

KML/MH/190

PLANNING COMMITTEE(13th Meeting)12th June 2019PART A (Non-Exempt)

All members were present, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chairman, Connétables P.B. Le Sueur of Trinity, D.W. Mezbourian of St. Lawrence and K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Deputy S.M. Wickenden of St. Helier
 Deputy J.M. Maçon of St. Saviour
 Deputy R.E. Huelin of St. Peter

In attendance -

P. Le Gresley, Director, Development Control
 R. Greig, Planner
 K.M. Larbalestier, Committee Clerk, States Greffe

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

Ville a
 l'Eveque
 Cottage, La
 Rue de la
 Monnaie,
 Trinity:
 proposed
 demolition and
 redevelopment.
 477/5/2(794)

P/2019/0165

A1. The Committee considered a report in connexion with an application which sought permission for the demolition and redevelopment of the property known as Ville a l'Eveque Cottage, La Rue de la Monnaie, Trinity to provide 2 x 4 bedroom and one x 5 bedroom dwellings with associated garages and landscaping.

A site plan and drawings were displayed. The Committee noted that the application site was located within the Built-Up Area and that Policies H6, EIW1, GD1, HE1, GD7, WM1, NE1, NE2, NE4, LWM2 and LWM3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application site measured approximately 1,750 square metres (0.43 acres) and was situated on the southern side of La Rue de la Monnaie. Upon entering the site, land levels fell gently southwards from the roadside down to a stream which extended east-west across the southernmost part of the site. Thereafter, land levels rose sharply where the site bounded the Springside Industrial Estate. It was noted that a strip of land within the site, which lay to the immediate south of the stream, had been designated on the Island Plan Proposals Map as a Protected Industrial Site, albeit that it was part of the residential land use of Ville a l'Eveque Cottage.

The site contained a single storey granite cottage (late 18th century/early 19th century origins) abutting the roadside with an attached garage on its eastern side; open vehicular access adjacent to the western gable; and a series of small ancillary residential structures to the south and east. The application sought planning permission for the redevelopment of the site, to include the demolition of the existing roadside cottage (not Listed) and the construction of 3 new dwellings – one 5-bay two-storey dwelling central to the site flanked either side by a lower lying 2-storey dwelling; and, a new reconfigured vehicular access.

The proposed scheme complied with the Island Plan Spatial Strategy and was permissible within this Built-Up Area site. The scheme made more efficient use of the site, delivering the 'highest reasonable density', commensurate with good design, adequate amenity space and car parking, without having an unreasonable impact upon the amenities of neighbours, or leading to unacceptable problems of traffic generation, safety or car parking. Moreover, the proposals were supported by the Highway Authority.

It was acknowledged that the proposed redevelopment would alter the appearance of the site. However, it was not considered that the varied pattern of development, which existed on La Rue de la Monnaie would be adversely affected by the scale, height or form of this development. In many respects, the traditional design approach was considered to contribute positively to the site and its setting which, although it was in the Built-Up Area, had a more rural context.

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

The Department had received 11 representations (from 10 parties), together with an objection from the Parish of Trinity.

The Committee heard from Mr. F. Benest, who spoke at length about the importance of the existing dwelling. He stated that the loss of the cottage was of considerable concern. Mr. Benest felt that the Departmental report did not recognise the importance of the cottage, or accurately record its age. Mr. Benest's own research at the Jersey Archive had revealed that the property dated from 1735. This was evidenced by historic inheritance documents and he went on to outline the history of the property in terms of its ownership. He also highlighted its significance in the context of the village settlement, which contained a total of 6 Listed Buildings, of which he believed the cottage to be the missing link. It was the only example of a typical vernacular cottage built at that time. Mr. Benest did not believe that the Department's report took into account the specific requirements of Policy HE1 in terms of the effect of the loss of the cottage on existing Listed Buildings and the history of the village settlement. Mr. Benest discussed the contribution the existing dwelling made to the visual character of the area; despite unsympathetic alterations on the southern side. He was of the view that the loss of the property would damage the integrity and character of this sensitive part of the Built-Up Area. He referred the Committee to Policies SP1 and SP4, which prioritised the protection of the natural and historic environment. Policy GD1, paragraph 1(a) supported refurbishment and repair of buildings where possible and whilst page 4 of the submitted design statement stated that the cottage needed to be rebuilt, Mr. Benest argued that this claim was unsupported and implausible. In fact, a former occupant of the cottage had advised that it had not suffered from damp during her tenure and was structurally sound. In the context of Policy GD1 (2), Mr. Benest argued that the proposed development would alter the topography of the site and he referred the Committee to elevation plan 09A, dated 2nd May 2019, which showed that infilling would be required and Mr. Benest suggested that this may already have commenced by the entrance. He also noted that the existing levels were not shown on the submitted drawings, but believed substantial infilling would be required to facilitate the development and the effect of the same on neighbouring properties had not been considered. Paragraph 6 of Policy GD1 related to design and Mr. Benest stated that parishioners did not believe the proposed development would look like a traditional farmstead. He pointed out that the area was made up of mostly single storey properties and these maintained the integrity of the village settlement. The proposed new buildings would look incongruous and would create the potential for further damage to the area. Mr. Benest advised that the Parish Connétable believed that the

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existing cottage acted as a road calming measure and it was understood that a long time occupant of the cottage had used the access for 50 years without incident, because he had always exercised due care.

The Committee heard from Deputy H.C. Raymond of Trinity, who advised that he had been inundated with messages from parishioners about the application and he was aware that a petition containing 146 signatures had been submitted. The Deputy informed the Committee that traffic on the road had increased significantly as a result of vehicles travelling to and from Springside Industrial Estate and Acorn Enterprises. In his capacity as Assistant Minister for Infrastructure, the Deputy advised that a traffic study was to be undertaken and consideration would be given to the introduction of a one-way traffic system on Rue de Monet, together with traffic calming measures, which he acknowledged most parishioners were opposed to. However, safety was paramount and consideration was also being given to relocating bus stops. The proposed development would intensify traffic movements on the road and would, he believed, exacerbate an already difficult situation. Consequently, he was opposed to the development.

The Committee heard from Mrs. H. Johnson of No. 3 Chestnut Lea, La Ruelle de la Ville a l'Eveque. Mrs. Johnson stated that she saw the cottage as a beautiful granite building, which had stood the test of time and which could be rejuvenated. She referred to Government statistics, which identified a surplus of 4 bedroom houses in the Island and also referenced the number of new developments in Trinity alone. She expressed concerns about the proposed development, which included traffic intensification, additional surface water run-off in an area which had already experienced problems with flooding and standing water, the scale of the proposed development in this rural context, the distance between the application site and amenities, the difficulties experienced by pedestrians walking on the road and disruption to residents arising from the likely closure of the road if the development was approved. Mrs. Johnson stated that the Island should recognise the value of older buildings, which were part of its rich history and she believed Islanders had a duty to save these buildings from destruction.

The Committee heard from Mrs. P. Cabot, who advised that she had lived in the immediate vicinity of the application site for 62 years. She recalled walking along Rue de la Monnaie with her grandmother as a young child and had been advised by a local historian, who had visited the cottage, that it was part of the old Bishopric – the territorial jurisdiction of a bishop. Mrs. Cabot had very fond memories of growing and reminisced about the period after World War II when the Catholic Church had showed films for children in a school room at the nearby chapel. Her family had drawn water from the meadow in front of the property known as Rougemont and she recalled localised flooding during a period of heavy rainfall. She concluded by stating that she was opposed to the proposed development and the potential for increased traffic generation arising from the same.

The Committee heard from Dr. S. Lawson, who lived immediately opposite the application site, who expressed some frustration with regard to the images which had been submitted by the applicant and the level of artistic licence. The Chairman assured Dr. Lawson that the Committee had visited the site.

The Committee heard from Mrs. J. Lawson, who expressed concerns regarding road safety and highlighted the perils of walking on the road at present.

The Committee heard from Mr. R. Godel, on behalf of the applicant. Mr. Godel acknowledged that change was often unwelcome. However, the fact remained that the scheme complied with the relevant planning policies and the application site was in the Built-Up Area. Objections appeared to centre around the demolition of the

existing dwelling, traffic and road safety and flooding. In terms of the cottage itself, Jersey Heritage had carried out an assessment very recently and it had not been considered worthy of Listing. Whilst there was evidence of an older building having existed on the site, it was not believed to be the current building. With regard to road safety, Mr. Godel stated that the existing access arrangements were incredibly dangerous and did not meet current visibility standards. Even if the building was capable of refurbishment, 70 percent of the exterior wall would have to be demolished to achieve the required visibility splays. The existing front door was hard up to the road and the gutter had been ripped off twice in 6 months by large vehicles. Mr. Godel felt that it was bizarre to suggest that widening the road would make the situation worse, as it would clearly be safer for vehicles leaving the site and cars using the road. Mr. Godel drew the Committee's attention to drawings which illustrated the proximity of the application site to other Listed Buildings in the area, arguing that the demolition of the cottage would have no effect whatsoever on the setting of those buildings and this had not been raised as an issue by the Department. In terms of the context of the area, Mr. Godel showed the Committee a photograph which he hoped illustrated the mixed character of the area. In his view, the design of the proposed development responded to the vernacular context and was more in-keeping than some existing development. He accepted that the topography of the site would change and he advised that levels were shown on the submitted drawings. With regard to drainage, Mr. Godel stated that the engineer would comment on this separately, but he was confident that there would be no issues as stringent tests had to be met. With regard to the petition which had been submitted, Mr. Godel felt that this should be regarded with a degree of scepticism as he was not entirely convinced that all of the signatories to the petition had been fully aware of its aim. He stated that there was a very good chance that the proposed development might be looked upon with as much affection as the existing dwelling in the future. He disagreed with comments made regarding a lack of demand for this type of development and stated that if the applicant was not sure of this he would not have proceeded with the scheme. In terms of the closure of the road, every effort would be made to minimise disruption and the applicant would liaise with the parish. In concluding, Mr. Godel stated that this was a very sensitively designed scheme which he believed would make a positive contribution to the area.

The Committee heard from Mr. D. Morrison, Engineer, who discussed the drainage solution, which was designed with high intensity rainfall in mind. Surface water would be collected in a below ground tank with a flow control device which released water slowly.

The Committee heard from Advocate J. Hayward, who stated that whilst planning applications often elicited an emotional response, the Committee was required to follow the proper process in its determination of applications. In this connexion, the Advocate referred the Committee to Article 19 of the Planning and Building (Jersey) Law 2002, which required that -

‘all material considerations shall be taken into account in the determination of an application for planning permission’. The point was made that immaterial or irrelevant issues could not form part of the decision making process.

The legislation also clearly stated that -

‘in general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan’. The scheme had been assessed by the Department and was deemed to be in accordance with the relevant Island Plan Policies.

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It was important to remember that the cottage was not Listed and the application had to be determined on the facts as they stood and not based on what individuals might like the facts to be. The property had been assessed as recently as April 2019, by the Jersey Heritage Trust and it had been concluded that it did not meet the criteria for Listing. Even if the age of the property was considered to be a relevant factor, it would still fail to satisfy the test for Listing, so the decision had to be made on the facts as they stood.

In response to a question from a member regarding where the Committee stood when there appeared to be a case of disputed facts in terms of the historic value of the property, the Director, Development Control, advised that the Committee's role was to determine the application – not to review the process followed by the competent body tasked with assessing the listable quality of the property. Deputy R.E. Huelin asked whether the Committee could seek a second opinion on the listable quality of the building from the Principal Historic Environment Officer. However, the Director reminded members that the role of assessing properties for listing was deliberately carried out by an independent body to avoid any perceived conflict. The Chairman reminded the Committee that it was normal practice for the Principal Historic Environment Officer to make representations to the Committee where she considered it necessary to do so. In this particular case, no representations had been received from the Historic Environment Section.

Having considered the scheme and having regard to all material planning considerations, the Committee unanimously approved the application, subject to the imposition of the conditions detailed in the officer report.