

KML/MH/200

PLANNING COMMITTEE

(25th Meeting)

29th June 2017**PART A**

All members were present, with the exception of Deputy S.M. Wickenden of St. Helier, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman  
(not present for item No. A4)  
Connétable P.B. Le Sueur of Trinity, Vice-Chairman  
Deputy J.M. Maçon of St Saviour  
Deputy R.J. Rondel of St. Helier  
(not present for item No. A8)  
Deputy G.J. Truscott of St. Brelade  
Deputy R. Labey of St. Helier

In attendance -

P. Le Gresley, Director, Development Control  
J. Nicholson, Principal Planner  
T. Ingle, Principal Historic Environment Officer  
C. Jones, Senior Planner  
G. Duffell, Assistant Senior Planner  
R. Hampson, Planner  
R. Greig, Planner  
S.H. Chang, Trainee Planner  
S. de Gouveia, Trainee Planner  
S. Surcouf, Land Controls Officer  
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 1st June 2017, having been previously circulated, were taken as read and were confirmed.
- Cranworth Apartments, La Vallée des Vaux, St. Helier: proposed demolition and redevelopment. 477/5/1(620)  
P/2016/1350
- A2. The Committee, with reference to its Minute No. A5 of 1st June 2017, considered a report in connexion with an application which proposed the demolition and redevelopment of Cranworth Apartments, La Vallée des Vaux, St. Helier to provide 5 x 2 bedroom and 7 x 3 bedroom units of residential accommodation with basement car parking and landscaping. The Committee had visited the site on 30th May 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 represented.
- Having noted the reasons for refusal, as set out in the officer report, the Committee confirmed its decision to refuse the application.

Cardington  
House, Le  
Mont es Tours,  
St. Brelade:  
proposed new  
roof/loft  
conversion/  
new windows/  
balconies/  
external  
alterations.  
477/5/3(993)  
  
P/2017/0435

A3. The Committee considered a report in connexion with an application which proposed the replacement of the existing roof at the property known as Cardington House, Le Mont es Tours, St. Brelade with a new mansard roof with windows. It was intended to create habitable accommodation within the roof space and an oriel window on the eastern elevation, 2 Juliet balconies to the second floor eastern elevation and one new window to the north elevation were also proposed, together with various external alterations. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area. Whilst the southern part of the grounds of the property were situated within the Coastal National Park, bordering the Green Zone, no works were proposed in this area. Policies SP1, SP2, SP3, NE1, NE2, NE3, NE4, BE6, NE6 and NE7, GD1, GD7 and H6 of the 2011 Island Plan were of particular relevance to the application.

The Committee noted that the application sought to remove the existing roof in favour of a mansard roof with dormer windows to create an extension of the habitable space into the loft. Whilst Cardington House was set in a prominent location overlooking St. Aubin's Harbour, it was not considered that the scheme would result in unreasonable harm to the amenities of neighbouring users, given that the property to the west was a significant distance away and properties to the east were set much lower in the landscape. The proposal would not lead to an unacceptable increase in traffic generation or car parking, nor was it considered that it would be harmful to the character of the building. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the officer report.

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

The Committee received Mr. A.J. Layzell, former Deputy of St. Brelade No. 1 district (1993 – 2002), representing Save Jersey's Heritage. Mr. Layzell provided members with colour photographs which showed the application site from key vantage points. He stated that, setting aside arguments in relation to the historic interest of the building and the changes which had been made over the years, Cardington House was a handsome building in a prominent location above St. Aubin's Harbour. It was an important part of long and near views of St. Aubin, which itself was a designated Tourist Destination Area. The Island Plan mandated the Committee to require all new development to be of a high quality design, such that it maintained and enhanced the character and appearance of the Island. Mr. Layzell contended that the submitted scheme did neither. He believed that the addition of a mansard roof – a form used in France but generally alien to Jersey, inserting 10 dormer windows (years after previous Planning Committees had ended the epidemic of 'marching dormers' that had scarred Island roofs in the 1960's and 70's) and bolting a large glass box to the elevation which was most visible from the harbour, not only failed to maintain the character of the Island it also failed to enhance it, contrary to Policy GD1(6).

Mr. Layzell expressed the view that scheme was being driven by the internal re-design of Cardington House and this was having an unfortunate and unacceptable impact on the exterior of the building. He felt that the scheme illustrated a lack of design skill and, as a result, failed to comply with Policy GD7, which required a high quality of design which respected, conserved and contributed positively to the diversity and distinctiveness of the landscape and the built context, in accordance with the principles of good urban design, as set out in Policy SP7. Mr. Layzell also believed that the design approach showed a lack of respect for the environment,

contrary to Policy GD1(2)(c) – which required that any new development would not unreasonably affect the character and amenity of the area.

Turning his attention to the Department's report, Mr. Layzell stated that reference had been made to Policy BE6 – building alterations and extensions – and he was of the view that the scheme failed the tests set out in that policy. The detailed analysis of the scheme, as set out in the officer report, only covered the addition of a second floor within the existing roof. It did not address the mansard form, the oriel window or the dormers. Consequently, Mr. Layzell believed the report to be deficient. The report also cited Policy GD1 – general development considerations – but failed to include Policy GD1(2)(c), which stated that any new development should not unreasonably affect the character and amenity of the area. Neither did the report address the policy considerations set out in Policy GD1(6), referred to above. Whilst reference had been made to Policy GD7, there was no explanation as to how the scheme complied with that policy. Mr. Layzell provided the Committee with copies of the report which had been prepared by the Department in connexion with an earlier scheme, which had been refused. Mr. Layzell pointed out that the only difference between the previously refused and the proposed schemes appeared to be found in the east facing side of the mansard roof. Whilst the previous application had proposed 5 large glazed panels, the current scheme proposed 2 large vertical inset dormers. However, it was not just the large glazed panels which had caused the comprehensive rejection of the previous scheme. The officer report stated –

*'There is concern that, although the property is not listed, it is a period Georgian property which cannot comfortably withstand a change to the roof design from hipped to mansard with 10 dormer windows and 5 full-height glazed panels. Further, the addition of a contemporary oriel window is also a contrasting modern feature when compared to the period design of the existing property and is also located on the east elevation facing towards St. Aubin's Harbour. On balance, these changes are not considered to be sensitively considered or delivered – given the position of the property which sits on the hillside above St. Aubin's Harbour – a Tourist Destination Area – and also given the Green Zone and Coastal National Park setting that the property is adjacent to. The changes are considered to be inappropriate in design terms for this visually-prominent location and this period Georgian property.'*

Mr. Layzell suggested that consideration of the application should be deferred to allow members to consider the 2016 Departmental report and to seek explanation as to why it was felt that the scheme was totally unacceptable in October 2016, when an almost identical scheme was considered to be acceptable in 2017. However, if the Committee was minded to approve the application, Mr. Layzell suggested that the scheme be referred to the Architecture Commission for advice due to the sensitive location of the site.

The Committee heard from the applicant's agents, Ms. C Elliott and Mr. D. Treanor. Ms. Elliott advised that whilst Cardington House had been built in the Georgian style, it was not a Georgian building. It was noted that from 1969 onwards the original modest property had been significantly altered and it had been de-Listed because of this. With regard to the design approach, Ms. Elliott stated that views expressed in this respect were subjective. Various options had been explored with the Department and the proposed scheme was considered to represent the best and most successful solution. The introduction of an oriel window was considered to represent a positive contrast with the existing historic style. Finally, it was noted that the applicant had no desire to do anything which would have an adverse impact on the character of St. Aubin and the proposed development would be of a very high quality.

The Committee sought clarification from the case officer as to why the scheme was so emphatically recommended for approval when the previous scheme had been refused. It was noted that whilst the case officer had not dealt with the previous scheme, it was understood that a large number of rooflights had been proposed together with heavy dormers and windows with glazing bars. In terms of the mansard roof and its appropriateness in the Jersey context, the case officer believed that there were a number of examples of this type of roof structure in the Island. The Director, Development Control, added that the correct test to apply was to assess the current scheme against the relevant Island Plan Policies, rather than compare it with a previously refused scheme.

The Committee, with the exception of Connétable J. Gallichan of St. Mary, Chairman, expressed concerns regarding the impact of the proposed mansard roof on the character of the building and the wider area. Some reservations were also expressed in relation to the addition of the glass 'pop out' structure (oriel window) and its appropriateness in this context. Consequently, the Committee was minded to refuse the application, contrary to the officer recommendation. It was noted that the application would be re-presented at the next meeting for the purpose of formally confirming the decision and setting out the reasons for refusal.

Le Grenier, La Forêt, La Rue es Boeufs, St. Mary:  
proposed conversion of existing ground and first floor units to new dwelling.  
477/5/3(998)  
P.2017/0228

A4. The Committee considered a report in connexion with an application which proposed the conversion of an existing ground floor storage area and a one bedroom first floor unit to form a 2 bedroom dwelling at the property known as Le Grenier, La Forêt, La Rue es Boeufs, St. Mary. The Committee had visited the site on 27th June 2017.

Connétable J. Gallichan of St. Mary, Chairman did not participate in the determination of this item. Connétable P.B. Le Sueur of Trinity, Vice-Chairman acted as Chairman for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that La Forêt was a Grade 3 Listed Building. Policies SP1, GD1, GD7, ERE4 and HE1 of the 2011 Island Plan were of particular relevance to the application.

The Committee noted that, whilst no objections to the application had been received, the applicant was a sitting States member so the application had been referred to the Committee for determination, in accordance with agreed procedures.

The Committee noted that the scheme sought to convert a ground floor storage area and first floor one bedroomed unit of a traditional farm outbuilding to provide a 2 bedroomed dwelling. An external staircase would also be removed. The proposed 2 bedroomed dwelling was considered to represent a viable alternative use for a traditional farm building. The scheme would involve the renovation and repair of the building, which was currently sub-standard with some unsympathetic modern additions. Whilst Le Grenier was not located in the Built-Up Area, the one bedroom unit already existed and the conversion of the remainder of the building to form a larger dwelling was deemed an appropriate use which would have little impact on the countryside. There were no access or highway considerations, as these were as existing and the scheme proposed two car parking spaces. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

25th Meeting  
29.06.17

One letter of representation had been received from the National Trust for Jersey. Whilst there was no objection to the conversion of the building, the National Trust believed that the external staircase should be retained, together with any fireplaces in the building.

The Committee was advised that the Historic Environment Team (HET) had requested that further consideration be given to a ground floor access door on the southern elevation and the scheme had subsequently been amended in line with advice provided by HET. The replacement windows would have a putty like finish rather than beading and car parking spaces had been moved further away from the building. Consequently, there was no objection on heritage grounds.

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

The Committee decided to grant permission, subject to the conditions detailed within the officer report.

The Line-Up,  
La Grande  
Route des  
Mielles, St.  
Peter:  
proposed  
variation of  
condition of  
permit.  
477/5/3(999)

A5. The Committee considered a report in connexion with an application which proposed the variation of a condition of the permit issued in respect of a mobile catering unit known as The Line-Up, La Grande Route des Mielles, St. Peter. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and Airport Noise Zone 3 and that Policies NE6, EVE3, EVE4, GD1, GD7, TT16 and NE1 of the 2011 Island Plan were of particular relevance to the application.

RC/2017/0192

The Committee noted that a temporary permission had been granted under application reference P/2016/0663 for the installation of a mobile catering unit on the above site and a change of use of an area of land to create an external seating area. The current application sought to amend condition No. 1 of the permit so as to extend the temporary permission from 5 years to 10 years. Whilst the site lay within the Coastal National Park, Policy EVE4 allowed for beach kiosks. However, it was considered reasonable to retain control over the use and the physical paraphernalia which were part and parcel of the permission. The Department was of the view that, in this particular case, a 5 year temporary permission was justified on the grounds that the existing food outlet was viewed as minor development within the Coastal National Park in the context of Policy NE6 (section 9). In essence, the facility was not permanent and could be removed from the site at any time and the temporary nature of the same warranted a temporary permission. Previous permissions had always been limited to a maximum period of 5 years to allow for a re-assessment of impact and acceptability. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies NEW6 and GD1 of the 2011 Island Plan.

The Committee noted comments received from the Natural Environment Section in connexion with the application. It had been pointed out that parked vehicles had impacted upon vulnerable vegetation in this important area of the National Park. The applicant had failed to respond to requests to limit the area available for car parking which had resulted in an extensive area without vegetation.

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

The Committee heard from the applicant, Mr. N. Oxendon-Wray, who advised that permission had previously been granted for an extension of the existing kitchen. However, a 5 year approval presented significant difficulties in terms of the level of

investment required to implement the permit and the surety required to secure funds. He stated that if the life of the permit was not extended he would seriously have to consider closing the café. The static structure would be fitted with 4 hooks which meant that it could be lifted by a crane and moved off the site should the need arise. Mr. Oxendon-Wray urged the Committee to consider extending the life of the permit. In response to questions regarding toilet facilities in the area, the applicant confirmed that there were no public toilets and that a recent decision by nearby businesses to restrict the use of their toilet facilities to patrons had presented difficulties. In 2015 and 2016 Mr. Oxendon-Wray had located temporary toilets in the car park area. He advised that this was a busy area which was home to a number of businesses and there was a need for toilet facilities. The Committee concluded that this appeared to be a matter for the Minister for Infrastructure.

Whilst the Connétables of St. Mary and Trinity did not support an extension of the permit, the remaining members felt that sufficient justification existed to permit the extension and provide the applicant with the certainty required to invest in his business. Consequently, permission was granted for the amendment of condition No. 1 of the permit so as to extend it from 5 years to 10 years. As this decision was contrary to the officer recommendation the application would be re-presented at the next meeting for formal approval.

La Tache, La Grande Route de St. Ouen: proposed construction of skip sorting and waste transfer station.  
477/5/3(1000)

A6. The Committee 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 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, SP1, SP3, GD1, NR1, ERE1 and HE1 of the 2011 Island Plan were of particular relevance to the application.

P/2016/1649

The Committee was advised that the application site had a complex history and the existing skip sorting/storage use was unauthorised, with an Enforcement Notice having been issued in 2012. The current application did not seek retrospective permission to regularise the existing situation, but proposed a new building for the ongoing operation of the skip business. The site was located in the Green Zone and the construction of a new employment building was not supported by Policy NE7. The Spatial Strategy and Sequential Approach of the Island Plan also sought to direct such development to the Built-Up Area, unless a countryside location was essential to the running of the business. Significant concerns also existed in relation to vehicular visibility splays, which were insurmountable given that the land necessary to provide the required splays was not owned by the applicant. Furthermore, the direction of potentially contaminated water into soakaways was also an issue and concerns existed about the impact of the scheme on the setting of a nearby Listed building. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies NE7, SP1, SP3, GD1, NR1 and HE1 of the 2011 Island Plan.

The planning history of the site recorded the approval of an agricultural outbuilding in 1976. The construction of a bungalow had subsequently been approved in 1981, with an agricultural occupancy condition attached. There had been several attempts to remove this condition prior to the current owner purchasing the site in 2001. Other planning applications submitted related to equine uses: in 2003 permission had been granted to construct equine and storage stalls to the rear of the existing shed and in 2008, an application for the installation of lighting columns in a horse paddock had been refused.

The Committee was advised that the applicant was the principal of J.C. Pallot Limited (the parent company of A-B Skip Hire) and lived in the bungalow adjacent to the application site. Aside from A-B Skip hire, the business also had a refuse collection operation, with contracts for Parish household waste collection, which operated out of Gros Puits in St Saviour (also owned by the applicant). The Gros Puits site had previously been the location for the skip hire business, under the terms of a grant of planning permission in 1988 (application reference D/1988/0137). However, the applicant wished to redevelop the Gros Puits site for residential purposes and, since 2005, had been bringing skips to La Tache for storage and, more recently, for sorting. Applications for a residential use at Gros Puits had so far been unsuccessful and the applicant had previously presented pre-application proposals for an enlarged skip sorting scheme at La Tache, which had not been supported by the Department. In 2012 the requirement for a Waste Management Licence meant that the applicant had resumed discussions with the Department in respect of the skip sorting scheme at La Tache. The Committee was informed that, in order to obtain a Waste Management Licence, the use had to be lawful from a planning perspective. A lawful use comprised one which benefitted from a grant of planning permission or which pre-dated the Planning Law and this was not the case at La Tache. From these discussions it had become apparent that the skip business had continued to operate from La Tache and an Enforcement Notice had been issued in July 2012 requiring the cessation of the use of the land for skip storage, the storage and sorting of waste materials and the parking of commercial vehicles. Notwithstanding the Enforcement Notice, discussions had continued between the applicant and the Department in an attempt to regularise the situation without reverting to further compliance action. In these discussions the Department had made it clear that an alternative site should be found for the skip business and that even low-key operations at La Tache might present challenges and would require an Environmental Impact Assessment. No specific pre-application advice had been issued by the Department in respect of the application under consideration.

The Committee noted that objections had been received from the Parish of St. Ouen, the Department for Infrastructure (DFI) and the Land Controls and Agricultural Development Section. The Committee's attention was also drawn to comments received from other statutory consultees and 2 additional letters of objection which had been received from members of the public.

The Committee heard from Mr. A. Miller, representing the applicant, Mr. G. Pallot. Mr. Miller acknowledged the complex history of the application site and he provided the Committee with a most comprehensive summary of the same. Currently materials were sorted by hand in the open air. However, in order to secure the necessary Waste Management Licence, a covered area would be required, as per the submitted scheme. The existing soakaway would only be used for rainwater disposal and the existing entrance had been in use for 12 years without incident. The limitations of the site would prevent any increase in activity. Mr. Miller concluded by stating that the scheme would have no effect on any Listed building.

The Committee received Mr. P. Falla, also representing the applicant, who stated that the business had been operating without harm to the environment for some considerable time. The business provided a valuable service in terms of reducing landfilling, recycling and sustainability. It was not a suitable business for an urban location and the applicant had endeavoured to comply with ever increasing requirements of the States of Jersey. Mr. Falla felt that the applicant had been caught in a planning trap and he asked why the Department had not followed up on the enforcement notice which had been issued 5 years previously. The issues raised with regard to waste water disposal and visibility splays had been addressed in the submitted paperwork and an Environmental Impact Assessment had been carried

out. Mr. Falla concluded by stating that the business was essential to the Island and it was not in the public interest to prevent the operation of the same.

The case officer referred to comments made by Mr. Miller to the effect that there would be no impact on Listed buildings and drew the Committee's attention to page 37 of the Environmental Impact Assessment, which stated that the sorting works would have a visual impact. It was also proposed that waste water would be discharged to a field; this would include water from inside the shed which came from vehicles and skips. There had been no updated information on how water would be discharged. He went on to remind the Committee that the merits of the enforcement position were not under consideration at present as the application proposed the expansion of the unauthorised use.

Members discussed the application and were unable to reach a majority decision. The Connétables of St. Mary and Trinity and Deputy J.M. Maçon of St Saviour did not support the application for all of the reasons set out in the officer report. The remaining members, Deputies R.J. Rondel and R. Labey, both of St. Helier and G.J. Truscott of St. Brelade felt that sufficient justification existed for making an exception to the Green Zone Policy on the basis of the overriding need for businesses of this nature in the Island. Members also expressed the view that sites were identified in the Island Plan as being suitable in the Built-Up Area for this type of operation. Moreover, the business appeared to have been operating from the present site for a number of years without incident.

The Committee recalled that, when a vote was tied, the item under consideration would be determined in the negative and the application would be 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. Consequently, the application was refused for the reasons set out in the officer report.

Field No. 157,  
La Rue de la  
Hauteur, St.  
Lawrence:  
proposed  
construction of  
tourist  
accommodat-  
ion.  
477/5/3(841)  
PP/2016/0477

A7. The Committee, with reference to its Minute No. A4 of 25th August 2016, considered a report in connexion with an outline application which proposed the construction of a new building, comprising tourism accommodation with ancillary staff accommodation, to the east of Field No. 157, La Rue de la Hauteur, St. Lawrence. The building would provide a home for the applicant (who was a bona fide agriculturalist) together with self-catering farm stay accommodation with a basement for storage and a plant room. The scheme also proposed a semi-basement garage. Permission was being sought for the scale and mass, means of access, external appearance, materials and siting. Landscaping details would be reserved. The Committee had visited the application site on 23rd August 2016 and most recently on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP1, SP4, GD1, GD7, NE7, ERE1, ERE2, EVE1 and H9 of the 2011 Island Plan were of particular relevance.

The Committee recalled that it had previously refused a similar scheme in 2016, on the grounds that it was contrary to Policies SP1, SP4, GD1, GD7, NE7 and H9 of the 2011 Island Plan. The current scheme differed from that which had previously been refused in that the height and width of certain parts of the building had been reduced and a vernacular design had been combined with a more contemporary design approach. The applicant had also submitted additional business plan information.

The Committee was advised that the scheme proposed a large building within the Green Zone, wherein there was a strong presumption against development. The



Island Plan also directed the creation of tourism accommodation to the Built-Up Area and the development of such accommodation was not recognised as a reasonable exception to the presumption against development, as set out in Policy NE7. The proposal was also contrary to Policy SP1 of the Island Plan in that new residential development should be located within the Built-Up Area unless there was an extraordinary and overwhelming justification. The Committee was advised that, at present, the applicant did not live on site and the Land Controls and Agricultural Development section had confirmed that this was a satisfactory arrangement in terms of the livestock. It was pointed out that automated systems, alarms and cameras could be installed. In conclusion, the Department did not consider the proposed development to be essential to the needs of agriculture and had concluded that it would have a detrimental effect on the countryside. Consequently, the application was recommended for refusal on the grounds that the scheme was contrary to Policies SP1 and 4, GD1 and 7, NE7 and H9 of the 2011 Island Plan.

7 letters of objection had been received in connexion with the application and these had been included within the Committee's agenda pack. In addition, a further 7 letters of support had been received from members of the public, together with letters from the Minister for Economic Development, Tourism, Sport and Culture, Deputy A.D. Lewis, Visit Jersey and the Jersey Hospitality Association.

The Committee heard from Senator L.J. Farnham, Minister for Economic Development, Tourism, Sport and Culture. Senator Farnham advised the Committee that he had watched the applicant's business develop and grow through sheer hard work, passion and determination. Those attributes were essential ingredients for a strong economy and a successful agricultural sector. Agriculture could no longer be about food production alone as the industry had to insulate itself and examples of this were starting to emerge. The Senator believed that the applicant's aspirations to grow and diversify were wholly consistent with the aims of the Strategic Plan. There was considerable demand for farm stay accommodation and this needed to be in a countryside location. Senator Farnham believed that the Island Plan Policies permitted development of this nature and whilst the process was justifiably rigorous, the application passed the relevant policy tests. He concluded by describing the applicant as 'one of a few young farmers prepared to invest in the sector' and he urged the Committee to support the application.

The Committee heard from Mr. L. Coenen, the applicant, who advised that he was a genuine young farmer working hard to grow his business. Farm stays were a legitimate way of diversifying and were very successful in the UK. Many positives for both agriculture and tourism could be derived from this use. Mr. Coenen stated that this was a critical time for traditional industries as young people were not pursuing careers in agriculture and some were leaving the industry. He informed the Committee that, through no fault of his own, there were no farm buildings on his land and he could not afford to buy another site with buildings. He accepted that the constraints of the Green Zone Policy were necessary to protect the countryside, but felt that these had to be carefully balanced against growing the rural economy. Mr. Coenen pointed out that agriculturalists were the guardians of the countryside. The applicant believed that the submitted scheme addressed the concerns which had previously been expressed and he discussed the changes which had been made. The proposed new building had been reduced in size and impact. The visitor accommodation would be of a high quality and the application was supported by Visit Jersey and Jersey Business (members were referred to written representations from the aforementioned). The size of the accommodation was crucial in terms of making the proposition viable and the applicant stated that being permitted to live on site would have a positive impact on the business. An ecological assessment had been commissioned and this would demonstrate that the landscaping scheme would result in significant environmental gains and would not be harmful to the landscape

character. Mr. Coenen was responsible for over 50 vergées of land and he believed that, through his stewardship, this land had been positively enhanced. Mr. Coenen concluded by urging the Committee to approve the application.

The Committee heard from Mr. P. Le Maistre, President, Jersey Farmers' Union (JFU), who advised that he had visited the application site. Mr. Le Maistre informed the Committee that he had recently invited 24 young growers to an event to discuss the role of the JFU. Of the 24 individuals who had been present, 2 had now left the industry, one was doing contracting work, 20 were working for or in part with family farms. Only one of those, Mr. Coenen, was self-employed and Mr. Le Maistre described the applicant as someone special with a strong work ethic. Mr. Le Maistre stated that, in the mid 1970s farming was booming; there were 1000 growers and numerous mixed farms producing a wide range of vegetable crops. There had been 5 marketing groups fighting for business. Today there were 60 growers, 2 mixed farms, 20 cattle farms, 20 potato producers and 2 marketing groups. Consequently, it was incumbent upon farmers to diversify to survive. The application site was in a beautiful rural setting; the applicant grew fresh produce and his fiancée had a degree in hospitality. Their combined expertise meant that a farm stay presented an excellent opportunity for diversification. Mr. Le Maistre stated that there were thousands of very successful farm stays in the UK. The applicant had no other choices - he could not grow more crops as there was no demand for them. The proposed development would be good for Jersey and was one way to keep young people farming. He concluded by urging the Committee to support the application.

The Committee heard from Deputy Lewis, who also expressed support for the scheme. He had known the applicant since he was a child and was well aware of his passion for farming. Deputy Lewis advised that employment levels had dropped in the rural economy sector. He referred the Committee to both the Rural Economy Strategy and the Island Plan, both of which, he believed, supported and encouraged the kind of diversification which was being proposed. Deputy Lewis stated that if a new hotel was being constructed in the Island this would be celebrated and he believed that the construction of a new farm should also be a cause for celebration. Whilst he understood the concerns regarding building on undeveloped land in the Green Zone, the application presented the opportunity to create a brand new farm. The Deputy pointed out that many original farm buildings had been converted to luxury homes. He viewed the application as a positive move for agriculture in Jersey. There were very few young farmers in the Island and the applicant had been through a challenging process and had invested a considerable amount of time and money in progressing the scheme. Deputy Lewis hoped that other farms might consider farm stays in the future.

The Committee heard from Mrs. S. Steedman, the applicant's agent, who advised that the application sought permission primarily for a farm stay diversification – the fact the applicant would also be able to live on site was an added benefit. 60 per cent of the proposed accommodation would be used for paying guests. Island Plan Policies pertaining to land use, economic growth and diversity were relevant. The application site was a farm which was not in the Built-Up Area. Mrs. Steedman referred the Committee to the Spatial Strategy preamble and she reminded members that the economic climate had changed considerably since the adoption of the 2011 Island Plan. She disagreed with comments contained within the Departmental report which stated that the application could not be considered as agricultural diversification. Mrs. Steedman advised that she had enjoyed a farm stay holiday in the past and had discovered that this formed a major plank of the farm owner's business. The applicant had worked hard to reduce the impact of the scheme whilst still creating a 5 star experience for guest. In concluding, Mrs. Steedman reminded the Committee that Article 19(3) of the Planning and Building (Jersey) Law 2002

allowed the Committee grant permission where a development was inconsistent with the Island Plan if sufficient justification existed for doing so.

The Committee heard from Mr. D. Houseago, Director, Rural Economy, who stated that whilst it was accepted that the Green Zone Policies presumed against development, the application under consideration was exceptional. Mr. Houseago advised that in the 10 years he had been employed in his current role he had not attended a Planning Committee meeting to support any other application. In this particular case there were very strong reasons for doing so. The applicant had successfully grown a modest business and he was currently making a profit. However, he had to keep developing and looking for new markets. Mr. Houseago expressed the view that it was culturally important to support young farmers as the Island would be unrecognisable without agriculture. Diversification was essential where the core business was vulnerable to market volatility and weather conditions. It was extremely difficult to achieve economies of scale as costs were 40 per cent higher in Jersey than in the UK. If the scheme was successful the Gross Value Added would rise above the industry average. The proposed development was consistent with the most recent Rural Economy Strategy (February 2017), which promoted increased activity in the countryside and the Strategic Plan.

The Committee discussed the application at length and whilst it was acknowledged that the applicant had established himself agriculturally, some concern was expressed with regard to the scale and permanence of this large structure in the Green Zone which would remain if, for any reason, the applicant's business failed. It was suggested that a lower impact, chalet style accommodation might have been more appropriate. In this context the applicant referred the Committee to the support he had received from Visit Jersey and also pointed out that this type of business was not pioneering and UK farm stays were very successful. Mrs. Steedman added that the amount of accommodation proposed was based on advice received from Jersey Business. The Committee also discussed Policy ERE2 and the interpretation of the same. Whilst the Department felt that the scale and impact of the proposed development tipped the balance in favour of refusal, the applicant felt that the Policy supported the scheme. The Director, Development Control also pointed out that, whilst the 2 did not always synchronise, the Rural Economy Strategy had to be read in conjunction with the Island Plan.

The Chairman offered the Committee the opportunity to voice their opinions on the scheme prior to arriving at a decision. For her own part she stated that whilst it was clear that the applicant was a young man who was dedicated to a career in agriculture, she had to focus on the Island Plan Policies and divorce herself from personal circumstances and the desire to support agriculturalists. Approval of the scheme would result in a substantial building on a site where there were currently no other structures in the Green Zone. If the farming element was removed the Committee was essentially being asked to approve a large house on a Green Zone site. The Chairman admitted that when she had first visited the application site in the early days of the farm's inception she had been horrified by the way the land had been churned up. However, the site was much more attractive now and she felt that a number of incremental planning concessions had been made to assist the applicant. She concluded by stating that the proposal was seductive and she needed to consider whether sufficient justification existed for making an exception to Policy. At this point an unnamed speaker interjected, reminding the Committee that when the previous scheme had been refused it had been clearly stated that it was not possible to approve the application within the confines of the Green Zone Policy.

The Vice Chairman, Connetable P.B. Le Sueur of Trinity, expressed the view that the circumstances appeared to be exceptional in this particular case and he felt there was a need to encourage young entrepreneurs and take a leap faith.

Deputy R. Labey of St. Helier believed that Mr. Le Maistre's comments were extremely pertinent and he did not feel that the Island's Government fully understood the stark realities of modern farming. The Deputy was disappointed that Island Plan policies had not been formulated to support schemes such as this one.

Deputy R.J. Rondel of St. Helier concurred with Deputy Labey in that he too felt that Government policies had not led the way on agri-tourism. He understood the applicant's frustrations and felt that farm stays were a great way to diversify.

Deputy G. J. Truscott of St. Brelade stated that he supported both farming and tourism.

Deputy J.M. Maçon of St. Saviour was conscious of the role of the Committee in the context of applying the relevant Island Plan Policies; the concerns which had been expressed by objectors; and, the likelihood of an appeal against any decision to approve an application which had been recommended for refusal on the grounds that it was contrary to the Green Zone Policy.

Following some initial discussions around deferring consideration of the application, which was not supported by the majority of members, the Committee moved to a determination. Both the Chairman and Deputy Maçon felt unable to support the application on pure Policy grounds. However, the remaining members – the Connetable of Trinity and Deputies Labey, Rondel and Truscott expressed support for the application. Consequently, permission was granted. As the Committee's decision was contrary to the Department's recommendation for refusal, it was noted that the application would be re-presented at the next scheduled meeting for approval of any conditions which were to be attached to the permit.

B&Q  
Supercentre,  
Queens Road,  
St. Helier:  
variation of  
condition to  
allow Sunday  
trading.  
477/5/1(488)

A8. The Committee, with reference to its Minute No. A3 of 1st June 2017, considered a report in connexion with an application which proposed a variation in condition No. 7 of permit reference P/1998/1002, condition No. 11 of permit reference PP/1997/0699 and condition No. 6 of permit reference PB/1998/2777 issued to B&Q Supercentre, Queen's Road, St. Helier so as to allow the store to open on 9 Sundays a year. The Committee noted that no such conditions had been imposed on the other retailers operating from the application site. The Committee had visited the application site on 30th May 2017.

RC/2017/0388

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

A site plan was displayed. The Committee recalled that the application site was located in the Built-Up Area and the Green Backdrop Zone. Policies GD1 and E1 were relevant to the application.

The Committee had previously been advised that the main concern with regard to the additional Sunday opening days was the impact on residents in terms of noise and disturbance arising from the use of the car park and the potential for increased traffic movements. In granting temporary planning permission in 2011 for 5 Sundays per year, conditions had been imposed to restrict the opening hours from 10.00 a.m. to 4.00 p.m. to ensure that there were no deliveries. The provision of a car parking strategy, to include the use of car park attendants, had also been required. If permission was granted for the current application, identical conditions were proposed. Whilst the Parish of St. Helier had objected to the 2011 application, no such objection had been received in connexion with the current application, despite the request to increase the number of Sunday trading days from 5 to 9. The Health Protection Unit of the Health and Social Services Department had raised no

objections. With the proposed restrictions in place and given that the proposal was for only 9 Sundays per year, it was considered that this would not have an adverse impact on neighbouring amenities, in accordance with Policy GD1. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

8 letters of objection had been received in connexion with the application, together with a petition containing the signatures of 202 individuals who supported the application. In addition, 2 individual letters of support had also been received.

The Committee recalled that it had deferred consideration of the above application on 1st June 2017, as members had been keen to establish whether all of the conditions on the original permit for the B&Q store had been implemented; specifically a condition which Deputy J.A. Hilton of St. Helier believed had required the construction of a wall which would act as a buffer. In addition, the Chairman had pointed out that Good Friday counted as a Sunday in the context of the Shops (Regulation of Opening) (Jersey) Regulations 2011. It was understood that although the shop had not been open on Good Friday 2017, it appeared that on site operations had caused some disturbance and the Committee had asked whether it was possible to require a policy statement from the applicant company to prevent this from happening in future.

The Committee was informed that it had been established that condition No. 2 of the permit (reference PP/1997/0699) had stipulated that *'A buffer shall be formed along the north and western boundaries of the site in order to protect the amenity of surrounding residents. The details of the buffer shall be submitted with the application for detailed permission and shall include a wall and supplementary planting.'* The residents of the houses in La Grande Route du Mont a L'Abbé, which fronted the western boundary of the application site, believed that a wall should have been constructed in that location. At present, a substantial 2 metre high steel palisade fence existed within the site boundary (jointly shared with the adjoining Powerhouse service yard), with a mature conifer tree screen between the fencing and the road. The Department had carefully assessed the submitted landscape drawings and planting schedule which had subsequently been received and agreed for the site in connexion with the detailed planning application reference P/1998/1002. These drawings indicated the provision of a hedgerow on a bank on the western boundary, which had been provided. There was no reference on the drawings or planting schedule to the construction of a wall on the western boundary. In addition, the Department considered the wording of the condition (imposed some 19 years previously) to be vague and lacking the precision now required to make it enforceable. The houses in La Grande Route du Mont a L'Abbé fronted onto the site with the existing public road, front gardens and frontage vehicle parking between the principal windows of those houses and the B&Q/Powerhouse site boundaries. Given that some parts of the boundary had a wall and other parts had planting and a fence, the Department took the view that the applicant company had complied with the landscaping condition, to the extent that it could reasonably be enforced.

With regard to the issue of on-site operations on Good Friday, the Committee was advised that it was absolutely vital for the applicant company to receive deliveries on Good Friday ahead of the Easter weekend, as this was one of the busiest periods. The applicant company intended to issue a code of conduct to employees to remind them of their responsibilities in terms of limiting any disturbance to neighbours. In addition, the applicants had also sent a letter to all immediate local residents inviting them to meet the Store Manager in order to discuss any issues arising from operational arrangements.

The Committee heard from Mr. G. Le Cocq, a resident of the area. Mr. Le Cocq began by addressing matters relating to the wider application rather than the issues set out above. The Committee requested that comments be confined to those issues as it had previously received oral representations on the wider scheme. Mr. Le Cocq asked that, if the Committee approved the application, the applicant should be required to introduce a buffer on the western boundary. He added that the fir trees which had been planted had not been maintained and had become thin at the base. Therefore any noise from the site came straight through trees. 5 or 6 of these trees had come down in a storm. Mr. Le Cocq also believed that there had been a desire to reduce the height of the trees and this would result in light spillage from the application site. In concluding, Mr. Le Cocq also stated that goods were stored above the height of the existing fence and he asked the Committee to attach a condition to the permit to prevent this.

The Committee heard from Mr. N. Oomrigar, Manager, B&Q who discussed the steps the applicant company had taken to engage with neighbours. As a result of discussions with neighbours, the security lighting would now switch off at 8.30 pm. Concerns had also been expressed about the noise associated with items being thrown into a skip early in the morning. However, the skip was actually located on the Jersey Electricity Company's (JEC) yard. Staff had been issued with a code of conduct in order to minimise any impact on neighbours. Regarding Mr. Le Cocq's comments in connexion with the fir trees, it was noted that the site was actually owned by the JEC and the applicant company were tenants. It was understood that Deputy Hilton intended to contact the JEC regarding some of the concerns expressed by residents.

Whilst some members remained concerned with the whole concept of Sunday trading, it was recognised that there was a question of equity as no restrictive conditions had been imposed on the other retailers operating from the application site. Consequently, the Committee decided to grant permission for the variation of the relevant conditions, subject to the imposition of the conditions detailed within the officer report.

Connétable P.B. Le Sueur of Trinity, Vice-Chairman abstained from voting as he was opposed to Sunday trading.

La Maison du  
Haut, La Rue  
Ville es  
Gazeaux, St.  
Lawrence:  
revised plans.  
477/5/3(504)

A9. The Committee, with reference to Minute No. A10 of 23rd February 2017, considered a report in connexion with an application which sought to revise the approved scheme (planning reference P/2011/1246) at the property known as La Maison du Haut, La Rue Ville es Gazeaux, St. Lawrence.

A site plan and drawings were displayed. The Committee recalled that the application site was located in the Green Zone and that Policies NE7, GD1, GD7, BE6, NR1, LWM2 and WM1 were relevant to the application.

P/2017/0521  
RP/2017/0521

The Committee noted that the applicant was a sitting States member. Consequently, the application had been referred to the Committee for consideration, in accordance with normal procedures.

The Committee recalled that it had recently approved the variation of the standard condition which required the commencement of development within 5 years of the date of the decision. In doing so the Committee had permitted a 12 month extension to the life of the above permit. The applicant now wished to revise the scheme, as follows –

25th Meeting  
29.06.17

- construction of a new basement under the proposed extensions comprising a wine store, plant room, snooker room and a games room;
- construction of a hipped roof dower wing to the west elevation comprising a pitched roof with a new dressing room to the master bedroom;
- raising of east elevation roof to include 4 additional roof lights and other additional windows to the first and second floors of the west elevation.

The above changes had been carefully assessed under the key policy tests for development in this Green Zone location and the scheme was considered to be acceptable. Consequently, the application was recommended for approval, subject to the imposition of certain conditions.

One letter of representation had been received in connexion with the application. The Committee noted that it had been pointed out that the existing access track to the property was shared. A statement in the submitted waste management plan to the effect that waste would be removed from the site via the track in covered trucks had been questioned. It was believed that the narrow access track could not accommodate large vehicles.

The Committee heard from the applicant's agent, Mr. A. Morris who confirmed that the site benefitted from a track to the north, which also served another property. There had, in the past, been an emergency call out to the property and there had been no issue with access.

Having considered the application the Committee decided to grant permission, subject to the imposition of certain conditions detailed within the officer report.

Egypte Farm,  
La Rue  
d'Egypte,  
Trinity:  
proposed re-  
construction of  
dwellings with  
guest  
accommodat-  
ion - POA.  
477/5/2(674)

P/2015/0978

A10. The Committee, with reference to Minute No. A10 of 17th September 2015, of the former Planning Applications Committee, considered a report in connexion with the approved scheme for the reconstruction of one x 3 bedroom dwelling with a detached double garage and store at Egypte Farm, La Rue d'Egypte, Trinity. The Committee had visited the site on 15th September 2015.

A site plan and drawings were displayed. The Committee recalled that the application site was located within the Coastal National Park (with an access track from La Rue d'Egypte being located in the Green Zone). Policies NE6, SP6 and GD1 of the 2011 Island Plan were relevant.

The application site comprised ivy clad ruins within dense surrounding vegetation. It was understood that the original building had been requisitioned by the occupying German forces during World War II, forcing the owners to abandon the property. The applicants had stated that it had always been intended to re-construct the property but, as a result of a dispute over the amount of compensation offered after the Occupation, this had proved impossible. (It was noted that the applicants had not been able to confirm whether any compensation had, in fact, been accepted). That said, compensation had been offered and, irrespective of whether this had been accepted, it could, therefore, be reasoned that social justice had been served. Subsequently, the family had left the Island and had not been in a financial position to fund the reconstruction until recently. The Committee's attention was drawn to the planning history of the site (aside from that detailed in the paragraph above), which included a decision by the former Island Development Committee in 1984 to the effect that, as the site had been abandoned for such a long period of time, there was no right to re-instate the former use. Subsequently, in 2006 an 'in principle' application had been refused on the grounds that the existing ruined buildings had not been considered capable of reconstruction due to the lack of substantial or stable remaining structure and on the basis that the scheme would have resulted in the construction of 2 new dwellings in the Green Zone and Zone of Outstanding

Character without any proven agricultural need.

More recently the former Planning Applications Panel had considered an application at its meeting on 24th April 2014, and had been minded to approve the same, contrary to the officer recommendation. The Panel had been convinced by the links the applicants had maintained with the Island through the continuation of rates payments due on the land, the leasing of the land for farming purposes and by maintaining ownership for such a long period of time. The application had subsequently been referred to the former Minister for Planning and Environment, in accordance with Ministerial Decision PE-2006-0012. Having regard to the significant issues raised by the application, the Minister had exercised his right to 'call-in' the matter for determination at a public hearing. The Minister had ultimately concluded that he was not minded to support the application and had endorsed the officer recommendation to refuse permission. In doing so, the former Minister had stated that he would be sympathetic to a revised scheme which proposed a more modest level of development on the southern part of the site only. Such a scheme should place a far greater emphasis on environmental and landscape issues.

Following this, a revised scheme which proposed a substantial dwelling on the southern part of the site had been submitted for pre-application advice. Consultation with the former Minister and the case officer on the revised scheme had taken place and the former Minister had been of the view that the scheme was not modest, with development having merely been shifted to the south of the site instead of being reduced overall; there was insufficient emphasis on the environment and the landscape; the design was inadequate; and the development would impact on a neighbouring property. The Department had maintained the consistent view that it could not support the scheme on Policy grounds and the applicant had decided to withdraw the application. Subsequently, in 2015 a new scheme had been submitted and the Planning Applications Committee had agreed that sufficient justification existed for making an exception to Policy. Consequently, members had unanimously approved the application, subject to certain conditions. The Committee had wished to limit the extent of development on the site and had discussed the entering into of a Planning Obligation Agreement with the applicant to ensure that only one house could be constructed. The applicant's agent had confirmed that the applicant would be willing to accept such an arrangement and legal advice had been sought on this matter.

The Committee was advised that progression of the POA had initially stalled when it had transpired that there were five co-owners of the site, only one of whom had signed the application form. This matter had since been resolved and a POA had been drafted by the Law Officers' Department. However, the applicant had stated that that he was unable to agree to inclusion of one clause in the POA which stated *'the only dwelling to be established or built on the site or any part thereof shall be the dwelling unit and there shall never be established or built on the site or any part thereof any dwelling or building other than the dwelling unit.'* The applicant believed that this clause went beyond the scope of the Committee's original intentions. As a result, following discussions with the Law Officers' Department it had been agreed that the inclusion of the words "*or building*" was unreasonable on the grounds that the Committee had only resolved to limit development to one dwelling and not ancillary buildings/structures. The POA had since been re-drafted with the words "*or building*" omitted and the Committee's attention was drawn to a copy of the same. Despite the re-drafting of the POA the applicant's lawyers remained dissatisfied with the inclusion of this clause on the grounds that it overrode the general right of an owner to make future applications. However, this was strongly refuted by the Law Officers' Department who had highlighted the specific inclusion of a further clause which stated "*Nothing in this Agreement shall prohibit or limit*



25th Meeting  
29.06.17

*the right to develop any part of the site in accordance with a planning permission (other than the Planning Permit) granted (whether or not on appeal) after the date of this Agreement.*” Discussions had been ongoing regarding the inclusion/omission of the clause, with no mutual agreement having been reached. Accordingly the Department was unable to deliver a signed POA and could not, therefore, secure the delivery of only one dwelling on this site in direct accordance with the Committee’s resolution of 17th September 2015. Accordingly the application was recommended for refusal.

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

The Committee received the applicant’s agent Mr. A Gibb, who advised that, following further discussions with the Department, the applicant was now in a position to sign the POA. Consequently, the Committee decided to defer consideration of the application pending the receipt of the signed POA.

Darna and  
Dawnville, La  
Rue de la  
Marais à La  
Cocque,  
Grouville:  
proposed  
demolition and  
redevelopment.  
477/5/2(697)

A11. The Committee, with reference to Minute No. A13 of 23rd April 2015, received a report in connexion with an application which proposed the demolition of 2 existing dwellings known as Darna and Dawnville, La Rue de la Marais à La Cocque, Grouville. It was also proposed to demolish an existing store building and ancillary structures and construct 3 x 4 bedroom dwellings with associated car parking and landscaping. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was on the Eastern Cycle Route Corridor. Policies ERE1, NE7, GD1, GD7, SP1 and SP6 of the 2011 Island Plan were of particular relevance.

P/2017/0085

The Committee noted that the application site comprised 2 dwellings and a number of outbuildings associated with the applicants’ haulage, demolition and landscaping business. Permission had previously been granted for the restoration of part of the site (which accommodated a glasshouse) to agricultural land. A subsequent scheme in 2015 had proposed covering that area with hoggin/hardstanding, resulting in the loss of agricultural land, contrary to Policy ERE1. That scheme had also proposed the demolition of the existing buildings, which had been in use at that time, and their redundancy had not been demonstrated. Consequently, their demolition would have resulted in the loss of employment land, contrary to Policies ERE5, NE7(10), E1 and GD1. In addition, the demolition of the existing dwellings and their replacement with 4 new dwellings had also been proposed and this would have resulted in the addition of 2 new dwellings in the Green Zone. The scheme had been viewed as an overdevelopment which would have resulted in serious harm to the landscape character, contrary to Policies NE7, SP1, SP2 and SP3. Consequently, the application had been refused by the Department under delegated powers and this decision had subsequently been upheld by the Committee when a request for reconsideration had been submitted.

The Committee noted that the current application sought to redevelop and rationalise the application site. Multiple points of vehicular access/egress currently existed and the site was generally subject to a sprawl of vehicles and activities related to the agricultural demolition/groundwork/haulage business. It was recognised that the site would benefit from redevelopment to repair the landscape character and planting/banques to screen commercial operations. The application proposed a whole site solution for this family run business and the proposal incorporated the previously approved scheme (planning application reference P/2013/0188) which would deliver landscape repair and environmental gain. The residential part of the site currently contained 2 modest bungalows which the scheme sought to demolish and replace with 3 large 4 bedroom dwellings with garages, parking and amenity

space. This proposal would result in a new dwelling in the Green Zone, contrary to Policy NE7. Whilst exceptions to the Policy presumption against development existed, the proposed scheme failed to satisfy the requirements of the Policy. The size and scale of the replacement dwellings, in conjunction with the additional dwelling, was considered to result in a significant increase in occupancy by taking the total bedrooms on site from 5 to 12, contrary to Policy NE7. In this connexion the Committee was reminded that, following a recent appeal considered by an Independent Planning Inspector in respect of a property known as Windemere, the Minister for the Environment had endorsed the Inspector's recommendation to refuse permission for a substantial extension to this property in the Green Zone. This was a material planning consideration.

Whilst the scheme included a number of positive elements, no justification existed for making an exception to the Green Zone Policy. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies NE7, SP1, 2 and 3 and GD1 and 7 of the 2011 Island Plan.

One letter of representation had been received in connexion with the application. The Committee was advised that whilst there was no objection to the scheme, the author sought to clarify the extent of the works on site.

The Committee heard from the applicant, Mr. D. Cummins and his agent, Mr. R. Godel. Mr. Godel summarised the planning history of the site, to include the refusal of a previous application for the construction of 4 new residential units. Mr. Godel advised that, following discussions with the Department, it had been understood that a reduction in the number of units by one could secure a favourable outcome. Consequently, he had been dismayed to learn of the Department's recommendation for refusal of the current scheme and the reasons for refusal – one of which appeared to contradict pre-application advice which had been received. Mr. Godel explained that there were currently 2 dwellings on the site and a residential use in a long linear building to the east (although the Department had no record of approving residential accommodation in this building, this had been confirmed in a letter from the former Housing Committee). There was also a lapsed permit for a 4 bedroom dwelling to the east of the site to replace a fire damaged 2 bedroom dwelling. This permit had not been implemented. There had, therefore, been 4 units on site originally. Mr. Godel believed that the proposed development would significantly improve the appearance of the site and restore the landscape character.

Mr. Cummins advised the Committee that he had lived on the application site for over 30 years. His children now ran the family business, which employed a significant number of people. The proposed development would be in-keeping and would improve the appearance of the site. In response to a question from a member, the applicant confirmed that work would commence on the construction of a new shed approved under application reference P/2013/0188 on 1st October 2017.

The Committee received the Connétable J.E. Le Maistre and Deputy C.F. Labey, both of Grouville. Deputy Labey felt that the proposed development would significantly improve the appearance of the site and she expressed support for the scheme. It was noted that the Deputy was the nearest neighbour to the application site. The Connétable also expressed support for the scheme and concurred with Deputy Labey's views regarding the visual improvement arising from the proposed development.

Having considered the application and the planning history of the site, the Committee, with the exception of the Chairman, expressed support for the scheme and decided to grant permission, subject to the imposition of a condition requiring

25th Meeting  
29.06.17

the clearance of the redundant glass houses (as set out in application reference P/2013/0188) and associated remediation works prior to first occupation of the new units. As the aforementioned decision was contrary to the officer recommendation the application would be re-presented at the next scheduled meeting for confirmation of the decision and approval of all conditions to be attached to the permit.

Longueville  
Manor,  
Longueville  
Road, St.  
Saviour:  
installation of  
fencing to  
north of car  
park (RETRO-  
SPECTIVE)  
(RFR).  
1070/2/1/2(279)

A12. The Committee received a report in connexion with an application which had been refused by the Department under delegated authority and which sought retrospective permission for the erection of a fence to the north of the existing car park at Longueville Manor, Longueville Road, St. Saviour. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in both the Built-Up Area and the Green Zone and Longueville Manor was a Grade 2 Listed Building. Policies SP4, GD1, NE7, GD7, HE1, EVE1 and TT3 of the 2011 Island Plan were of particular relevance.

P/2016/1421

The Committee was advised that permission had been granted under delegated powers for the creation of a new car parking area, which had been carefully designed and landscaped to ensure it integrated seamlessly into its landscape setting. The submitted details for the car park had not indicated any new fencing and, had the fencing been shown, it would not have been supported by the Department. Whilst it was acknowledged that the fencing was not visible from outside the site it was located within the prominent frontage area of the Manor grounds and had a detrimental visual impact on the overall character, integrity and setting of the Manor. Consequently, the retrospective application had been refused on the grounds that the proposal was contrary to Policies SP4, SP7, GD1, GD7 and HE1 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee received Ms. T. Ingle, Principal Historic Environment Officer, who had accompanied the Committee on its site visit to Longueville Manor. Ms. Ingle pointed out that the Listing encompassed the Manor and the grounds. The Historic Environment Team had been persuaded to permit the new car parking area on the basis that the sensitive landscaping scheme would 'edit' out the cars. However, the fencing was considered to be unnecessary and inappropriate.

The Committee heard from Mr. M. Lewis, the applicant. He acknowledged the sensitivity of the site and advised that the aim had been to make the car park invisible whilst enhancing the overall experience for guests/diners. Mr. Lewis felt that the fence, which incorporated some planting, had been successful and the car park was now well concealed. He felt that it would be a shame to have to remove the fence now and referred to a similar fence which had been erected nearby.

The Committee decided to defer consideration of the application to allow the applicant to enter into further discussion with the Department with regard to an appropriate landscaping scheme.

La Jeannerie,  
La Rue de la  
Ville au  
Neveu, St.  
Ouen:  
proposed  
alteration of  
ground level to  
create  
driveway and

A13. The Committee received a report in connexion with an application which had been refused by the Department under delegated authority and which sought permission for alterations to the ground level at the property known as La Jeannerie, La Rue de la Ville au Neveu, St. Ouen to facilitate the creation of a driveway and ramp. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was a Grade 3 Listed Building. Policies GD1, HE1, NE7 and ERE1 of the 2011 Island Plan were of particular relevance.

ramp.  
477/5/3(507)  
P/2017/0217

The Committee was advised that La Jeannerie comprised 4 habitable units, all located within the main house and one x 2 storey building situated to the west of site. The residential units were accessed via a shared entrance off La Rue de la Ville au Neveu, to the west of the site. The application related to another vehicular access to the north of the site. This access led to a small hard standing area in front of a gate and did not lead to any of the habitable units. La Jeannerie benefitted from a large garden located to the east of site, with an ancillary building sited to the eastern boundary. The site was set in a relatively quiet and rural setting and was bounded by green fields to the north and east and residential properties to the west and south. The scheme sought to form a new driveway and parking area to the north-east of the site, alter ground levels and construct a ramp to the south of site, in order to create a private vehicular access for La Jeannerie. The application had been refused on the basis that the proposed routing of the driveway appeared to be unnecessarily elaborate and not well-sited or designed. The proposed formation of the ramp to the south of site would also result in the loss of part of the granite faced rear garden wall and, together with the formation of the new driveway and garden, was considered to have an adverse impact on the rural character of the area and the setting of the Listed building, contrary to Policies GD1, HE1 and NE7 of the 2011 Island. It was recommended that the Committee maintain refusal of the application.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that La Jeannerie was a late 19th century property constructed with good quality materials and in a well-proportioned manner. Whilst the Listing did not extend to the garden, the proposal was considered to be detrimental to the setting of the Listed building, contrary to Policy HE1. Ms. Ingle suggested that consideration could be given to clustering some hardstanding in the north eastern corner of the garden. However, this raised issues in the context of the application of the Policy NE7.

The Committee heard from the applicant, Mr. R. Pallot and his agent, Mr. N. Bisson. Mr. Bisson advised that La Jeannerie was a substantial property in the Green Zone, parts of which dated back to the 19th century. It was believed that the Policies which had been cited in the reasons for refusal had been inappropriately applied. The Listing did not include the garden, the car parking area or later extensions to the property. Those features were closest to where the proposed new driveway would be. Mr. Bisson also questioned the definition of development and informed the Committee that the applicant had originally been advised that permission might not be required for a domestic driveway. Further, the creation of a driveway did not appear to be mentioned in the guidelines. Policy NE7 contained 7 defined presumptions – the scheme involved none of those. It was also contended that the scheme did not compromise any of the criteria set out in Policy GD1. The route of the driveway meant that no trees had to be removed and granite from an existing wall would be re-used in the construction of the ramp.

The Director, Development Control confirmed that the creation of a domestic driveway was defined as development in the planning context as the proposed works constituted operational development and would change the nature of the land. It was noted that, in this particular case, Permitted Development Rights had been removed so consent was necessary.

Having considered the application, all members, with the exception of the Vice Chairman, Connétable P.B. Le Sueur of Trinity, endorsed the officer recommendation to refuse permission for the reasons set out above.

25th Meeting  
29.06.17

Le Carrefour,  
La Rue de la  
Forge, St.  
Ouen:  
proposed  
uPVC  
conservatory.  
477/5/3(1001)  
  
P/2017/0527

A14. The Committee received a report in connexion with an application which had been refused by the Department under delegated authority and which sought permission for replacement of a timber conservatory with a uPVC conservatory at the property known as Le Carrefour, La Rue de la Forge, St. Ouen. The Committee had visited the site on 27th June 2017.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was a Grade 4 Listed Building. Policies HE1, BE6, GD1 and GD7 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the application sought planning permission for the removal of an existing timber framed conservatory and its replacement with a uPVC conservatory to the north elevation. For the avoidance of doubt it was clarified that the Listing did not extend to the existing conservatory. Consequently, the assessment was one of impact upon the setting of the Listed Building. As set out within Policy HE1, alterations and extensions to Listed Buildings were expected to be of an appropriate design, using traditional materials; to be subservient to the existing building; and, to not conflict with the form, profile or detail of the original building or detract from its character. There was also a need to preserve or enhance the spaces around buildings wherein extensions had to be sympathetic to the setting of the Listed Building.

The Committee was advised that the existing conservatory was a bespoke timber design and it was understood that the timber framework was beyond practical repair. Whilst the existing structure was outside the extent of the Listing and was not identified within the Listing Schedule as being of special interest, the traditional timber construction was, nonetheless, consistent with the characteristics of the main dwelling. It was also acknowledged that the garden on the northern side of the property was private and largely screened from the public domain. However, it was noted that controls applied to the whole of a Listed Building, not just the front elevation or elements which were more readily visible. Moreover, there was a need to pay careful consideration to the character and integrity of a Listed Building and its setting; hence the need to adopt an appropriate design approach which used traditional materials. During discussions with the Department in this context, the applicant had been advised that the use of uPVC was not appropriate and was out of keeping with the traditional materials found within the existing building. As the proposed conservatory was attached to the Listed Building and in the immediate setting, it had been concluded that the use of uPVC was not appropriate in this instance and would not preserve or enhance the special interest of this Listed Building and its setting, as set out under Policy HE1. Consequently, the application had been refused.

The Committee heard from Ms. T. Ingle, Principal Historic Environment Officer, who advised that Le Carrefour was a 19th century 5 bay dwelling with private gardens to the north and south. Ms. Ingle stressed that the issue was one of impact on the setting of the Listed Building. The setting was the environment in which it was experienced.

The Committee heard from the applicant, Mrs. S. Reading and Deputy R.J. Renouf of St. Ouen. Mrs. Reading stated that correspondence received in connexion with the Listing of the property confirmed that the modern parts of the property were not of interest architecturally and were exempt from control. Mrs. Reading informed members that she had photographic evidence which illustrated which parts of the property had been added after 1979. The existing conservatory was attached to a modern addition to the property. Mrs. Reading's late husband had designed the existing timber conservatory, which was now beyond repair. The rear garden was totally private and not visible from the public realm. She added that improvements

had been made to the front elevation of the property by means of redesigning the barge boards etcetera. In concluding, Mrs. Reading made it clear that money was an issue for her – she was a pensioner and she need to ensure her savings lasted. The proposed new uPVC conservatory would cost £30,000, whereas a timber alternative would cost in the region of £60,000. She felt that spending this amount of money at this time in her life would be irresponsible.

Deputy Renouf addressed the Committee, expressing support for the application. He stressed that the applicant merely wished to replace the existing conservatory in the same form but in a different material. The Committee had been shown the material which was to be used and Deputy Renouf argued that it was most sympathetic to the property. The conservatory would be added to a modern extension of no architectural value. Whilst the refusal notice stated that the proposed uPVC conservatory would fail to preserve the character, integrity and setting of the property, the Deputy argued that the setting had already been compromised by 1970's additions to the property.

The Committee, having considered the application, unanimously approved the same on the grounds that the existing structure was beyond repair and that the materials to be used would mean that the new conservatory would look almost identical to the original. Having recognised that its decision was contrary to the officer recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for confirmation of the decision and approval of any conditions which were to be attached to the permit.

Planning and  
Building  
(Jersey) Law  
2002:  
recommendati  
ons for Policy  
revisions under  
Article 9(A).  
410/99(1)

A15. The Committee recalled that Article 9(a) of the Planning and Building (Jersey) Law 2002, provided for the Committee to report to the States on its assessment of planning policy and recommended revisions. In this connexion the Committee recalled that, during its consideration of an application for The Line-Up, La Grande Route des Mielles, St. Peter, the applicant had stated that the absence of public toilets in the area was problematic given the number of businesses in the vicinity. He had gone on to discuss the use of temporary toilet facilities in the past. The Committee decided to request that the Minister for Environment raise this issue with the Minister for Infrastructure as a proliferation of temporary toilets in the Coastal National Park was not considered to be appropriate.