

KML/SC/067

PLANNING COMMITTEE

(37th Meeting)

15th February 2018PART A

All members were present, with the exception of Deputies J.M. Maçon of St Saviour and G.J. Truscott of St. Brelade, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Connétable P.B. Le Sueur of Trinity, Vice-Chairman and
 Deputy R.J. Rondel of St. Helier
 (not present for item Nos. A9, A11 and A16)
 Deputy R. Labey of St. Helier
 Deputy S.M. Wickenden of St. Helier

In attendance -

P. Le Gresley, Director, Development Control
 A. Townsend, Principal Planner
 J. Nicholson, Principal Planner
 C. Jones, Senior Planner
 G. Duffell, Senior Planner
 E. Stables, Senior Planner
 R. Hampson, Planner
 E. Phakathi, Planner
 S.H. Chang, Trainee Planner
 S. de Gouveia, Trainee 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 25th January 2018, having been previously circulated, were taken as read and were confirmed.

Magnetic and Printemps, La Route des Genets, St. Brelade: proposed new dwelling. 477/5/3(1017) P/2017/1233

A2. The Committee, with reference to its Minute No. A4 of 25th January 2018, considered a report in connexion with an application which proposed the construction of a new one and a half storey dwelling in the gardens of the properties known as Magnetic and Printemps, La Route des Genets, St. Brelade. The Committee had visited the application site on 23rd January 2017.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.

Having noted the reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

Mimosa, Le Mont Sohier, St. Brelade: proposed

A3. The Committee, with reference to its Minute No. A9 of 25th January 2018, considered a report in connexion with an application which proposed the conversion of a 3 bedroom property known as Mimosa, Le Mont Sohier, St. Brelade to provide 2 x one bedroom units of guest accommodation. The Committee had visited the site

conversion of dwelling to guest accommodation.
477/5/3(1019)
P/2017/0878

on 23rd January 2017.

The Committee recalled that it had been unable to reach a majority decision in respect of the above application. When a vote was tied, the item under consideration was determined in the negative and the application refused (in the same manner established under Article 16(2) of the States of Jersey Law 2005). This allowed the applicant to pursue an appeal. As the Committee's decision to refuse the application was contrary to the officer recommendation for approval, the application was re-presented for the purpose of formally setting out the reasons for refusal.

Having noted the reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

Field Nos. 519, 520, 521, 524, 525, 527 and 528, La Rue Guerdain, Trinity:
proposed new dwelling/
agricultural shed/
alterations to ground level & vehicular access/increase pond size.
477/5/2(67)
P/2017/1026

A4. The Committee, with reference to its Minute No. A10 of 25th January 2018, considered a report in connexion with an application which proposed the construction of a 3 bedroom dwelling to the north of Field No. 519, La Rue Guerdain, Trinity, the construction of an agricultural shed and the alteration of the ground level in Field No. 521. It was also proposed to alter the vehicular access on to La Rue Guerdain and increase the size of an existing pond between Field Nos. 520 and 528. The Committee had visited the site on 23rd January 2017.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions which were to be attached to the permit, the application was re-presented.

The Committee noted that, together with a number of conditions, the entering into of a Planning Obligation Agreement (POA) was recommended to ensure that the occupation of the new dwelling was limited to a person solely or mainly employed in (i) the agricultural business occupying the plot edged red on the submitted plan, or a widow or widower of such a person, or any resident dependants, and (ii) in the locality in agriculture (condition amended to remove the word 'forestry'), or a widow or widower of such a person, and any resident dependants. If the Planning Obligation Agreement was not completed within 3 months then the application would be returned to the Committee for further consideration. Having considered the terms of the POA and the conditions, as set out in the officer report, the Committee confirmed its decision to grant permission on this basis.

Shambala, No. 41 Le Mont Pelle, St. Helier:
proposed extension.
477/5/1(627)
P/2017/1413

A5. The Committee, with reference to its Minute No. A3 of 25th January 2018, considered a report in connexion with an application which proposed the construction of a first floor extension above an existing garage at the property known as Shambala, No. 41 Le Mont Pelle, St. Helier. The Committee had visited the application site on 23rd January 2017.

The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for refusal, the application was re-presented.

Having noted the reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

La Tache, La Grande Route de St. Ouen:
proposed construction of

A6. The Committee, with reference to Minute No. A8 of 25th January 2018, considered a report in connexion with an application which proposed the construction of a skip sorting and waste transfer station at the property known as La Tache, La Grande Route de St. Ouen. The Committee had visited the site on 23rd January 2017.

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15.02.18

skip sorting
and waste
transfer
station.
477/5/3(1000)

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and the conditions which were to be attached to the permit, the application was re-presented.

P/2017/1395
P/2016/1649

On a related matter, the Committee noted that a late representation had been received from the Department for Infrastructure (DfI) asking whether it was too late for a road safety audit to be carried out on the access to the property to assess the level of potential danger at the site entrance. The DfI wished the findings of the audit to be acted upon and the cost of bringing the overall risk to a reasonable level to be borne by the applicant.

The Committee's attention was drawn to proposed condition No. 2 which stated that

'there shall be no more than 7 vehicle sorties per day to the approved operations (measured as an average over a rolling 7-day period, with one sortie being a vehicle entering and leaving the site), only within the hours of 7.30 am to 5.30 pm from Monday to Friday, and 7.30 pm to 12.30 pm on Saturdays. The applicant shall maintain daily records of vehicle movements (identifying the vehicle registration number and entry/exit times) to be available for inspection on request by the Department of the Environment.'

This condition was designed to address the concerns of DfI and prevent an unreasonable intensification of use of the site, which would exacerbate highway safety issues contrary to Policy GD1 of the 2011 Island Plan. However, the Director, Development Control expressed reservations with regard to the reasonableness of a condition which controlled the number of vehicle movements and felt that this would be extremely difficult to enforce.

Whilst the Committee was content with that element of the condition which related to the hours of operation, members concurred with the view of the Director in respect of the reasonableness of controlling the number of vehicle movements and the difficulty associated with enforcing the same. Consequently, it was agreed that the condition should be amended to remove the vehicle counting aspect and the Committee directed that a permit be issued with the conditions set out in the officer report (as amended).

On a related matter, Deputy R.J. Rondel of St. Helier expressed concern at the fact that the DfI had made a representation after the Committee's approval of the application. The Director reminded members that the Department had a duty to ensure that the Committee received all representations submitted in connexion with applications.

Le Hurel Farm,
La Ruelle
Pinel, St.
Lawrence:
proposed
extension/
external
alterations
(RFR).
477/5/3(1021)

A7. The Committee, with reference to its Minute No. A12 of 25th January 2018, considered a report in connexion with an application which had sought permission for the proposed extension and external alteration of the property known as Le Hurel Farm, La Ruelle Pinel, St. Lawrence. The Committee had visited the application site on 23rd January 2017.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formally setting out the reasons for approval and any conditions which were to be attached to the permit the application was re-presented.

P/2017/0876

Having noted that no conditions were proposed, the Committee confirmed its decision to approve the application.

Noya Shapla
Restaurant,
Charing Cross,
St. Brelade:
proposed
removal of
condition of
permit.
477/5/3(980)

A8. The Committee, with reference to its Minute No. A12 of 26th January 2017, considered a report in connexion with an application which proposed the removal of a condition attached to the permit in respect of the Noya Shapla Restaurant, Charing Cross, St. Aubin, St. Brelade. The Committee had visited the site on 6th December 2016, and, more recently, on 13th February 2018.

A site plan and drawings were displayed. The Committee recalled that the application site was located in the Built-Up Area and was a Tourist Destination Area. The building was a Grade 4 Listed Building and Policies GD1, ER5, ER6, EVE2 and HE1 of the 2011 Island Plan were relevant to the application.

RC/2017/1171

The Committee recalled that it had approved the change of use of the above premises to a restaurant in 2017. Whilst a take-away and delivery service had originally been proposed, these elements had subsequently been removed from the scheme as it had been concluded that these functions could not be classed as ancillary to the restaurant business, given the likely impact on the surrounding environment. Consequently, a condition had been attached to the permit which precluded the provision of these services. The applicant was now seeking the removal on this condition on the basis that a car parking space for the delivery driver had been secured by the business at a nearby property. Whilst the Department considered the operation of a delivery service to be acceptable now that a designated car parking space had been identified, the take-away service remained problematic and the Parish of St. Brelade had maintained its objection to this. The Department was sympathetic to the restaurant proprietors, especially given the tourist destination area location of the business and the positive comments the application had generated (18 letters of support had been received). However, the Department was unable to support the provision of a take-away service given the strong objection from the Parish of St. Brelade and the likely impact on the surrounding environment. Consequently, the application was recommended for refusal on the grounds that a take-away service from this restaurant could lead to unacceptable traffic generation, highway safety or parking problems, contrary to Policy GD1 of the 2011 Island Plan.

3 letters of objection had been received in connexion with the application.

The Committee heard from Mrs. G. Davies, who expressed support for the application. Mrs. Davies did not believe that the provision of a take-away service associated with this particular restaurant would generate litter as patrons consumed food in their own homes and not in the street. People visited the many restaurants and businesses in St. Aubin and this often necessitated securing a parking space in the village. This was no different for parking to collect a take-away.

The Committee heard from Mr. A. Breckon, a resident of the area and Mrs. S. Steedman, speaking on behalf of the applicant. Mr. Breckon addressed the Committee, making it clear that he had no pecuniary interest in the business. This was a family run business and the proprietor lived in the village and had, in the past, operated another restaurant in the area without any problems. The applicant had absolutely no desire to upset residents and it was in the interests of the business to ensure the smooth operation of the restaurant. Mr. Breckon advised that the application had been submitted nearly 6 months ago and he felt that this was a long time for a business to have to wait for a decision. Mr. Breckon was familiar with the area and frequently walked around St. Aubin and he stated that sometimes there was hardly any traffic at all in this particular area, particular during the winter months. He provided the Committee with some photographs taken during the months of

September to illustrate his point. It was not difficult to park during the week, especially out of season. Whilst Friday and Saturday evenings were busy during the spring/summer months, 80 per cent of all orders were for deliveries. A lot of people collecting takeaways lived in the vicinity and would walk to the restaurant. Mr. Breckon expressed the view that some of the objections to the application were fanciful and inconsistent. The register of planning applications revealed that there had been no objections to the application for the Costa Coffee outlet, but it appeared that a lot of litter was generated from this establishment as people disposed of coffee cups indiscriminately. There had been no comments from the Parish in respect of a delicatessen/takeaway which had opened. Part of the Parish objection appeared to be based on the potential for parking in an unloading bay used by a supermarket and other businesses. Again, Mr. Breckon referred the Committee to the photographs he had provided and pointed out that a vehicle parked in this particular location had a parking ticket on it, proving that the area was well policed.

Mrs. Steedman reminded the Committee that the restaurant had been operational since August 2017. The applicant had operated another restaurant in St. Aubin which provided a delivery and takeaway service for 22 years and there had been no complaints. Most Indian restaurants, and many other restaurants in St. Aubin, provided a takeaway and delivery service and it was a very important part of the business model. In this particular location there was concern about highway safety/nuisance/litter. The applicant did not wish the exterior of the restaurant to look untidy so would ensure that there was no litter and, in any case, customers collecting orders would consume the food at home, as opposed to fast food which was often eaten in the street. The restaurant would be open from 5.30 pm – 10.00 pm with 75 percent of orders being delivered and the remaining 25 per cent being collected. It was estimated that there would be approximately 15 deliveries on week nights and 40 at weekends. The Manager was more than willing to take food out to customers who could not park safely, but most of the time parking spaces in the vicinity of the restaurant would be available so that customers could park and collect their food. It would also be made clear to customers that indiscriminate parking would jeopardise the business and it was suggested that this could be printed on menus. Mrs. Steedman also offered to submit the operational rules which would be applied. As a resident of St. Aubin, the applicant was sensitive to the potential impact and had absolutely no desire to cause any problems for residents. Mrs. Steedman suggested that a 6 month temporary permit, which was personal to the applicant, with strong management controls be issued so that he could demonstrate that the services could be provided without incident.

In response to questions from members, the Director confirmed that whilst it was possible for the Committee to issue a temporary consent, the tests for success or failure had to be clear. It might also be difficult to ascertain whether any issues which arose could be directly attributed to the restaurant. However, Mrs. Steedman pointed out that the restaurant was located in close proximity to the Parish Hall so it would soon become clear if there were any problems.

Members noted that whilst the Parish of St. Brelade had submitted a written representation, there was no one representing the Parish at the meeting. Some members expressed concerns in relation to the potential for customers parking outside the restaurant when collecting takeaways, and the problems this could cause given the precise location of the premises. Members were mindful of the concerns expressed by the Parish but also the level of support the applicant had received from parishioners and the assurances he had provided. Ultimately, the Committee concluded that whilst it had no issue with the variation of the condition attached to the permit to facilitate the provision of a delivery service, it would wish to see a 6

month trial period (commencing mid-March 2018 - to be made personal to the applicant) to be applied in respect of both the delivery and takeaway services.

As the Committee's decision was contrary to the officer recommendation for refusal, it was noted that the application would be re-presented at the next meeting for formal confirmation of the decision.

West Point Farm, La Route de Vinchelez, St. Ouen:
proposed demolition of shed/construction of new shed/staff accommodation.
477/5/3(1022)

A9. The Committee considered a report in connexion with an outline application which proposed the demolition of an existing shed containing a workshop, 3 staff bedsits and 13 polytunnels at West Point Farm, La Route de Vinchelez, St. Ouen and the construction of a new agricultural shed to the south of the site together with 4 x 3 bedroom staff units. The Committee had visited the site on 13th February 2018.

Deputy R.J. Rondel did not participate in the determination of this application.

A site plan, drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, SP2 and SP3, SP6, NE7, H9, ERE1, ERE6 and GD1 of the 2011 Island Plan were relevant to the application. In addition, it was noted that the site lay within area E1 – north-west headland, St. Ouen, as defined by the Countryside Character Appraisal.

PP/2017/0034

The Committee was advised that West Point was owned by Jersey Royal (Property Holdings) (JRPH), which company leased the site to the Jersey Royal Company. West Point currently contained the following –

- one potato store/shed (22,000 square feet)
- one sub-standard workshop (3875 square feet)
- 3 sub-standard single bedsits for farm workers
- a concrete yard
- approximately one acre of polytunnels

The application sought consent for the following works -

- the demolition of the shed/workshop/3 staff bedsits
- the removal of 13 polytunnels
- the construction of an agricultural shed to the south of the site
- the construction of 4 x 3 bed staff accommodation units with 12 car parking spaces and 232 square metres of communal amenity space
- the creation of a large yard for the storage of machinery (approximately 3,000 square metres/8,000square feet)

The Committee was informed that this was a complex application which had to be assessed against a number of key Island Plan Policies. The application included a significant amount of information and the site had a long and complex planning history. The Committee's attention was drawn to all background papers which had been included within agenda packs.

The Committee noted that there were essentially two elements to the scheme - the staff accommodation and the replacement shed. In terms of the former, the justification for new staff accommodation was to facilitate the phasing out of some of the sub-standard accommodation in the Jersey Royal Property Holding's portfolio. At West Point there were currently 3 single occupancy staff units located within an existing workshop, which were in very poor condition. The scheme sought to replace these with a 2 storey, detached accommodation block comprising 4 units each with 3 double bedrooms, which would be capable of accommodating a total of 24 staff members, as opposed to 3. The submitted documentation did not refer to the

phasing out of any other sub-standard accommodation within the applicant company's ownership to justify the additional accommodation proposed on the application site. As such, approval would result in the creation of additional staff worker accommodation without the gain of removing other sub-standard accommodation from the portfolio. The Committee's attention was drawn to Policy H9, which directed development to the Built-Up Area. The Committee was informed that the applicant company had previously owned staff accommodation in the Built-Up Area at the Beach Hotel but had sold this for private residential development, thus creating a shortfall in the provision of staff accommodation. Policy H9 set the bar high for the creation of staff worker accommodation in the Green Zone, by requiring compliance with a number of criteria which the application failed to satisfy.

With regard to the proposed new shed, the Committee was advised that this would replace West Point's existing 3,875 square metre, sub-standard workshop and spray store, the latter being located on a neighbouring site known as Sandhurst. Permission had previously been granted for the demolition of the spray store at Sandhurst and its replacement with staff accommodation (application reference P/2013/0182 refers). When permission had been granted for the demolition of the spray store the applicant company's intentions for replacing the lost spray store had been unclear. The proposed new shed would be used for the maintenance and repair of JRPH's farm machinery. The construction of agricultural buildings was to be considered under Policy ERE6, which set a strong presumption against such proposals unless it was essential to the proper function of the farm holding. West Point was not a farm holding and the application was not accompanied by any information from the applicant as to how the new shed was essential to its proper function, thereby failing to satisfy the policy test.

It was noted that the site was predominantly used for agricultural purposes having a number of polytunnels for growing. The application sought to replace these with an agricultural building; staff accommodation, associated amenity/car parking and an extensive yard, resulting in the loss of agricultural land, contrary to Policy ERE1. The relatively small area of land which would be retained for agricultural purposes lay in the south-east corner, making access and visibility a challenge. The site was located in the Green Zone and the 2 proposed structures were of a substantial size and scale, exaggerated by being detached and sited away from the existing (equally substantial) shed. The scheme made no attempt to consolidate the built development on this Green Zone site, either through extending the existing shed or improving the site layout. Instead, the proposal sprawled across what were currently agricultural fields (with polytunnels on them) resulting in development of an excessive size and scale, which was visually dominant and harmful to the remote rural character of the area. The submitted outline application retained landscaping as the only reserved matter. Without landscaping as a fixed matter, the scheme failed to demonstrate that serious landscape harm would not arise from the development. Furthermore, any landscaping included in the application was purely indicative and could not be secured. It was recommended that the Committee refuse the application for all of the reasons set out above.

11 letters of representation had been received in total – 2 of which had subsequently been withdrawn. The authors of 3 representations had stated that these would also be withdrawn, subject to the applicant complying with certain conditions. Responses from statutory consultees had been included within the Committee's agenda packs and it was noted that initial support from the Land Controls and Agricultural Development Section had been withdrawn on the basis that, during the life of the application, the number of staff units and who they were for had become unclear.

The Committee heard from Mr. R.J. Renouf, sitting Deputy of St. Ouen. Mr. Renouf advised that whilst 2 parishioners had drawn the application to his attention in his capacity as Parish Deputy (and had subsequently withdrawn their objections) he wished to address his concerns with the Committee as a private individual. Mr. Renouf stated that the application appeared to fly in the face of a whole raft of Island Plan policies, as set out in the Department's report. He could see no justification for making an exception to policy in this case. Mr. Renouf also expressed the view that it appeared unusual for a landlord to make an application on behalf of a tenant based on how that landlord perceived the tenants needs. Furthermore, this was not a brown field site as had been suggested. There were polytunnels on most of the site and these were temporary structures in the Green Zone. Mr. Renouf advised that he had been astonished to note that it was being stated that the buildings would be hidden from view. Mr. Renouf referred the Committee to the location plan and pointed out that the site was most prominent. The proposed buildings would be constructed on the polytunnel area and they would be highly intrusive and visible from the main road. This was an open, flat area with no trees and low hedges and the proposed development would destroy the rural aspect of the area. Whilst Mr. Renouf understood the desire for a sustainable agriculture industry, which would sometimes require new development, there were high thresholds and he believed the application failed the policy tests abysmally.

The Committee heard from Mr. D. MacCabe, who showed members photographs of the area, in order to demonstrate the agricultural nature of the land. He referred the Committee to his written representation and stated that the applicant's conclusion that this was a brown field site was illogical. This was a largely unspoilt rural area within which the proposed development would have a huge impact. Mr. MacCabe believe that achieving landscaping in this environment would be difficult given the conditions so it was not clear how the buildings would be screened. From Mr. MacCabe's perspective, views would be impaired. He also felt that it was likely that a further application for development at Sandhurst (the existing spray store site) would be forthcoming if permission was granted on the application site. Mr. MacCabe suggested that a much more holistic approach was required and this would necessitate ascertaining the applicant's strategic plans rather than the piece meal approach to development by the applicant company which appeared to be taking place across the Island. He urged the Committee to refuse the application.

The Committee heard from Mr. J. Baker, who advised that he too had submitted a written objection. At the time of writing he had lived near to the application site. His concerns were not fuelled by a personal dislike for the applicant, but rather the threat which was posed to the countryside and 'the apparent disregard for planning policies by those whose short term needs did not serve the Island well'. Mr. Baker added that he was not opposed to development per se if it benefitted many and was supportable in other contexts. He advised the Committee that he had purchased Vinchelez Farm in 2008, from individuals who were either part of, or indirectly connected with, the Jersey Royal Company, with an extant permission for a residential development. At that time the sellers had claimed that the farm was redundant and that the vast storage buildings and accommodation on the site were no longer required. As the application site was only one mile away from Vinchelez Farm, Mr. Baker questioned why it had not been possible for the applicant company to upgrade the buildings at Vinchelez Farm which had been in its ownership prior to 2008. He acknowledged that although some of the structures had been in a poor state of repair when he had purchased the site, the staff units had not been costly to restore. There had also been a vast modern barn on the site which had been in perfect condition but which had to be removed as part of the approval because of the redundancy claim. Mr. Baker stated that smaller farms with more modest equipment stored on site had been 'engulfed' by the applicant company. The consequence of this appeared to have presented an issue with accommodation and storage space.

However, he questioned whether it was correct for this issue to be addressed by building on green fields, particularly when such facilities had already existed at Vinchelez Farm. Mr. Baker advised that he had spoken with Mr. T. Binet of Jersey Royal Property Holdings Limited and had heard nothing which allayed his concerns. He informed the Committee that he had asked if the applicant company would be willing to accept an agricultural occupancy condition on the accommodation, if permission was granted, and alleged that Mr. Binet had answered in the negative stating that if farming was no longer viable, it might be necessary to sell the units on the open market in the future. Mr. Baker believed that phrases such as 'fit for purpose', 'no longer viable', 'beyond repair' and 'not suitable for modern day agricultural requirements' were used to 'play the system' by private individuals wishing to 'make a fast buck', resulting in the loss of agricultural land and the abuse of planning policies. He concluded by stating that there was a need to defend precious land resources and schemes such as that proposed did not embrace agriculture.

The Committee heard from Mr. R. Barnes, who pointed out that the application had been submitted by a property company rather than the occupational tenant so could not be viewed as an 'agricultural application'.

The Committee heard from Mr. M. Stein, representing the applicant company. Mr. Stein advised that the application had been with Department for 13 months and he felt that this was unsatisfactory. He advised the Committee that, in the UK applicants had a right of appeal to the Secretary of State against the non-determination of an application within the relevant statutory period (13 weeks for applications for major development and 8 weeks for all other types of development). The Director, Development Control confirmed that the same arrangement existed in Jersey. Mr. Stein went on to refer to the submitted documentation and, in particular a letter from the Jersey Royal Company dated 17th March 2017, which defined the relationship between the Jersey Royal Company and the various other companies detailed within the planning statement submitted by MS Planning. The Committee noted that the Jersey Royal Company was owned by Produce Investments Limited, a large agricultural investment company. The Jersey Royal Company rented its entire portfolio of land from various landlords, many of whom had been former owners of the company prior to its sale to Property Investments Limited in 2014. A large proportion of the land and premises rented by the Jersey Royal Company was from various companies owned by Mr. and Mrs. T. Binet, the main shareholders of Jersey Royal (Property Holdings – the applicant company). Mr. Stein did not feel that the Department's report was sufficiently clear or balanced and he confirmed that the applicant was Jersey Property Holdings Limited and that the Jersey Royal Company would be the tenant. The Jersey Royal Company worked 60 percent of the Island's arable land and, as custodians of the countryside, undertook a great deal of work which contributed to the protection of the natural environment. The company employed 450/500 staff during the season, had an annual revenue of £24 million and paid local taxes. Presently most of the company's infrastructure was situated in the east of the Island so a centre of operations in the west was essential. The applicant had a legitimate expectation of planning permission on the application site based on discussions with a previous Minister for the Environment, former Senator F.E. Cohen and a senior Departmental officer. Having a western hub would significantly reduce the company's carbon footprint. At present fuel consumption levels were high at 700,000 litres per annum, which did not align with the Sustainable Transport Strategy and called into question claims that the proposal would not reduce vehicle dependency. Mr. Stein reminded the Committee that the sub-standard workshop and spray store at Sandhurst, which were close to neighbouring properties, would be relocated to the application site within the building group, as required by Policy NE7. The proposed new staff accommodation would replace accommodation lost in

the east of the Island - 66 beds at the Beach Hotel – which had not been sold as stated by the Department, but had been developed by another company in a perfectly legitimate manner. The new buildings would be next to the existing potato store and would not have a serious impact on the landscape. Consideration had been given to creating staff accommodation in the Built-Up Area in the vicinity of the application site, but residency restrictions had precluded the use of the same by staff. Staff accommodation had to be of a good standard with amenity space and car parking. Mr. Stein found some counter arguments made by Department in connexion with the aforementioned curious and maintained that the scheme met agreed standards. Mr. Stein referred the Committee to its decision to permit a new entrant to the industry to construct a dwelling and a shed in Trinity (Minute No. A4 refers), which he believed had been the right decision. In this particular case the applicant company was seeking permission for vital new infrastructure on an existing farm for the largest established operator in the Island - the fact that the applicant was not the tenant was irrelevant, particularly as the tenant had a legally binding option to buy the site. Refusal of the application would be harmful to the business and the recruitment and retention of staff; would prevent the Jersey Royal Company from reducing its carbon footprint and dependency on the car; would threaten the agricultural landscape and could ultimately spell the death knell for industry. This was a brown field site and the scheme complied with all relevant Policies, contrary to statements made by the Department. Mr. Stein lamented the fact that he did not have longer to speak on this very important application and he urged the Committee to grant permission and keep Jersey farming.

The Committee heard from Mr. D. Rankin, Managing Director, Jersey Royal Company. Mr. Rankin confirmed that suitable facilities were required in the west of the Island and that future farming operations relied upon this. The existing workshop was sub-standard and working conditions were poor. Refusal of the application would cause significant logistical problems for the company. The staff accommodation on the existing site fell well below standard and the loss of accommodation at the Beach Hotel meant there was a shortage of accommodation for workers. The scheme would reduce the amount of trips across the Island as staff would be located on the application site. The accommodation would be used for all farm workers, not just managers. All elements of the scheme were absolutely critical to business. In response to a question from Deputy S. Wickenden of St. Helier, Mr. Rankin confirmed that there was no ownership connexion between the applicant company and the tenant. Deputy Wickenden pointed out that if the tenant ceased to use the staff accommodation it could be used by anyone outside of the industry, effectively resulting in the construction of new residential accommodation in the Green Zone. Mr. Stein interjected stating that an agricultural occupancy condition could be attached to the permit if the Committee was minded to grant permission.

In terms of the length of time it had taken for the application to be presented to the Committee, the case officer confirmed that the Department had been seeking to provide a fuller picture by obtaining the details of all staff accommodation for which permission had been granted but which may not yet have been constructed. This had taken some time and there had been some resistance. On a related matter, it was noted that, although an application proposing revisions to the approved scheme at Sandhurst had not been made in the applicant company's name, if approved this would intensify the use of that site.

Having considered the application the Committee concluded that it could not support the scheme and unanimously refused permission for the reasons set out in the officer report.

37th Meeting
15.02.18

Bella Vista,
Longfield
Avenue, St.
Brelade:
proposed
removal of
pitched roof/
construction of
additional flat
roof storey.
477/5/3(1023)

P/2017/1417

A10. The Committee considered a report in connexion with an application which proposed the removal of a pitched roof at the property known as Bella Vista, Longfield Avenue, St. Brelade and the construction of an additional flat roofed storey of accommodation. The Committee had visited the application site on 13th February 2018.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Backdrop Zone of the Built-Up Area and was in a designated Tourist Destination Area. Policies SP1, H6, BE6, BE3, GD1, GD7 and GD5 of the 2011 Island Plan were relevant to the application

The Committee was advised that application proposed the removal of a pitched roof in favour of a flat roof to accommodate a first floor extension within the existing footprint. The proposal was sympathetic to the scale, mass and proportions of the existing dwelling, which was located within the Built-Up Area, wherein there was a presumption in favour of development. The ridge height would reduce by 200 millimetres and the proposed extension would add mass to the west and south elevations only. The property to the west was set a considerable distance from the application site and would not be affected by the addition of the first floor flat roof structure. The properties to the south were set much lower in the landscape and would not be impacted by the development. The property to the north, Longfield House, sat in an elevated position when compared with Bella Vista, with the proposed first floor and existing pitched roof of Bella Vista being approximately level to the ground floor of Longfield House. The additional mass to the west would have very little impact on Longfield house or the amenity of neighbouring uses and should not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy. Whilst objections had been received regarding the scale of the proposed development in this context, the applicant had submitted a series of photographs which demonstrated that the property had very little, if any, impact on the existing landscape from various locations along St. Brelade's Bay. This was especially highlighted by the existing impact and scale of Longfield House to the north, Haven Crest to the east and Belvedere to the west, both of which were much larger in scale and mass and occupied elevated positions making them visually prominent in the landscape. Several objectors had commented on the design approach adopted and its relevance in this context. However, Longfield Avenue was not considered to have a cohesive building style and although the dwelling would not have a pitched roof like other properties in the vicinity, the design was not considered to be out of character with the area. 2 previous applications had been approved for similar flat roof designs within the same row; one being on the neighbouring property. The properties in Longfield Avenue and the wider area were a mix of styles, heights and scales. Furthermore, the elevational design details and materials complemented the existing dwelling and reflected the 1930's Art Deco style which was appropriate, given the era of construction. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

5 letters of objection had been received from 4 individuals. Late representations received after the distribution of the agenda had been sent to members under separate cover.

The Committee heard from Ms. M. Scott, representing the St. Brelade's Bay Association. Ms. Scott stated that the way in which Departmental reports were presented necessitated addressing each individual policy listed therein and she referred the Committee to her letter dated 7th February 2018, in this context. Ms. Scott stated that whilst the application site was in the Built-Up Area, the Green Backdrop Zone location meant that sensitivity was required. Policy BE3 sought to

ensure that the landscape remained the dominant element. Ms. Scott believed that the implementation of certain schemes in the vicinity, which she understood had been approved under delegated powers, had resulted in the landscape becoming sandwiched between developments. She suggested that the Committee might wish to take the opportunity to ensure that the provisions set out in Policy BE3 were properly applied. Turning to the proposed design and, in particular, the flat roof, Ms. Scott did not believe that it achieved the policy objectives or those set out in the 1989 St. Brelade's Bay Environmental Improvement Plan. Ms. Scott felt that a flat roofed 'boxy' building would be much more visible on the escarpment than a pitched roofed structure.

The Committee heard from Senator S.C. Ferguson, a member of the St. Brelade's Bay Association and a resident of the area. Senator Ferguson supported Ms. Scott's comments regarding the impact on the landscape of a large flat roofed structure. She recalled comments to the effect that the approved development on the former Zanzibar Restaurant site would set a precedent and she feared this was fast becoming the case. She described the design approach as 'very fashionable' but suggested that it might not stand the test of time. She stated that Longfield Avenue was 'a small country lane with modest houses which complemented the Green Backdrop Zone' and she urged the applicants to submit something more sensitive in terms of mass and scale.

The Committee heard from the applicant's agent, Mr. G. de Sousa of Page Architects. Mr. de Sousa advised that the applicants were unable to attend the meeting as they were out of the Island. They wished the Committee to know that they were not developers, as had been hinted at in correspondence from the St. Brelade's Bay Association. They had purchased the property in 2006 and it was their family home. They had absolutely no desire to destroy the character of the Bay and it appeared that there was a difference of opinion with the St. Brelade's Bay Association as to what constituted good design. The applicants had gone to great lengths to consult with neighbours to establish and preserve view lines. The architectural style of the proposed extension was based upon the art deco style so could not, therefore, be described as a 'fashion fad'. To the east of the application site at Haven Crest, approval had been granted in 2015 for a 3 storey dwelling and Mr. de Sousa showed the Committee drawings of that scheme. It was noted that the proposed development sought to replicate the style of that dwelling. Care had been taken to reduce the mass of the roof, set it back and lower the height of the first floor extension to below the ridge level. The Committee was informed that the application site had been extensively landscaped, but that the trees to the south and west belonged to a neighbouring property so would not be affected by the scheme under consideration. The site area was 746 square metres with 160 square metres of built footprint and a 362 square metre garden to south.

Having considered the application the Committee unanimously approved the same, subject to the imposition of the conditions detailed within the officer report. In doing so Deputy R. Labey of St. Helier stated that whilst he understood the aims and objectives of the St. Brelade's Bay Association, and it appeared that the Island Plan did not offer sufficient protection for the Bay, he could not see that the proposed development would be harmful to the Green Backdrop Zone.

Maison de
Ville, La
Pouquelaye,
St. Helier:
proposed
demolition and
redevelopment.

A11. The Committee, with reference to Minute No. A9 of 23rd July 2015, of the Committee as previously constituted, considered a report in connexion with an application which proposed the demolition of the premises known as Maison de Ville, La Pouquelaye, St. Helier and its replacement with 28 apartments with associated car parking and amenity space. The Committee noted that the scheme had been amended to remove a pedestrian access to Victoria Crescent; omit a window from the second floor plan and retain a tree; retain the appearance of a boundary wall

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477/5/1(583)
P/2017/1176

(corrected on artistic impressions); and, reduce the length of the proposed building to increase the landscape strip adjacent to Patrick Freely Lane. The Committee had visited the application site on 13th February 2018.

Deputy R.J. Rondel 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 Green Backdrop Zone of the Built-Up Area. Policies SP1, 2, 3, 6 and 7, GD1, 3, 4, 6, 7 and 8, BE3, H1,4 and 11, TT2, 3, 4, 8 and 9, NR1, 2, 3 and 7, WM1, LWM2 and 3 of the 2011 Island Plan were relevant to the application.

The Committee noted that Maison de Ville was a former care home on a prominent site surrounded on 3 sides by roads and located to the north of St. Helier. The building had not been used for a number of years and had fallen into disrepair. The surrounding area was predominately residential with Janvrin Primary School being located further north on La Pouquelaye.

The Committee recalled that it had refused a previous application (reference No. P/2014/1708) which had proposed the redevelopment of the site and the construction of a 60 place day nursery together with 28 care apartments. This decision had been upheld at an appeal in 2016. The proposed built form had extended to the boundaries with the roads on the east and south and the only remaining green areas were 2 narrow strips on the north and the south west corner of the site. The 5 reasons for refusal had related to a lack of clarity concerning both the proposed use and traffic management arrangements, harm to the amenities of properties directly to the south and a missed opportunity to incorporate a green roof or to maintain and strengthen the Green Backdrop Zone. The scheme under consideration sought to address those concerns

The Committee was advised that the application sought to clear the site and erect a new apartment building of a similar size to the existing building, which would provide 28 x 2 bedroom flats, bicycle and car parking spaces and landscaping to enhance the site. A protected lime tree and a mature laurel would be retained. Also proposed were improvements to the width of the pavement along La Pouquelaye and the siting of bollards to safeguard pedestrians.

Residential accommodation was considered to be the best use for this location. The amended scale of the development was acceptable and the scheme was in line with the relevant policies of the Island Plan. It would deliver a well-designed, high quality residential development which exceeded the minimum standards with regard to unit size, with each unit having access to a balcony and communal or private garden areas. The amended scheme would allow for additional, better placed and higher quality landscaping than that which currently existed, acknowledging the Green Backdrop Zone location of the site. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of a Planning Obligation Agreement (POA) to ensure the provision of bollards on La Pouquelaye at the road edge.

15 letters of representation had been received from 12 individuals. A late representation received after the distribution of the agenda had been sent to members under separate cover. The majority of the representations received raised concerns about highway safety in the vicinity, especially on Patrick Freely Lane and the narrow pavements on La Pouquelaye. Both of these were outside of the site but the applicant had provided funding to the Parish to upgrade the Lane and install footpaths and bollards, although this was not a planning requirement. The scheme

had also been amended to allow for a wider pavement on La Pouquelaye and the applicant would fund the provision of bollards here also, to help contribute to a safe passage to Janvrin School.

The Committee heard from Mrs. A. Pasturel, who did not believe that all of the reasons for the refusal of the previous scheme had been addressed in the current application as the same number of residential units was proposed and she did not believe that a traffic management plan had been submitted. She also stated that the previously proposed development had not protruded in front of her property and she believed this would result in a loss of light. Mrs. Pasturel questioned whether more flats were actually needed in St. Helier given the number of sites being developed for this purpose. She believed that there were other more appropriate uses for the application site. Mrs. Pasturel also expressed concerns regarding traffic intensification, highway safety and the provision of car parking in the area, especially given the proximity of the College Gardens development to the application site and the fact that the area was not well served by public transport. Mrs. Pasturel understood that Patrick Freely Lane was to be opened to traffic and she stated that this would displace a number of vehicles which currently parked there. In addition, rented car parking spaces at Maison de Ville would also be lost, together with 4 on road spaces at Upper Clarendon Road. Mrs. Pasturel informed the Committee that there were 20 residential units and a lodging house on Upper Clarendon Road, with the nearest public car park being located at the bottom of Midvale Road. Upper Clarendon Road was also to be made one way, forcing traffic onto Victoria Crescent. Mrs. Pasturel understood that permission had been granted for 2 new dwellings with garages and tandem car parking on Patrick Freely Lane and she asked the Committee to consider the cumulative effect of development in the area. An online petition regarding traffic safety contained 800 signatures and a paper petition was on going. Mrs. Pasturel expressed the view that it appeared that a restrictive covenant in respect of the use of the application site appeared to have been broken. As she understood it, the benefactors had stipulated that the site was to be used for the good of the elderly of the Parish and Mrs. Pasturel did not view a development for over 55s to fit this criteria. In concluding, she stated that the scheme would hasten the destruction of the Green Backdrop Zone and this would have a detrimental effect on existing residents.

The Committee heard from Deputy J.A. Hilton of St. Helier, who echoed Mrs. Pasturel's concerns regarding the traffic implications. Whilst she accepted that Patrick Freely Lane was outside the scope of the application, the opening of the Lane to traffic had become a bone of contention between residents and the Parish in the context of safety. Deputy Hilton was pleased that the applicant had agreed to cede land to facilitate the creation of a pavement and the erection of bollards. However, she remained concerned about how traffic in the area would be managed. Turning her attention to the proposed development, the Deputy asked whether there would be any provision for electric wheelchairs and/or scooters – such as electric charging points or storage areas. The Deputy also asked what arrangements would be put in place for re-cycling and whether, as part of the POA, a bus shelter could be provided. The Deputy concluded by asking if an existing pedestrian gate in the communal garden (south-west corner) was to be removed.

The case officer confirmed that a transport statement had been submitted as part of the scheme. However, it was emphasised that Patrick Freely Lane was a Parish road and that although the applicant was providing funding for improvements, this was not obligatory or required by the proposed POA. In terms of Deputy Hilton's question regarding the pedestrian gate in the communal garden, it was noted that this would not be removed. The applicant had indicated a willingness to relocate the bus stop but the provision of a shelter might be difficult given the narrowness of the pavement. This had not been required by the Department. In terms of loss of light to

neighbouring properties, a shadow analysis had also been submitted by the applicant and it was not considered that there would be a great deal of difference in this context between the existing and proposed developments.

The Committee heard from Mr. T. Bertram, who asked whether the Committee was satisfied that all of the reasons for the refusal of the previous scheme had been overcome in the proposed scheme. The Director, Development Control pointed out that the test was not one of comparing the 2 schemes, but assessing the current application against the relevant Island Plan Policies.

Mr. Bertram commented on the volume of the proposed development and the fact that the proposed building would project forward by 5 metres, dominating the adjacent properties and blocking out natural light. 28 units were proposed with 1.14 car parking spaces for each unit. Only 6 visitor spaces would be provided and Mr. Bertram expressed concerns about the provision of car parking in the area given the density levels. He asked whether construction vehicles would access the site via La Pouquelaye or Upper Clarendon Road. Mr. Bertram also noted that a new sewer would be required. He stated that since the Parish had sold the site it had become divorced from Patrick Freely Lane and opening up the Lane to traffic was considered problematic in terms of traffic congestion and safety. Mr. Bertram felt that the development would exacerbate traffic problems in an area which was already congested and concerns remained about pedestrian safety.

The Committee received Messrs. I. MacDonald, A. Huckson and M. Stein, representing the applicant company. Mr. Huckson confirmed that occupation of the proposed units would be restricted to persons aged over 55 years and that this aligned with the terms of the covenant. In response to other questions asked, he confirmed that recycling bins would be provided in the refuse store at ground level and £200,000 would be allocated to infrastructure/pedestrian safety/public realm improvements - £120,000 of which would be provided for drainage work (the Director recommended that the implementation of this work should be included within the POA). A public transport contribution for the relocation of the bus stop to a position to be agreed with the Parish was also included. In terms of safety during the construction phase, measures would be put in place to control traffic and timescales agreed. It was noted that objections from the Department for Education had been withdrawn on the basis of the aforementioned and the improvements which were to be made. It was also confirmed that sufficient capacity existing within the car parking area to accommodate electric charging points/storage areas for mobility scooters. The Director added that this could be controlled by condition. He also suggested that if permission were to be granted, a condition should be attached to the permit requiring the car parking spaces to be tied to the units so that they could not be sold separately.

In response to Mrs. Pasturel's comments, Mr. Huckson advised that meetings had been held with Mesdames Pasturel and V. Payne prior to the applicant company purchasing the site, in order to gain an understanding of the key issues and how they might be addressed. The initial scheme had proposed 32 units and this had been reduced to 28 and balconies had been relocated to maintain privacy. Concerns regarding the proximity of the proposed nursery to Mrs. Pasturel's property had been addressed by the removal of this element from the scheme. The amount of landscaping in the area opposite Mrs. Pasturel's property had also been increased. A number of Mrs. Pasturel's concerns related to Patrick Freely Lane, which did not form part of the application site.

Mr. Stein addressed the Committee, advising that the scheme complied with the relevant policy framework and responded to the reasons for the refusal of the

previous scheme. The applicant company had consulted extensively prior to purchasing the site and had sought to address issues raised during consultation. Community benefits such as a safer route to school and public realm improvements would arise from the scheme, together with the replacement of a sub-standard building with a new building of a similar scale and proportions with better access. Mr. Stein believed that dependency on the private car would be reduced as other modes of transport were available. The scheme would provide much needed affordable housing for over 55s and would not have an unreasonable impact. The removal of the 60 place nursery and the setting back of the building from Patrick Freely Lane meant that there would be no unreasonable impact on properties to the south. It was important to note that the neighbouring properties to the south were the only ones which had been cited in the appeal decision as being affected by the previous scheme. The proposal remained broadly the same on north side. The setting back of the building from all boundaries would allow for a tree lined avenue and planted areas, in accordance with the Green Backdrop Zone Policy.

Mr. MacDonald addressed the Committee, discussing the design of the proposed building, which took cues from the Listed Buildings on Victoria Crescent. With regard to concerns about overshadowing, the experience for properties to the north would be broadly the same as that which existed at present, with the benefit that there would be no overlooking issues as there were no windows on the north elevation. Properties to the west would also benefit as the building had been moved away from the boundary. Trees which would be retained would also provide screening. Typical window to window distances were 18 - 19 metres so there would be substantial separation with the added benefit of planting and a renewed focus on landscape improvements.

The Committee, having considered the application, decided to grant permission, subject to the imposition of the conditions detailed within the officer report and the basis of a POA, as detailed above and with inclusion of a provision for the drainage separation works prior to first occupation. Additional conditions included requiring charging points for electric vehicles/mobility scooters and locking in parking spaces to the units.

Les Champs
Farm, La Rue
de Fliquet,
St. Martin:
proposed
alteration of
vehicular
access (RFR).
477/5/2(762)

A12. The Committee, with reference to its Minute No. A9 of 21st September 2017, received a report in connexion with an application which sought permission for the creation of a new vehicular access to the northern end of Field No. 281, Les Champs Farm, La Rue de Fliquet, St. Martin. The Committee had visited the site on 25th July and 19th September 2017, in connexion with an earlier application and, more recently, on 13th February 2018.

A site plan and drawings were displayed. The Committee noted that Les Champs Farm was a Grade 3 Listed Building which was situated in the Green Zone. Policies NE7, ERE1, NE4 and GD1 of the 2011 Island Plan were of particular relevance.

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The Committee recalled that the above farmhouse had become divorced from its original access by the recent approval of the conversion of some adjacent barns to residential accommodation. A previous application which had sought permission for the alteration of both the use and design of an existing track to form a domestic driveway to Les Champs Farm had been refused.

The current application proposed a new branch off the main driveway to serve the farm house. This would run to the south of the farm group at the northern end of Field 281. The unauthorised field track would be removed and a fence line relocated so that all of the field was available for agricultural use. This was considered to be an acceptable exception to the general policy restrictions concerning the loss of agricultural land and development within the Green Zone as there would be a net

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gain in terms of useable agricultural land and the visual impact from public vantage points would be reduced. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

2 letters of representation had been received in connexion with the application and it was noted that the Land Controls and Agricultural Development Section had stated that the application could not be supported due to the loss of agricultural land. However, if the unauthorised track on the eastern edge of Field No. 281 was removed (as proposed in the submitted application) and the land returned to productive use, the application would be looked upon more favourably.

Mr. P. Satchell, Godel Architects, addressed the Committee, confirming that the conditions proposed were acceptable to the applicant.

The Committee unanimously approved the application, subject to the imposition of the conditions detailed within the officer report.

Jersey Airport,
Le Mont
Fondan (land
near to the
radar
building), St.
Peter:
proposed new
aircraft
hangars.
477/5/3(372)

A13. The Committee received a report in connexion with an application which sought permission for the construction of 3 aircraft hangars with associated landscaping, to include raised bunds, on an area of land near to the radar building at Jersey Airport, Le Mont Fondan, St. Peter. The Committee had visited the site on 13th February 2018.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that Jersey Airport was situated in Airport Noise Zone 3 and that Policies SP5, GD1, GD5, GD7, NE1, NR8 and WM1 of the 2011 Island Plan were of particular relevance.

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The Committee noted that the application proposed 3 new hangars (each measuring 55 metres by 40 metres to a maximum height of 16.9 metres) in a north-south orientation on an extended apron within the Airport operational area. The hangars were a modular product consisting of an architectural membrane over an aluminium sub-structure. Although not seen in Jersey before, they would be supplied by a long established global provider. Aircraft hangars were a familiar form in the airfield and these would be appropriately sited and designed. The scheme would facilitate a diversification of the hangar services offered at the Airport into a new sector.

The planning issues related to the off-site visual impact, traffic movements and the impact on the amenities of neighbours – which related primarily to noise. A noise impact assessment had been commissioned by the applicant and, in terms of the nearest residential property (on the corner of Rue Carré and Mont a la Brune) it was anticipated that there would be a total increase in noise (due to aircraft using the hangars) of 1-2 decibels over the course of the day in the worst case. It had also been pointed out that an increase in noise levels of less than one decibel was not audible to the human ear. Jersey Airport had operating guidelines which sought to control and manage the running of engines and, whilst this would be difficult to control with planning conditions, it did offer a layer of further management.

The applicant had submitted a Landscape and Visual Assessment, reviewing the application by reference to receptors around the site, in the local, wider and distant context. This work was relevant to the policy framework, particularly Policies GD5 and GD7. It had been concluded that any views would be glimpsed and with an integrated landscape layout (new bunding) the application was considered to meet the policy tests.

The Department was of the opinion that the proposal complied with the relevant policies and that there would be no unreasonable impact on the amenities that neighbouring users might expect to enjoy. Consequently, the application was recommended for approval, subject to the imposition of certain conditions.

8 letters of representation had been received in connexion with the application. A number of late representations had been submitted in connexion with the application and members had received these under separate cover. Among these representations was a noise impact report prepared by Acoustic Associates which had been commissioned by the Bosdet Foundation in response to the report prepared by Aura on behalf of the applicant. Aura had subsequently responded to the findings of the Acoustic Associates report.

The Committee heard from Mr. R. McAllister, a resident of the area and the closest neighbour to the proposed development. Mr. McAllister referred the Committee to his written representations dated 13th September 2017 and 5th February 2018. He advised that his main concerns related to noise and the erosion of the quality of life of residents. He stated that Jersey Airport had become quite intrusive, with the testing of fire-fighting equipment by the Airport Fire Service having a considerable impact and noise from aircraft engines on stands being inescapable.

Turning his attention to the noise impact report prepared by Aura on behalf of the applicant, Mr. McAllister felt that there were some contradictory statements contained therein. For example, the purpose of the bunds was variously stated as being for noise attenuation and reducing visual impact so it was not clear what the intended purpose was. Mr. McAllister also asked whether there was a masterplan for Jersey Airport and if the appearance of the proposed hangars was being driven by the temporary nature of the structures. He referred to his written representations and, in particular, the absence of a noise pollution policy for Jersey Airport. He advised that under the Environmental Noise (England) Regulations 2006 (as amended), which transposed the provisions of an EU Directive relating to environmental noise, airport operators were required to produce a noise action plan for approval and subsequent review every 5 years. While Jersey Airport fell outside of the scope of this Regulation, the EU and Channel Islands' website stated that transport legislation in the Channel Islands was largely based on international standards set by bodies such as the International Aviation Organisation. The Civil Aviation Authority required operators to demonstrate that any proposal to increase airport capacity in the UK was sustainable and, where communities were affected by noise, the impact was minimised, mitigated and compensated appropriately. In this context, Mr. McAllister suggested that the Committee might wish to require the submission of an independent noise abatement report. He informed members that Geneva also fell outside of the EU Regulations but that stringent requirements existed and were detailed on the airport's website. Mr. McAllister stated that if approval was granted he wished to ensure that there was an appropriate level of protection. He informed members that he had asked whether the height of an existing earth wall could be increased to mitigate against noise, but had been advised that this would not be possible.

The Committee heard from Mr. C. Riva, representing the Bosdet Foundation. Mr. Riva advised that whilst the Bosdet Foundation supported investment in Jersey Airport, concerns existed regarding the potential for increased noise levels and the impact this would have. The Foundation had made significant financial investment in Les Ormes and was sensitive to any threat to the product. In terms of the comments from Aura in response to the acoustic report commissioned by the Bosdet Foundation, Mr. Riva stated that it was disappointing that no new raw data had been presented or testing carried out. Much of the information contained within the

original Aura report had been regurgitated in their response. Mr. Riva stated that Acoustic Associates were airport noise monitoring specialists who had experience of working in Jersey. They had raised concerns about the data contained within the Aura report and the methodology used to determine impacts on the local environment. The thoroughness of the report and the conclusion that only a minor adverse impact on the acoustic environment would occur had been challenged. Moreover, Mr. Riva asked why even a minor adverse impact should be considered acceptable as it was considered that efforts should be made to improve or, at least, maintain the status quo. Extra measures such as sound monitoring and the formulation of standards to protect the immediate environment should be put in place. The bund walls should not be constructed merely as a means of using waste generated from the development, but should be properly designed and engineered for sound control. Mr. Riva commented that the information presented appeared to be insufficient in terms of assessing the potential risks associated with approving the application. Even if adverse results were identified, mitigation measures could be put in place and conditions attached to the permit. Mr. Riva urged the Committee to defer consideration of the application pending the completion of further work.

The Committee heard from Messrs. D. Bannister, L. McConnell and A. Rowse, representing Ports of Jersey. Mr. Bannister advised that since incorporation Ports of Jersey had made good progress in terms of the long term sustainability of infrastructure. However, growth opportunities were required for investment and this could not be achieved through core airport operations alone. Demand for hangars for corporate aviation purposes was high and would have a positive impact for Jersey in a key global sector.

Mr. McConnell addressed the Committee, outlining the positive benefits of the project in terms of Jersey's credibility. He too stated that demand from aircraft owners and high net-worth individuals for modern, secure, purpose built hangar space which ensured the best protection for aircraft was high and the provision of the same was part of Jersey Airport's future vision. The project was of strategic importance and was crucial to the continued success of the Airport. Mr. McConnell advised that he had worked at Jersey Airport since 1987 and he spoke at length about the changes he had seen during that time. The proposed new hangars were versatile, simple to construct and had an indefinite life span. They would sit quite low in their surroundings and noise attenuation measures included air tight seals. In concluding, Mr. McConnell accepted that stricter noise attenuation measures might be required as part of the scheme in terms of aircraft operations on the apron (it was noted that the ground power units were noisy).

Mr. Rowse addressed the Committee, advising that, in recent years, there had been significant progress in reducing aircraft noise from modern jets. The proposed aircraft hangars had been designed with specific aircraft in mind and these were relatively quiet. Jersey Airport did not operate 24 hours a day and adhered to aviation guidelines, with arriving and departing aircraft having to follow noise abatement restrictions. Engine runs could only be carried out in certain locations and at specific times. There were also limits on cleaning and maintenance. Due to prior commitments the consultants commissioned to prepare the acoustic report could not be present. However, the Committee was in receipt of the submitted documentation prepared by the consultants and Mr. Rowse pointed out that the accommodation at Les Ormes was actually 100 metres away. Space was restricted at Jersey Airport and whilst the bund nearest to Mr. McAllister's property would not be raised, it would be extended. This would help with noise attenuation.

Mr. M. Stein, also representing Jersey Airport, addressed the Committee. Mr. Stein stated that the application complied with Policy TT15 (Operational Development at

Jersey Airport) and he referred the Committee to the policy preamble. The scheme was also in accordance with Policy SP5 (Economic Growth and Diversification) and was supported by the Minister for Economic Development, Tourism, Sport and Culture. In terms of the visual impact, Mr. Stein stated that there would be no negative off site impact, as demonstrated by the 3 dimensional model, and various landscape improvements would also be carried out. The scheme also complied with Policy GD5 (Skyline, Views and Vistas). The main issue appeared to relate to the potential for noise disturbance and Mr. Stein referred the Committee to the response from Environmental Health which concluded that the proposal was unlikely to have a significant impact in terms of noise. In terms of Les Ormes, Mr. Stein pointed out that the new self-catering accommodation on that site had been constructed in the full knowledge of the proximity of the site to Jersey Airport so some expectation of noise and potential future development had to be tolerated. The fact that there had been no negative comments from visitors to Les Ormes suggested that the proximity to the Airport was not viewed as a serious issue. In concluding, Mr. Stein stated that the scheme would not unreasonably harm the amenities of neighbouring uses and was compliant with Policy GD1 (General Development Considerations).

The Committee heard from Mr. M. Felton, Landscape Architect, who discussed the landscaping scheme, which would provide screening to supplement the bunding and proposed embankments around the hangars to reduce noise. All mounds would be formed from the dig out from the hangar construction. Mr. Felton discussed how the landscaping would affect views of the development from each of the principle viewpoints outside the site. Following the recent removal of a Leylandii screen to the west, it was proposed to introduce a low tapering bank which would form a grass verge along the roadside. Dense screen planting would be undertaken outside the perimeter to the east of the Air Cadet facility to restrict views across to the hangar site. The Committee's attention was also drawn to planting proposals for the side of the sports field adjoining La Route des Quennevais (opposite the Airport garages).

The Committee discussed the application and whilst members agreed that the delegation representing Jersey Airport had clearly outlined the economic benefits of the project, there had been little in the way of addressing the concerns of neighbours regarding noise impact. The Committee was disappointed that the consultants commissioned by the applicant to prepare the noise impact assessment had not been present. Concerns were also expressed regarding the late representations received which appeared to be a rushed response to certain issues. Whilst members felt less concerned with the visual impact of the development, the potential for noise disturbance remained. Consequently, the Committee concluded that it would wish to defer consideration of the application for one month in order to give the applicant time to properly respond to neighbours' concerns regarding noise. It was suggested that, in the first instance, the consultants employed by the applicant and those employed by the Bosdet Foundation should meet representatives of Environmental Health to agree a basis for the noise assessment. Further details were also requested on the exact nature of the landscape architecture. The Committee stated that it would not be necessary for further presentations on the visual impact or economic benefits of the scheme as these had been well rehearsed during the course of the meeting.

Aquarelle, No.
23 Le Clos
Orange, St.
Brelade:
proposed
alteration of
vehicle access.
477/5/3(1024)

A14. The Committee received a report in connexion with an application which sought permission for the alteration of the vehicular access at the property known as Aquarelle, No. 23 Le Clos Orange, St. Brelade. The Committee had visited the site on 13th February 2018.

The Committee noted that whilst no representations had been received in connexion with the application, it had been submitted by a staff member and it fell to the Committee to determine the application in accordance with agreed procedures.

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P/2018/0002

A site plan and drawings were displayed. The Committee noted that the application site was situated in Built-Up Area and that Policies GD1, GD7 and BE8 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application proposed widening the existing vehicular access and dropping the kerb following the demolition of the front boundary wall. The scheme accorded with the relevant Island Plan Policies and was considered to be visually acceptable and not harmful to the character or appearance of the area. Consequently, the application was recommended for approval, subject to the imposition of the condition set out in the officer report.

The Committee noted that no persons present wished to speak for or against the application.

Having considered the scheme, the Committee accordingly approved the application, subject to the imposition of the condition set out in the officer report.

Petanque pavilion, Les Quennevais sports ground, La Route des Quennevais, St. Brelade: proposed removal of sheds/ construction of toilet block (RFR).
477/5/3(1025)

A15. The Committee 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 removal of a condition attached to the permit in respect of the construction of a toilet block to the east of the Petanque pavilion, Les Quennevais sports ground, La Route des Quennevais, St. Brelade. The Committee had visited the site on 13th February 2018.

A site plan and drawings were displayed. The Committee noted that the application site was situated in Built-Up Area at that Les Quennevais sports ground was a Protected Open Space. Policies GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application proposed the removal of 2 existing timber sheds adjacent to the petanque clubhouse, one of which would then be repositioned and the other removed and replaced with a new metal toilet block. It would be similar in appearance to a porta cabin and would measure 9.12 metres long by 2.44 metres wide by 2.82 metres tall. A canopy would also be constructed between the toilet block and the existing petanque clubhouse. The proposed structure was described in the manufacturer's specification as mobile and of a temporary nature, being easily removed from the site. In the Department's view the appearance of this simple but utilitarian design was not of the high quality sought by policy GD7 and, if a permanent structure was sought, then a design which was more sympathetic to the surroundings and the existing buildings would be more appropriate. Consequently, the Department had issued a temporary permit which required the removal of the structure after 10 years and provided that the area was fenced as shown on the approved drawings, with additional landscaping and that the structure was coloured to match the adjacent clubhouse building. These measures would reduce the visual impact of the structure. In the Department's view it would be inappropriate to grant a permanent permission for a structure of this nature. It was, therefore, recommended that the existing condition stating that the structure should be removed within 10 years of the decision date should be maintained.

MS/2017/1743

The Committee was advised that the applicant had suggested an alternative condition requiring the removal of the structure if it fell into disuse or disrepair. This type of condition had been used in the past for glasshouses. Unlike a glasshouse, the approved toilet block structure could remain intact without extensive maintenance. It was also likely that demand for the toilet facilities would continue for as long as the club continued to thrive.

No representations had been received in connexion with the application.

The Committee heard from Mr. P. Bastion representing the Petanque Club. Mr. Bastion advised that the club rented the premises from the States of Jersey on a full repairing lease basis. Whilst it had been indicated that the negotiation of a new lease at the end of the period was likely, it could not be guaranteed. Limited funds and the lack of security of tenure made financing facilities difficult. Funds were raised via membership fees, sponsorship and competitions and there was no scope for sharing facilities with other clubs. Consideration had been given to a number of different options for a temporary toilet block structure and it had been considered that the approved scheme presented the best solution. Mr. Bastion added that the construction of a wooden building was just too costly and that structures such as that approved already existed at Tamba Park and at the Jersey Rugby Club. Mr. Bastion added that the landscaping requirement also presented challenges in that site conditions meant that establishing planting was difficult.

Having considered the application the Committee decided to maintain the decision to retain the existing condition which stated that the structure should be removed within 10 years of the decision date.

The
Farmhouse
(Field No.
442), La Rue
de Champ
Colin, St.
Saviour:
proposed
extension/conv
ersion of roof
space/
installation of
windows.
477/5/2(53)
RP/2017/0518

A16. The Committee 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 revisions to the approved plans in respect of a property known as The Farmhouse (Field No. 442), La Rue de Champ Colin, St. Saviour. The Committee had visited the site on 13th February 2018.

Deputy R.J. Rondel 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 situated in Green Zone and that Policies NE7 and H9 of the 2011 Island Plan were of particular relevance.

The Committee was apprised of the details of the complex planning history of the site, which included the granting of permission in respect of Field Nos. 440/442 (application reference Nos. P/2003/0705 and P/2004/0975) for a golf driving range. A condition had been attached to the permit to ensure that the golf range would be removed from the site and the land returned to agriculture if the venture ever ceased. The Department had previously accepted that the permission had been implemented by the commencement of works on site. On a separate site at La Hougue Bie Nursery, also in the applicant's ownership, permission had been granted for the clearance of the site and the development of 3 residential units (one of which was an agricultural workers unit) (application reference P/2007/1315). Subsequently, in 2011, a pair of linked applications had been submitted (application reference Nos. P/2011/1577 and P/2011/1605) to amalgamate 2 of the approved units on the site at La Hougue Bie Nursery and relocate the third (agricultural worker) unit to the Field No. 440/442 site, where the golf driving range permission would be extinguished and the balance of the land returned to agriculture. The new building which had been 'swapped out' from the nursery site to Field Nos. 440/442 remained unaltered in terms of its form/floor space.

When permission had been granted for the 2011 applications, a Planning Obligation Agreement to extinguish the golf driving range permission and the 3 unit permission at La Hougue Bie Nursery had been entered into. The reason for the approval of the scheme (which moved the agricultural workers permission from La Hougue Bie Nursery to Field Nos. 440/442) included an assessment against Policy NE6 of the 2011 Island Plan. In this particular case, the proposed applications had been

considered as acceptable, given the package of linked development between P/2011/1605 and P/2011/1577 and the planning history of both these sites.

The current application proposed the conversion of the loft and the addition of a 2 storey extension to the north elevation of the dwelling approved under application reference P/2011/1605 on Field No. 442. The scheme also included the installation of 2 windows to the south and east elevations and the rendering of 2 chimneys. The application had been refused under delegated powers and it was recommended that the Committee maintain refusal.

The Committee noted that, in this instance, there was a very specific planning history which involved a like-for-like swap with a commitment on another site – otherwise the approved development would have been unlikely to meet the Green Zone Policy tests. The impact on the landscape of a new dwelling was not inconsiderable, given that the golf driving range use was subject to a redundancy condition which would have seen the land returned to agriculture on the cessation of its use. The current application sought to extend an exceptional permission and the supporting text to the Policy indicated that this was a material consideration. In this instance the history weighed against further development. The tests set out in Policy NE7 examined whether a proposal facilitated significant increased occupancy. Underlying this test was the planning objective of seeking to limit new ‘occupants’ in Green Zone locations, due to the pressures placed on the fragile environment and infrastructure and general issues of sustainability. The preamble to Policy NE7 stated that the ‘purpose’ (of an extension) would be a material consideration.

In this case, the applicant had stated that the purpose was to provide staff accommodation, with the interior reconfigured from a 3-bedroom family unit to a 5-double bedroom multiple occupancy unit. There was also a substantial increase in floor space with the proposal adding 137 square metres of new floor space to a 146 square metre unit (nearly doubling the floor space). The extensions would substantially expand the floor space and that this could facilitate significant increased occupancy, contrary to the requirements of Policy NE7. It was also important to ascertain if there were any policy considerations which needed to be balanced and, in this regard, the tests set out in Policy H9 (Staff Accommodation) were particularly relevant. The applicant believed that an ‘essential need’ had been demonstrated by the loss of the staff accommodation at the Beach Hotel, Gorey. There was, however, no over-arching assessment of those needs (that is, a review of the supply elsewhere, or an explanation of levels of demand), neither was there any explanation as to why agricultural workers accommodation needs were to be met by this application (submitted by a private individual, rather than an agricultural enterprise). The application also failed to demonstrate compliance with the remaining Policy H9 tests and, as such, there were no material considerations which merited going against the high level of protection and general presumption against all forms of development established in Policy NE7.

The Committee heard from Mr. M. Stein, representing the applicant. Mr. Stein began by stating that any reference to Policy H6 was not, in his opinion, relevant as the approved use as an agricultural workers’ dwelling had already been established. He argued that the application should only be assessed against Policy NE7. Mr. Stein went on to state that an application for an affordable dwelling under Policy H1 would not have been assessed in the way this scheme had. Policy NE7(1) permitted the extension of dwellings in the Green Zone and Mr. Stein referred the Committee to the specific wording of the policy. The scheme proposed increasing the number of bedrooms from 3 to 5 and this could easily be achieved by converting the roof space without the need for planning permission. Mr. Stein considered the appeal in respect of the property known as Lande à Geon, St. Peter (application reference

P/2016/0868) to be most relevant to the application. Whilst the Independent Planning Inspector in that particular case had acknowledged the possibility of increased occupancy arising from the extension of the aforementioned property, he had stated that this should not result in the refusal of the application. Mr. Stein went on to state that, if increased occupancy in the Green Zone was used as a reason to refuse applications, this would amount to an embargo on extensions, which was not supported by the policies. In concluding, Mr. Stein pointed out that the Inspector had stated that the policy rationale for seeking to restrict the increased occupancy of dwellings in the Green Zone was to check pressure on a fragile environment and on limited infrastructure and services and to constrain trip generation. The proposal under consideration would result in reduced dependency on the car as more staff would be picked up and dropped off by a single mini-bus which would take them to work at the start and end of each day.

Deputy S.M. Wickenden of St. Helier suggested that some of the arguments presented by Mr. Stein appeared specious and the weight given to them questionable. For example, the impression was that development in the Green Zone should be permitted on the basis of vehicle trip reductions. The case officer advised that trip generation formed a very minor element of the policy framework and, in any case, there was absolutely no way of policing this. Mr. Stein pointed out that the accommodation was to be used for the benefit of the Jersey Royal Company. However, the Director, Development Control advised the Committee that there was nothing which tied the dwelling to that company.

Having considered the application the Committee decided to endorse the officer recommendation to refuse permission on pure policy grounds, as set out in the officer report.

Planning and
Building
(Jersey) Law
2002:
recommendations for policy
revision under
Article 9(A).
410/99/1

A17. The Committee recalled that under Article 9A of the Planning and Building (Jersey) Law 2002, it was tasked with reporting to the States the Committee's assessment of planning policy and any recommendations it had for its revision. In this connexion the Committee discussed the need for the compilation and maintenance of a register of agricultural workers' accommodation and/or some means of monitoring the same. The Committee was acutely aware of the amount and scale of development which appeared to be required by the industry. It was advised that, at present, a list comprising only that accommodation which was for sale was kept.