

KML/MH/011

PLANNING COMMITTEE

(35th Meeting)

21st December 2017**PART A**

All members were present, with the exception of Deputy R.J. Rondel of St. Helier, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Connétable P.B. Le Sueur of Trinity, Vice-Chairman
 Deputy J.M. Maçon of St Saviour
 Deputy G.J. Truscott of St. Brelade
 Deputy R. Labey of St. Helier
 Deputy S.M. Wickenden of St. Helier

In attendance -

P. Le Gresley, Director, Development Control
 J. Gladwin, Senior Planer
 L. Davies, Planner
 G. Duffell, Assistant Senior 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 23rd November 2017, having been previously circulated, were taken as read and were confirmed.
- Fort Regent
 Leisure Centre,
 Mount
 Bingham, St.
 Helier:
 proposed
 demolition of
 swimming
 pool building/
 removal of
 aerial
 walkway/
 demolition of
 cable car
 station.
 1060/122/1/8
 (112)
- A2. The Committee considered a report in connexion with an application which proposed the demolition of the swimming pool building and the upper cable car station at Fort Regent Leisure Centre, Mount Bingham, St. Helier. It was also proposed to install guardrails to the east and west of the site and remove an aerial walkway between the swimming pool and main Leisure Centre building. The Committee had visited the site on 19th December 2017.
- A site plan and drawings were displayed. The Committee noted that the application site was situated within the Green Backdrop Zone of the Built-Up Area and that Fort Regent was a Grade 1 Listed Building and the Parade Ground was Listed at Grade 3. Policies GD1, HE1, HE5, GD5, NE2, SP4, BE3, WM1, SCO3 and SCO4 of the 2011 Island Plan were of particular relevance.
- The Committee noted that the application responded to the critical health and safety risks arising from the redundant swimming pool, aerial walkway and cable car station. The application was before the Committee due to the 4 letters of representation which had been received, in favour of retention and renovation.
- P/2017/1258
- The Committee recalled that the cable car had ceased to operate in 1988 and the swimming pool had closed in 2004. The redundant buildings had fallen into disrepair and were now in an extremely poor condition - exacerbated by unauthorised entry and acts of vandalism. Temporary measures such as boarding up the buildings and the erection of security fencing had been employed to tackle the issue of unauthorised access, however a permanent solution was required. The health and

safety risks associated with the buildings also related to the presence of asbestos within the wall construction of the swimming pool building. During the gales of 2017, some of the external cladding had blown away, exposing the asbestos. Whilst measures had been taken to address this, concerns existed in relation to the condition of this building.

This application sought consent for the demolition and removal of the swimming pool building, aerial walkway and upper cable car station. Included in the application were proposals for the infilling of the swimming pool and the resurfacing and capping of the same with a concrete slab. The application was silent on future plans for the site. The demolition of the aforementioned structures would considerably improve the setting of Fort Regent and Glacis Field. Furthermore, the removal of the swimming pool building in particular would have a positive impact on skyline views, given that this utilitarian building was visible from many parts of St. Helier. There were no objections from any of the relevant statutory consultees, subject to the necessary conditions being attached to the permission. Accordingly, given the critical risk level associated with the buildings, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

A late representation received after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Connétable S.W. Pallett of St. Brelade and Mr. P. Harding of BDK Architects. Mr. Harding stated that the existing structures were decaying and were in a dangerous condition. He outlined how the demolition works would be carried out and referred to the high level of asbestos in the swimming pool building. The cable car station was being held in place with wire ropes and demolition of the same was urgent for health and safety reasons. Expressions of interest would be sought in relation to a future alternative use for the site. The removal of the existing structures would result in visual and landscape improvements. Mr. Harding drew the Committee's attention to the supporting information submitted in relation to heritage and ecological matters. He concluded by urging the Committee approve the application.

The Connétable of St. Brelade noted that the Committee had visited the site so was aware of the parlous state of the buildings and the need to remove them for safety reasons.

The Committee acknowledged that the structures had decayed to the extent that any notion of repair or refurbishment was not viable. Accordingly, the application was approved, subject to the imposition of certain conditions detailed within the officer report, which aimed to address some of the concerns raised by objectors.

Field No. 402,
La Grande
Route de
Faldouet, St.
Martin:
proposed
residential
development.
477/5/2(699)

P/2017/1351

A3. The Committee, with reference to its Minute No. A7 of 23rd March 2017, considered a report in connexion with a revised application which sought permission for the construction of 20 x 3 bedroom dwellings with associated car parking and landscaping on Field No. 402, La Grande Route de Faldouet, St. Martin. The Committee had visited the site on 19th December 2017.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was a Designated Affordable Housing Site and that Policies SP1, 2, 6, 7, GD1, GD3, GD4, GD7, GD8, H5, NR2, NR7, WM1, LWM2 of the 2011 Island Plan were relevant to the application. In addition, a development brief for the site had been adopted in January 2016. The brief estimated the yield of the site to be 20 units.

The Committee noted that Field No. 402 was approximately 1.5 acres in size and was located on the south side of La Grande Route de Faldouet, to the east of St. Martin's Village. In 2014, as part of the Island Plan review, the site had been re-zoned for the development of affordable housing for allocation by St. Martin's Housing Trust. The site was bordered by other residential properties to the east and by agricultural land to the west. The ground level of the site was higher than that of neighbouring sites and the main road.

The Committee recalled that a previous application which had proposed the construction of 20 x 2½ storey, 3-bedroom pitched-roof houses across the site, arranged in 10 semi-detached pairs had been refused, contrary to the officer recommendation for approval. Whilst the Committee had felt that the majority of the scheme was acceptable, the impact of unit Nos. 16 and 17 on neighbouring properties to the east had been considered to be unreasonable. It had been suggested that the desire to retain as many of the existing trees as possible had resulted in the scheme having a detrimental impact on some neighbours.

The current scheme also proposed the construction of 20 x 2½ storey, 3-bedroom pitched-roof houses across the site, arranged in 8 semi-detached pairs, a small terrace of 3 and one detached unit. Architecturally, the palette of materials included painted render exteriors, local granite (with small elements of red brick) and a mix of pantiles and slate roofs. All new units would comply with the Department's residential standards, to include a minimum 50 square metres garden for each unit. Each house would have two designated car parking spaces and there would be 4 visitor spaces for the development as a whole. The design and layout of the scheme were considered to be appropriate and in context.

One of the key considerations was the impact of the scheme on the amenity of neighbouring residents to the immediate east of the application site and the scheme had been amended to reduce its impact on neighbours. This had involved omitting the garages entirely and repositioning various parts of the development further away from the eastern site boundary, in order to overcome the issue of overbearing impact. Some trees would be removed to facilitate the revised layout. The site would also be lowered by around 200 millimetres across its eastern side. With the changes to the scheme the Department was satisfied that the Committee's concerns had been addressed. Consequently the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report. In addition, it was recommended that the applicant be required to enter into a suitable Planning Obligation Agreement, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002, (as amended), in order to guarantee the provision of the following –

- the use of 20 new residential units as 'Affordable Housing' in perpetuity, to be allocated by the St. Martin's Housing Association;
- a financial contribution of £7,500 towards the provision of a new bus shelter; and,
- the formation of a new public footpath/pavement along the entire roadside frontage of the site (La Grande Route de Faldouet) to a width of 1.5 metres, to accord with the requirements and specifications of the Department for Infrastructure (DFI). The work was to be undertaken at the applicants' expense, and thereafter the land would be ceded to the public.

A total of 7 letters of representation had been received in connexion with the application. Of these 7 respondents, 6 supported the application.

The Committee heard from Connétable M.P.S. Le Trocquer of St. Martin and Mr. A. Morris of Morris Architects. Mr. Morris recounted the planning history of the site, to include the formal reasons for the refusal of the previous application. He outlined the amendments which had been made to the scheme to address the specific issues raised by the Committee. Further consideration had been given to siting and height and the public open space had been re-distributed around the site to give a softer feel to the eastern boundary. A large external store would be constructed to replace lost garage storage. Unit 16 had been removed from the scheme and Unit Nos. 17 and 18 turned through 90 degrees and moved away from the neighbouring property known as Brampton House. There would be no overlooking from first floor windows. In addition, unit Nos. 19 and 20 had been moved further away from the eastern boundary and the levels had been adjusted. New planting was proposed. No objections had been received from residents in the immediate vicinity. In concluding Mr. Morris referred the Committee to responses received from statutory consultees and noted that the local school had sufficient capacity to accept new pupils.

The Connétable of St. Martin addressed the Committee in his capacity as Chairman of the St. Martin's Housing Trust. He, too, touched upon the long and protracted history of the site, advising that initial approaches had been made to the owner in 2001 regarding the purchase of the same. The Connétable went on to advise that there were currently 91 individuals on the waiting list for 20 homes. Whilst he accepted that some of these families would have found homes given the period of time which had elapsed since the compilation of the waiting list, there were others who were desperately in need of affordable housing.

Having considered the application, the Committee unanimously approved the same, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a POA, as detailed above. In addition, and on the recommendation of the Director, Development Control, an additional condition was imposed requiring the obscure glazing in perpetuity of the east facing first floor windows of unit Nos. 17 and 18.

Coast Road
Stores, Nos. 1-
4 Pres de la
Mer, Nos. 1-2
Sur la Cote,
Ceol Na
Mara, Nos. 1-3
Prospect Place
& Nos. 1-2
Mon Caprice,
La Grève
d'Azette, St.
Clement:
proposed
demolition and
redevelopment.
477/5/2(775)

A4. The Committee considered a report in connexion with an outline application which sought permission for the demolition and redevelopment of Coast Road Stores, Nos. 1 - 4 Pres de la Mer, Nos. 1 - 2 Sur la Cote, Ceol Na Mara, Nos. 1 - 3 Prospect Place & Nos. 1 - 2 Mon Caprice, La Grève d'Azette, St. Clement and the construction of a new residential development comprising 11 new residential units. It was also proposed to alter the vehicular accesses onto La Grève d'Azette. The application sought permission for the proposed means of access, siting, scale and mass of the development, with the external appearance, materials and landscaping being reserved. The Committee had visited both the site and the property known as La Maisonette on 19th December 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Shoreline Zone of the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1 – SP3, SP6 and SP7 of the 2011 Island Plan were of particular relevance.

PP/2017/1269

The Committee noted that the application proposed the demolition of all existing buildings on the site and the construction of a residential development. The site was located within the Built-up Area in a sustainable location close to St Helier and all its amenities, employment opportunities and services. The area was also served by a regular bus service and was adjacent to the beach. The scheme proposed good car parking and cycle provision. The Committee was advised that Policy H6 stated that new dwellings would be permitted within the Built-Up Area, subject to the housing standards being met, which was the case in this instance. Policy GD3 sought a more

sustainable approach to the redevelopment of land and required that the highest reasonable density was achieved for all developments, commensurate with good design. The scheme proposed a higher density of development than existed at present, but this approach was consistent with the emphasis within the Island Plan and the Department considered that the redevelopment of sites such as this in the Built-Up Area (subject to the impact being acceptable) was important to meet the housing demand on the Island, rather than developing the countryside.

The Committee noted that the applicant had submitted a marketing report which acknowledged the current employment use on the site (one of the units was occupied by a nail bar). The Department took the view that the criteria in Policy E1 could not be met as demand existed for the site, albeit on a small scale. However, it was recognised that the comprehensive redevelopment of the site offered regeneration benefits, providing a higher density of housing in a sustainable location within the Built-Up Area and making the most efficient use of the site. The development would also be set back from the road edge with a landscaped communal amenity area to the front. The scheme offered certain public benefits in terms of pavement widening, a bus shelter and a contribution to the eastern cycle route. Taking the overall aims of the Island Plan into account, the aforementioned benefits of the scheme were considered to outweigh the small loss of employment land on the site. It was not considered that the scheme would cause unreasonable harm to neighbouring properties (subject to the obscure glazing of certain windows and balconies), due to the orientation and distance between properties. The application was, therefore, 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, pursuant to Article 25 of the Planning and Building (Jersey) Law, 2002 (as amended), to secure the following –

- (1) a contribution of £14,850 prior to commencement towards the Eastern Cycle Route;
- (2) the provision, maintenance and upkeep of a new bus shelter, to include the land upon which it would sit;
- (3) the ceding of a proposed new footpath at the front of the site to the Department for Infrastructure; and,
- (4) the provision of street lights at the front of the site.

9 letters of representation had been received in connexion with the application. 2 late representations received after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Mr. A. Fleet, who spoke on behalf of the owners of the property known as Roche de la Mer. Mr. Fleet stated that the scheme would result in the overdevelopment of the site. The 3 storey element was considered to be particularly overbearing on Roche de la Mer and would have a significant impact in terms of loss of privacy. He expressed the view that a 3 storey development would be out of keeping with the context as the area was characterised by one and 2 storey developments. Increased traffic volumes would also be detrimental to highway safety. Mr. Fleet suggested that, if permission were to be granted, a condition should be attached to the permit which required obscure glazing on windows on the east elevation and on privacy screens to the balconies on the east. Mr. Fleet noted that the proposed development would encroach into the 5 metre area of the foreshore owned by the Public and he asked how this would be addressed. Further, no agreement had been reached with the owners of Roche de la Mer to alter their property to facilitate the proposed development. In concluding, Mr. Fleet expressed the opinion that an outline application which did not include design details was not appropriate for such a large scheme.

The Committee heard from Mr. J. Hill of the property known as La Maisonette. Mr. Hill expressed concern about loss of light and the overbearing impact of the proposed development. He understood that the new building would be approximately 4½ metres taller than the existing structures. He felt that it was grossly unfair that neighbours were afforded protection against the impact of high hedges, but that no such protection existed in relation to the impact from tall buildings. Mr. Hill stated that he had lived at La Maisonette for 18 years and that the garden was a sun trap. To illustrate this point he showed members photographs taken at 9.45 am on Monday, 18th December 2017, of the garden bathed in sunlight. In this connexion the Committee viewed a virtual 3 dimensional model which showed the sun path at different times of the year. The case officer advised that the main impact appeared to be in the morning and during the winter months, when the sun was lower.

The Director, Development Control reminded the Committee that members had to judge whether the impact of the proposed development was unreasonable.

The Committee heard from Mr. L. Curtis who confirmed that he had expressed an interest in purchasing the whole site and he commented on the rarity of commercial units.

The Committee received Mr. J. Gallagher and Ms. C. Arnold, the applicant's agents. Mr. Gallagher stated that the site was within the town extent boundary, wherein development of this nature was promoted. The scheme presented a real opportunity to tidy up a number of tired buildings; some of which had been battered by the elements. The Architecture Commission considered the design approach to be appropriate. The proposed development would be predominantly 3 storeys – dropping down to 2 storeys on both flanks. This was a very busy thoroughfare to town and the buildings would be set back to create a more positive frontage. Each property would have its own access to the beach and the ground floor would be raised 3 feet above the existing openings in the sea wall to defend against over-topping of sea water. In terms of the impact on neighbours, Mr. Gallagher noted that the property known as Roche de la Mer had been granted permission for the construction of a third storey. Visuals showing the small extent of any possible overlooking from balconies had been submitted and the applicant was happy to accept a condition to obscure glaze the balcony screens. Turning his attention specifically to the impact on La Maisonette, Mr. Gallagher advised that the studies which had been carried out accorded with BRE guidance and test targets had been passed. He believed that there would be no greater impact from the proposed development than there was from what currently existed. It was understood that, in terms of outdoor amenities, at least 50 percent should receive 2 hours of sunlight on 21st March each year and the proposed development would not prevent this. Guidelines suggested that no more than 2 fifths should be prevented from receiving any sun at all and the scheme also fulfilled that criteria. Mr. Gallagher felt that the proposed development was far enough away from neighbouring properties so as not to give rise to an unreasonable overbearing impact. In terms of the encroachment onto the foreshore zone referred to by Mr. Fleet, Mr. Gallagher advised that the Department for Infrastructure was content with the position of the buildings. In any case, this was not a planning matter. Mr. Gallagher urged the Committee to approve the application.

The Committee heard from Mr. S. Buckley, who advised that one of the units on the site had been vacant for 7 years. With regard to the remaining units, whilst one had been used by an electrical contractor as a store and 2 of the units were let on short-term leases, water ingress had caused the units to be damp.

21st Meeting
21.12.17

The Committee discussed the application and agreed with the view of the Chairman that, no matter how sophisticated modelling tools became and how closely schemes met standards set out in relevant guidance, there was no substitute for a site visit. Whilst the Committee recognised the benefits which would arise from the redevelopment of the site as a whole, members concluded that they could not support the scheme as presented. It was acknowledged that steps could be taken to reduce the impact on the property known as Roche de la Mer. However, the Committee was concerned that the scheme would be detrimental and have an overbearing impact on La Maisonette, not just in terms of loss of sunlight, but also the 'boxing in effect' which would arise from the construction of unit No. 2. The Committee agreed that further consideration was required with regard to the scale and mass of unit No. 2 and its impact on La Maisonette. Consequently, the application was refused.

As its decision was contrary to the officer recommendation for approval, the Committee noted that the application would be re-presented in the new year for the purpose of formally setting out the reasons for refusal.