeping with the townscape and would enhance the character and appearance of the area. Implementation of the scheme would result in the redevelopment of a derelict and outworn site. The immediate area was characterised by 2 storey residential properties with pitched roofs and the proposed development successfully matched this, in accordance with Policies GD1 and GD7. The scheme also achieved a suitable density of development, in accordance with Policy GD3. The 4 properties to the roadside would align to an acceptable degree (in terms of height and siting) with the existing terrace of properties and were not considered to have an unreasonable impact on neighbouring properties. The 2 detached properties to the rear of the site were also considered acceptable, as they were designed to minimise any overlooking or loss of sunlight, with amended plans showing hipped roofs, first floor bathroom windows being obscure glazed and unit No. 6 to the south-east of the site having blank side elevations at first floor level. The applicant had submitted a sun path analysis, showing limited overshadowing to neighbouring properties at intervals during the day, but any loss of light/overbearing impact to gardens of neighbouring properties was not considered unreasonable. Any loss of privacy would be limited and was not considered to be unreasonable in this densely built up location.

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

9 letters of representation from 7 separate addresses had been received in connexion with the original scheme.

The Committee heard from Mr. M. Stein, representing Mr. J. Baker of No. 4 Rosslyn Villas. Mr. Stein advised that he had previously submitted a written representation on behalf of Mrs. V. Malet de Carteret of No. 32 Clearview Street. The amended plans would not unduly impact on Mrs. Malet de Carteret's property, but would have an unacceptable impact on No. 4 Rosslyn Villas in terms of loss of sunlight and overbearing impact. The proximity and height of the proposed development on the south west boundary would result in mutual overlooking from 4 Rosslyn Villas and proposed Unit No. 6. The proposal would continue to have an impact on other neighbouring properties too and the quality of the amenity spaces to existing dwellings and proposed Unit Nos. 5 and 6 would be compromised.

The Committee heard from Ms. K. Heaton, who remained concerned about the impact of proposed Unit No. 6 on her property, and she believed this would have been clear to members, who had visited her property and, in particular, her kitchen area. Ms. Heaton believed that loss of light would be a significant issue.

The Committee heard from Mr. J. Baker of No. 4 Rosslyn Villas. Mr. Baker highlighted the extent of the overbearing impact Unit No. 6 would have on his property.

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The Committee heard from Mrs. M. Le Cornu of No. 28 Clairvale Road, who believed that the scheme would result in a loss of sunlight and daylight in an area which was already deprived of natural light at ground level. Unit No. 6 would be placed centrally between the 2 rows of houses forming the north east side of Clairvale Road and the south west side of Clearview Street and this would have a significant impact.

The Committee received Messrs. C. Dunne and D. Moyses, representing the applicant. Mr. Moyses advised that the site had been derelict for many years and its regeneration would provide much needed homes. The applicant had specifically chosen not to pursue a multi-occupancy apartment development with much higher density levels.

Mr. Dunne advised that amendments to the scheme would help to alleviate the overbearing impact on neighbours. He referred the Committee to his written response, which discussed the subjectivity of overbearing impacts. In terms of shadowing, this was not believed to be unacceptable given the relatively temporary nature of the same. He confirmed that there was no intention to alter the height of the boundary wall. Mr. Dunne concluded by reminding the Committee that the application site was situated in a densely built-up area of St. Helier.

Having considered the application, the Committee unanimously refused permission, contrary to the officer recommendation, on the grounds of the overbearing impact of proposed Unit No. 6 on 4 Rosslyn Villas and Nos. 34 and 36 Clearview Street and its proximity to amenity spaces. The Committee was concerned that Unit No. 6 would have a detrimental impact on the privacy enjoyed by the occupants of 4 Rosslyn Villas.

Field No.
1836, La
Rosiere,
Corner
Cottage, La
Rue Motier, St.
Ouen:
proposed
change of use
of agricultural
land.
477/5/3/(1054)

A4. The Committee considered a report in connexion with an application, which sought permission for the change of use of Field No. 1836, La Rosiere, Corner Cottage, La Rue Motier, St. Ouen. The Committee had visited the application site on 5th March 2019.

The Chairman advised that a family member rented Field No. 1836. The Committee agreed that this should not preclude him from participating in the determination of the application.

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

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The Committee was advised that the application area encompassed 2 residential dwellings (La Rosiere and Corner Cottage) and part of the adjacent agricultural field. La Rosiere was a three-bedroom house with a double garage and 2 parking spaces in front of the garage. Vehicle access was situated past Corner Cottage onto La Rue du Manoir. Corner Cottage was a one-bedroom dwelling, with no dedicated car parking, meaning that the occupant had to park either on the road, or within the access to La Rosiere. Parking on the road near a corner, with poor visibility, was a danger to highway safety. Parking within the access blocked vehicle access to La Rosiere. Field No. 1836 was located immediately to the east and the existing access to the field was in the north-west corner, adjacent to the vehicular access serving the 2 dwellings. The applicant had advised that the occupant of Corner Cottage was elderly, with poor physical mobility, meaning that parking on the road, or at another site, would be impractical. The application sought to provide reasonable vehicular access and parking provision for Corner Cottage by constructing a low granite wall adjacent to the building, which would enclose a parking space and repositioning the existing access to the 2 properties and the eastern boundary wall approximately 4

metres to the east. The access to Field No. 1836 would also be relocated approximately 4 metres to the east.

The Committee was advised that the proposal would result in the permanent loss of agricultural land (contrary to Policy ERE 1) and the extension of domestic curtilage into an area currently used for agriculture (contrary to Policy NE7). However, this had to be balanced against the resulting improvements to an existing sub-standard site access and the provision of a car parking space to a dwelling which currently had no on-site car parking. The Department was recommending approval on the basis that the improvements offered by the proposal would outweigh the policy objections outlined.

No representations had been received in connexion with the application.

The Committee heard from Mr. M. Bartlett, representing the owner of the field. Mr. Bartlett advised that the land owner supported the application and was willing to donate the land to the applicant to facilitate the proposal. It was a relatively small piece of land on the unworkable field margin, so there would be no impact on growing. The tenant of the field also supported the application and the scheme would have the added benefit of improving visibility splays.

The Committee heard from the applicant, Mrs. J. Smith and her agent, Mr. A. Farman. Mr. Farman pointed out that the scheme was supported by the Department's highway section and the Parish Roads Committee and the Land Controls and Agricultural Development Section had stated that if there was a safety issue with the access they would not object. The land owner also supported the application and the Department was recommending approval. Only 34 square metres of the 34,000 square metres field would be used and this very small change would give rise to significant benefits. There would be no impact on the viability of the agricultural holding; little visual impact and no material impact on the character of the area. Given all of the foregoing, Mr. Farman believed that sufficient justification existed for making an exception in this particular case.

Mrs. Smith added that she was extremely grateful to the land owner for offering to gift the land in question. She confirmed that, at present, it was necessary to reverse in to the site from the road.

In response to a question from a member, regarding the difference between the application under consideration and a previously refused application, the case officer advised that this was a different shaped piece of land and the car parking space had been relocated nearer to the dwelling. Very little information had been provided in support of the previous application. The Committee was assured that no viable agricultural land would be lost, as it was not normal practice to plant near to where machinery accessed a field.

The Committee was advised that an existing granite pillar would be relocated and sunk 900 millimetres above the road to protect visibility splays and match the height of an existing bank.

The Committee stressed that the change of use of agricultural land to domestic curtilage was not normally supported by the Department. However, in this particular case, the proposal would not compromise the viability of the field and members recognised the benefits which would arise in terms of safety. Consequently, permission was granted.

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La Fontaine,
La Route de la
Pulente, St.
Brelade:
proposed
demolition and
redevelopment.
477/5/3(1065)

A5. The Committee considered a report in connexion with an application, which sought permission for the demolition of all existing structures at the property known as La Fontaine, La Route de la Pulente, St. Brelade and the construction of 2 x 3 bedroom units of tourist accommodation and one x 4 bed dwelling with associated car parking and landscaping. It was also proposed to alter the vehicular access onto La Route de la Pulente. Amended plans had been submitted, which proposed reducing the scale of both new buildings. The Committee had visited the application site on 5th March 2019.

P/2018/1569

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

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Coastal National Park and that Policies SP1, GD1, GD7, NE6 and EVE1 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application proposed the comprehensive redevelopment of the site. This involved the demolition of 2 outworn existing buildings and their replacement with 2 new buildings on broadly the same footprint, and similar in form to the existing. The new buildings would be 2-storey, pitched roof and rectilinear in form, with glazed gable ends facing west looking towards the bay. The southern building (the 4 bedroom dwelling) would also have a one and a half storey pitched roof extension to its southern side. The northern building would contain the 2 self-catering units (one per floor). Whilst the scheme had been amended, to reduce the overall scale of the buildings, the proposed development would still be around 19 per cent larger in terms of overall floor space. The heights of the proposed buildings would increase by around one metre, compared with the existing – this was still comparable to, or lower than, surrounding buildings. Overall, the new buildings would have a slightly increased landscape impact, when compared with the existing. However, this was considered by the Department to be marginal and would be offset by the benefits of the new scheme. The external materials included a mix of dry-stone walling, weatherboard cladding, and render. The roof was to be natural slate with dark grey aluminium fenestrations. The architectural design and use of materials was considered to be of a high quality.

In conclusion, the scheme delivered several planning benefits – including, improvements in architectural design and landscaping, economic and ecological benefits, as well as, more generally, the rejuvenation of a run-down dis-used property in a prominent coastal setting. It was also recognised that the local area already included a number of other tourist accommodation sites, and so it could be argued that the proposal was ‘a good fit’ for the area and a boost to the Island’s tourism economy, in accordance with the States of Jersey’s corporate strategic policy. The application was, therefore, recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

One letter of support and one letter of objection had been received in connexion with the application.

Prior to hearing representations, Deputy S.M. Wickenden of St. Helier asked whether it might be appropriate for the Committee to be apprised of the details of development proposals for a neighbouring site, known as Blue Fountain. The Director, Development Control advised that a request for the reconsideration of an application on the neighbouring site had been received and was due to be considered by the Committee. However, he asked that the applications be considered separately and on their own merits.

The Committee received Mr. P. Harding, representing the owners of the neighbouring property known as Blue Fountain. He confirmed that a request for the reconsideration of an application on the neighbouring site had been submitted and was due to be considered by the Committee at its next meeting. Whilst Mr. Harding's client was not opposed to the principle of the redevelopment of La Fontaine, he was concerned that visibility splays relied upon his land. He had also been concerned about a proposed 2 storey extension to the south and the resultant increase in footprint. However, the scheme had been revised to include a single storey extension, so this objection had been partially addressed. However, the lounge room and balcony would overlook the side of Blue Fountain and would be prejudicial to the development proposals for Blue Fountain, should the application be approved by the Committee next month. Mr. Harding also raised issues relating to fairness of treatment and stated that the applicant should have been made aware of what was proposed at Blue Fountain. Mr. Harding noted that the proposed development at La Fontaine would move closer to Blue Fountain and, coupled with the increase in height and the balcony and first floor windows, would have impact on Blue Fountain.

The Committee heard from the applicant, Mr. D. Baker and his agent, Mr. C. Riva. Mr. Riva showed the Committee some images of the elevation, which backed on to Blue Fountain. At present, there was no terrace on Blue Fountain. It was a commercial development with extractor fans and there were windows and rooms at La Fontaine which looked directly at that aspect of Blue Fountain, together with a balcony and terrace. If there was an overlooking issue, then this was a current statement of fact.

One of main tenets of the proposal was tourism related. Tourism in the Island was under pressure, especially on coastal sites. In the vicinity of the application site, there were a number of self-catering units and the creation of such accommodation helped to sustain the viability of local businesses. The applicant intended to live on site to service the proposed self-catering accommodation. In terms of visibility splays, the entrance position to the site had been adjusted, to ensure that the southern view line did not rely upon land outside of the applicant's ownership. The proposals were compliant in so far as visibility splays were concerned.

Mr. Baker advised that he had been looking for a suitable site for a venture of this nature for the past 10 years. The scheme had been scaled back by some margin to take into account the views of neighbours. The scheme demonstrated a commitment to the Island and the development of a new, more relevant, tourism product.

Having noted the relationship between La Fontaine and Blue Fountain, the Chairman asked whether the applicant had considered an element of overlooking from Blue Fountain if development proposals for that site were approved. Mr. Baker advised that the scheme under consideration had been amended to reduce overlooking to Blue Fountain, and that he was prepared to accept reasonable and appropriate development on the neighbouring site.

In response to a question from a member, regarding the percentage increase of development which would arise in the Coastal National Park if the application was approved, the Director, Development Control confirmed that the Coastal National Park Policy sought to protect the area, particularly in relation to landscape improvement. Whilst the scheme would result in a 19 percent increase in built form, the proposed design, layout, landscaping and general setting of the plot would be vastly improved, offsetting any concerns about volumetric increase. Consequently, the Department was recommending approval on this basis. Furthermore, the potential for the tourism accommodation to be changed to residential in the future was raised and it was noted that a separate application would be required, if this were

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ever to be proposed. The intended units would comply with residential standards. Finally, having noted a request from the Department's Highway Section for the provision of a footpath, the Committee was advised that this was not supported, as it was considered to be an untypical and urban feature in this context.

The Committee discussed the scheme and noted a suggestion from the Director, Development Control that a 1.8 metre balcony screen at first floor level be included. Having considered the application, the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report and on the basis of an additional condition requiring the inclusion of 1.8 metre balcony screen on the southern side of the terrace.

Chalet des
Arbres, Le
Mont Gras
d'Eau, St.
Brelade:
proposed
demolition and
redevelopment.
477/5/3(1003)

P/2018/1638

A6. The Committee considered a report in connexion with an application, which sought permission for the demolition of an existing dwelling and cottage at Chalet des Arbres, Le Mont Gras d'Eau, St. Brelade and the construction of 4 x 2 bedroom residential apartments, with associated car parking and amenity space. The Committee had visited the application site on 5th March 2019.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was located within the Built-Up Area of the Green Backdrop Zone and was a designated Tourist Destination Area. Policies H6, BE3, GD1, GD7, WM1, NE1, 2 and 4, EVE2, LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that permission had been granted in 2017, for the demolition of the existing structures and their replacement with a 5 bedroom dwelling, with integral 2 bedroom apartment and swimming pool. The current application sought permission for 4 x 2 bedroom apartments.

The application site was situated within the designated Built-Up Area of the Green Backdrop Zone, wherein there was no presumption against development. Moreover, the proposal to create a higher density development in a sustainable location accorded with the Island Plan Spatial Strategy and was permissible under Policy H6 – Housing Development within the Built-Up Area. It was acknowledged that the proposals represented a significant increase in floor space and volume when compared to that of the 2 existing residential units; and now, in part, proposed an increase in the depth of the upper floors and the provision of a pod-type structure above the top floor. However, the pod structure was small in scale and would largely be concealed from the public domain, by virtue of its recessed position. The additional floor space was mainly delivered through excavation and being accommodated within the profile of the 2017 approval building. The increase in the apparent scale of the building, and in its height, was more modest and was not considered to be harmful to the character of the area, wherein the wooded backdrop of the escarpment, which lay outside of the site, would be preserved intact. It was acknowledged that the proposed development would alter the appearance of the site, but the varied pattern of development, which existed on Le Mont Gras d'Eau, would not be adversely affected by the scale, height or form of this development. In many respects, the development was considered to improve the site; removing a circa 1960 dwelling and secondary unit to the roadside, which were of no particular architectural or historic merit, and delivering a modern, high quality design, which was considered to contribute to the diversity of the built context, whilst responding appropriately to its relationship with neighbouring land users.

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

7 letters of representation from 6 different parties had been received in connexion with the application.

The Committee heard from Mr. R. Hardcastle, who lived at the property known as Homewood, which was due south of the application site. Mr. Hardcastle outlined the planning history of the site and his objections to previous schemes based, variously, on overlooking, size, overbearing and impact on the Green Backdrop Zone. The current scheme proposed another apartment block in St. Brelade's Bay and Mr. Hardcastle questioned the desirability of the same and the impact it would have on the Bay. He felt that the appearance of the Bay had suffered, due to large and obtrusive developments and this had changed the nature and feel of the area. Mr. Hardcastle was also concerned about traffic intensification and pedestrian safety on Le Mont Gras d'Eau. In terms of the proposed development, he was of the view that the increase in volume and height would be oppressive. He was also concerned about loss of privacy on the northern side of his property.

The Committee heard from Ms. M. Scott, Chairman St. Brelade's Bay Association. Ms. Scott focussed on the impact of development on the Green Backdrop Zone and the lack of emphasis which she believed was placed upon this. She referred the Committee to the specific wording of the Policy, which required unobtrusive development, which preserved the landscape. Ms. Scott felt that unsightly development in the Bay had had the effect of making it appear like Torremolinos in Andalusia, Southern Spain. She urged the Committee to reject the application and stop permitting the erosion of the Green Backdrop Zone. In concluding, she asked the Committee to recommend to the Minister the introduction of height restrictions in the Bay, to prevent further destruction.

The Committee heard from Senator S.C. Ferguson, who endorsed Ms. Scott's comments about the effect of development on the character of the Bay. She expressed the view that the Department had imposed its personal architectural tastes on residents and visitors and suggested that a common sense approach was needed.

The Committee received Mrs. S. Steedman and Mr. M. Medland, representing the applicant. Mr. Medland, advised that during the marketing of the site, it had become clear that there was significant demand for apartments and a level of interest had already been received in the proposed development. Consequently, discussions with the Department in this context had been entered into, culminating in support for a revised scheme. In terms of the scale of development proposed and the aesthetics, the proposed development was similar to that which had been approved. The materials, which would be used, would help assimilate the building and the Jersey Architecture Commission had encouraged the design approach, which sought to achieve the highest quality of development. In terms of development in the area, a study of buildings along Le Mont Gras d'Eau showed a wide variety of styles and current Policy did not preclude modern initiatives. Whilst design was subjective, both the Department and the Architecture Commission were supportive. The extent of the soft landscaping extended further than that which existed and on the approved scheme. Mr. Medland referred the Committee to a section drawing which also illustrated the live permission and which showed a reduction in massing on the proposed scheme, away from Mr. Hardcastle's property. The scheme also opened up views of landscaping above. Mr. Medland concluded by stating that the impact of the scheme had been carefully considered and the changes were modest.

Mrs. Steedman reminded the Committee of the details of the 2 approved schemes, both of which benefitted from live permits; either of which could be implemented at any time. She also discussed the benefits which would arise if the proposed development was approved. The design approach had been endorsed by the Architecture Commission and the applicant had no desire to construct a

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development, which would have a negative impact on St. Brelade's Bay. Mrs. Steedman addressed the relevant Island Policies and the benefits which would arise, to include, improved visibility splays, secure bicycle store, the introduction of new landscape boundaries and significantly more landscaping than presently existed. The proposed sun room would be set back from frontage by 9 metres and the lift core would be set further back and would extend 2.5 metres above the original approved scheme. The façade would be 23 and a half metres from the boundary. The front of the building had been moved forward by 3.2 metres. In terms of the impact on neighbours, no unreasonable harm had been identified and balconies had been set back 15 metres. There had been no objections from the parish, or the highway authority. In concluding, Mrs. Steedman pointed out that the Committee was required to take all material issues into consideration when determining the application and the extant permits were viewed as a material planning consideration. The changes would not result in a materially different development to that which had been approved.

Having considered the application, the Committee was minded to refuse the scheme on the basis that it was overly dominant in the Green Backdrop Zone, contrary to Policy BE3. The Committee was also concerned about the density of the proposed development and the increase in occupation, which it concluded would result in the overdevelopment of the site. Finally, the Committee expressed the view that the scheme would cause unreasonable harm to neighbouring properties, contrary to Policy GD1 and would intensify overlooking, particularly in light of the fact that a multi-occupancy development was proposed.

Having noted that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal confirmation of the decision and to set out the reasons for approval.

Kleinwort
Benson House,
West Centre,
Bath Street, St.
Helier:
proposed
demolition and
redevelopment.
477/5/1(644)

A7. The Committee, with reference to its Minute No. A6 of 13th December 2018, considered a report in connexion with an application which sought permission for the demolition and redevelopment of the premises known as Kleinwort Benson House, West Centre, Bath Street, St. Helier. The Committee had visited the application site on 13th November 2018 and 5th March 2019.

Deputies R. Labey and S.M. Wickenden, both of St. Helier, did not participate in the determination of this application. Deputy G.J. Truscott of St. Brelade acted as Chairman for the duration of this item.

P/2018/0932

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies SP1, 2, 3, 4, 5, 6 and 7, GD1, 3, 4, 7 and 8, H1, 4 and 11, BE10, TT2, 3, 4, 8 and 9, NR1, 2, 3 and 7, WM1, LWM2 and 3 of the 2011 Island Plan were of particular relevance. The Design Guidance for St. Helier (2013) and Supplementary Planning Guidance Policy Notes No. - 6 'A Minimum Specification for New Housing Developments' and No. 3 'Parking Guidelines' were also relevant.

The Committee noted that the site formed part of the West Centre development and was currently occupied by a poorly designed vacant office building. The Committee had previously refused a scheme, which proposed the demolition of the existing building, and its replacement with a 6 storey apartment building, providing a mix of 50 x one and 2 bedroom units with balconies. That scheme had met all of the required policy tests, with the exception of on-site parking. Whilst the existing office had no parking, and its conversion to residential would not require any, a new build of this size should provide 50 spaces, to comply with current standards. The Parish of St. Helier had raised this as an issue, but the Department's Transport Section actively

supported a more sustainable approach. The Committee had suggested that an element of on-site car parking should be explored. The applicant had responded by submitting revised proposals, which replaced 2 of the ground floor flats with a parking bay, providing 13 car parking spaces; 6 bays with a 2-car stacking system, together with a space dedicated to a car club with an electric charge point. As before, this proposal would offer good quality town centre accommodation with sustainable travel principles, but now with an element of on-site parking in addition to indoor bicycle spaces, with charging points and a car share facility. This approach, though falling short of a car space for each flat, which the minimum standards would require, was perhaps more balanced. This was a central location where walking and bus travel could realistically be the main travel choices. The small percentage of car spaces would offer some element of choice for occupants, whilst acknowledging the need not to unduly exacerbate traffic problems around the site, given the constrained and congested nature of the roads which bordered it.

The application was recommended for approval, subject to the imposition of a number of conditions, together with a recommendation that the applicant enter into a Planning Obligation Agreement to secure the finance to deliver the public realm improvements. This would be directed to improving the junctions of Hilary Street with Hilgrove Street and with La Motte Street, to aid pedestrian movement towards the nearest bus stops. In the event that the Planning Obligation was not agreed within 6 months, it was recommended that the Director, Development Control be authorised to refuse the grant of planning permission.

The Committee heard from Messrs. I. McDonald, A. Huckson and M. Stein, representing the applicant company. Mr. Huckson advised that the scheme had been amended to address concerns previously expressed by the Committee. He referred to correspondence received from Mr. M. Mattioli, regarding the introduction of a gate against the gable wall of No. 7 West Centre. Mr. Huckson advised that commitments had been made not to install a gate on the western side; to refurbish the gates on the northern side and re-surface the lane in a similar manner to the work carried out by the Parish of St. Helier in the immediate vicinity of the application site. Mr. McDonald discussed the stacking system, which would be used in the car park and advised that the stackers could be independently accessed and did not rely on shuffling cars around. The stacking system had been used on other developments in St. Helier (an award winning scheme on Rue de Funchal being one of those) and the Committee requested that arrangements be made for members to view the same. In the context of the use of the car park, the Committee's attention was drawn to proposed condition No. 6, as set out within the officer report.

Mr. Stein reminded members that this was a town centre site, where the aim was to achieve a higher density development, with reduced dependency on private car ownership. The reduced parking provision would also make the proposed apartments more affordable. He went on to discuss the car club which was proposed (details of which had been submitted) and which had been successfully implemented in other residential developments.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of a number of conditions, together with a recommendation that the applicant enter into a Planning Obligation Agreement to secure the finance to deliver the public realm improvements.