

Planning Committee

(18th Meeting)

12th October 2023

Part A (Non-Exempt)

All members were present with the exception of Connétable R. A. K. Honeycombe of St. Ouen and Deputy A. F. Curtis of St. Clement, from whom apologies had been received.

Connétable P. B. Le Sueur of Trinity, Chair
 Deputy S.G. Luce of Grouville and St. Martin, Vice Chair
 Connétable K.C. Lewis of St. Saviour
 Connétable D. W. Mezbourian of St. Lawrence (item Nos. A7 – A10)
 Connétable M. O'D. Troy of St. Clement
 Deputy M. R. Le Hegarat of St. Helier North
 Deputy T.A. Coles of St. Helier South
 Deputy A. Howell of St. John, St. Lawrence and Trinity

In attendance -

C. Jones, Planning Applications Manager
 J. Durbin, Planner
 L. Davies, Planner
 A. Elliott, Trainee Planner
 S. Sellors, Planner
 J. Gibbins, Trainee Planner
 T. Venter, Planner
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A11 - A14)
 H. Roche, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1 – A10)
 L. Plumley, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1 – A10)

Note: The Minutes of this meeting comprise Part A only

Minutes.	A1. The Minutes of the meeting held on 28th September 2023, were taken as read and were confirmed.
High Beech, La Vallette, St. Lawrence: proposed demolition and construction of new dwelling. P/2023/0250	<p>A2. The Committee, with reference to its Minute No. A7 of 28th September 2023, recalled that permission had been granted for the demolition of the property known as High Beech, La Vallette, St. Lawrence, and the construction of a new 4 bedroom dwelling.</p> <p>Following consideration of the application, the Committee had decided to remove the condition which related to permitted hours of work on the site and to add guidance in the form of an informative on the permit and strengthen Condition No. 2, which related to the Demolition / Construction Environmental Plan.</p>
Portelet Bay Café, La Rue	A3. The Committee, with reference to its Minute No. A5 of 28th September 2023, considered a report in connexion with an application which proposed the change of

Voisin, St.
Brelade:
proposed
change of use
of land for car
parking.

P/2023/0360

use of an area of land to facilitate seasonal car parking for Portelet Bay Café, La Rue Voisin, St. Brelade. The Committee had visited the site on 26th September 2023.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reasons for approval and the conditions which were to be attached to the permit, the application was represented.

The Committee confirmed approval of the application for the reasons set out in the Department report and on the basis of the conditions set out therein.

La Mare
Vineyards, La
Rue de la
Hougue
Mauger, St.
Mary: use of
overflow
parking
(RETRO-
SPECTIVE)
(RFR).

P/2022/1251

A4. The Committee, with reference to its Minute No. 14 of 28th September 2023, considered a report in connexion with an application which sought to regularise the use of Field No. 254A, La Rue du Camp Durell as an overflow car park for La Mare Vineyards, La Rue de la Hougue Mauger, St. Mary. The Committee had visited the site on 26th September 2023.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming its decision and setting out the reasons for approval and the conditions which were to be attached to the permit, the application was represented.

The Committee confirmed approval of the application for the reasons set out in the Department report and on the basis of the conditions set out therein.

Champs Verts
(former garden
of), La Rue
Militaire, St.
Ouen:
proposed new
dwelling.

P/2023/0170

A5. The Committee considered a report in connexion with an application which proposed the construction of a new dwelling with associated garage and landscaping to the south of the property known as Champs Verts, La Rue Militaire, St. Ouen. The Committee had visited the application site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and that Policies SP2, SP3, PL3, GD1, GD6, NE1, H1, H2, ME1, TT1, TT2, TT4, WER6 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application proposed a detached, 2 storey, 3 bedroom, pitched-roof dwelling located towards the centre of the site, with its principal elevation facing south across the adjoining agricultural land. The new unit would meet the required residential standards for new dwellings, including the provision of a generous garden/terrace areas. The design and appearance of the development in this context was considered acceptable. With regard to the scale of the dwelling, the proposed development would sit at a similar height to surrounding buildings. Concerns raised with regard to the impact on neighbouring properties were acknowledged. However, the Department was comfortable with the resulting relationships and was satisfied that the scheme would not result in unreasonable harm (the test under Policy GD1). In any event, the concerns had to be balanced against the wider requirements of the 2022 Bridging Island Plan, and the reasonable expectation of developing a site in the Built-Up Area. The travel and transport implications of the development were considered to be acceptable. This included a small incursion into Field No. 524, which would facilitate the development of the site. Overall, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

7 representations had been received in connexion with the application.

Following a question from Deputy S.G. Luce of Grouville and St. Martin, Vice Chair with regard to the access track, the case officer advised that this had been necessary to provide continued access to stables on the application site.

The Committee heard from [REDACTED] who owned the neighbouring property, [REDACTED] to the west of the application site. [REDACTED] advised that she had not objected to the development of the stables or the 2 properties which had recently been completed to the east of the application site. However, she was opposed to the application under consideration on the grounds that the 7.65 metre height of the structure would result in a significant loss of sunlight and daylight and would have an oppressive and unreasonable overbearing impact. [REDACTED] added that, since purchasing her property, she had already lost morning and evening vistas from her property and did not wish the enjoyment of her garden to be further impaired by the development.

The Committee heard from [REDACTED] of MS Planning, on behalf of [REDACTED] who advised the Committee that there would be a gap of only 10 metres between the proposed development and the sunroom [REDACTED]. The kitchen window would be 2.5 metres from [REDACTED] garden, thus exacerbating the overbearing nature of the development. [REDACTED] was of the view that the cramped nature of the proposals would constitute overdevelopment of the site and that the proposed access on to the application site required the change of use of agricultural land, contrary to Policies GD1, 6 and ERE1 of the 2022 Bridging Island Plan, and she urged the Committee to refuse permission.

The Committee heard from the applicant's agent, [REDACTED] who confirmed that the whole driveway was in the ownership of the applicant's family and due to its hazardous exit, with zero visibility, it could only be utilised as an entrance. The access mentioned by [REDACTED] which encroached onto agricultural land, ensured a safe entrance and egress point to the rear of the site. [REDACTED] advised the Committee that the site was situated in the Built-Up Area, so there was a reasonable expectation of developing the land. The site was described as a 'windfall' site and [REDACTED] added that the development of such safeguarded green fields. With regard to the impact on [REDACTED] only light at the end of the garden would be lost during the morning. Following a question from the Committee regarding the drawings, [REDACTED] explained that these pre-dated the extension at [REDACTED].

The Committee heard from the applicant, [REDACTED] who explained that she had lived at [REDACTED] all her life. [REDACTED] was a large [REDACTED] property, which exceeded her requirements. She added that the proposed development was sympathetic to the context and the scheme proposed the use of eco-friendly materials which would blend well with the surroundings.

Having considered the application, the Committee concluded that, whilst it was not opposed to the principle of the development of the site, the scale and mass proposed would have an overbearing impact on the neighbouring property, contrary to Policies NE1, GD1 and 6. Consequently, the application was refused for the reasons set out above.

Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for decision confirmation and to set out the formal reasons for refusal.

Tiree,
Longfield
Avenue, La
Rue des
Genets, St.
Brelade:
proposed
balcony/loft
conversion/
dormer
window.

A6. The Committee considered a report in connexion with an application which proposed various works at the property known as Tiree, Longfield Avenue, La Rue des Genets, St. Brelade, to include a new balcony to the south elevation, a loft conversion and a new dormer window to the south, various fenestration alterations to the north and south elevations, together with internal alterations. The Committee had visited the application site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and that Policies SP2, GD1, GD6, GD8, WER6 and WE7 of the 2022 Bridging Island Plan were relevant.

P/2022/1698

The Committee noted the planning history of the site, which included extant permits (which had been implemented) for the remodelling and extension of Tiree and the construction of a new dwelling on an adjoining site.

The Committee noted that permission was now being sought for the remodelling of the approved scheme for Tiree. The design and appearance of the proposed development was considered acceptable and would not result in harm to the character and appearance of the area. Overall, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

7 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who owned a house which adjoined the application site. [REDACTED] informed the Committee that she had received assurances from the applicant with regard to various design aspects in connexion with the proposal, which included the design of the balcony, a privacy screen and ensuring new windows did not have a detrimental impact on her amenities. On the basis of the implementation of the aforementioned, [REDACTED] supported the application.

The Committee heard from the applicant's agent, [REDACTED] of MS Planning, who noted that the application comprised a package of minor remodelling proposals which would make best use of the of this property within the Built-Up Area. With regard to the aforementioned privacy screen, [REDACTED] confirmed that, if permission was granted, the permit could be conditioned to require the same and it was noted that the privacy screen had been included within the detail.

The Committee discussed the proposals and expressed the view that the previous approved scheme had been preferable to the current amended proposals. It was concluded that the box dormer window and fenestration alterations would have a negative impact on the street scene, contrary to Policy GD6 of the 2022 Bridging Island Plan. Consequently, the application was refused for the reasons set out above.

Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for decision confirmation and to set out the formal reasons for refusal.

Field No.
525B, La Rue
du Coin Varin,
St. Peter:
proposed

A7. The Committee considered a report in connexion with an application which proposed the replacement of telecommunications equipment, to include a pole, 3 antenna, 2 cabinets and associated paraphernalia, together with the installation of wooden fencing to the north of Field No. 525B, La Rue du Coin Varin, St. Peter. The Committee had visited the site on 10th October 2023.

replacement of
telecommunica-
tions
equipment.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and Policies GD1, GD6, ME3, PL5, NE3 and UI4 of the 2022 Bridging Island Plan were relevant.

S/2023/0603

The Committee noted that the proposed works did not involve the relocation of any existing satellite masts. The proposed changes were not considered to be visually harmful in this context, with additional screening being provided by landscaping. Furthermore, the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Consequently, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

13 representations had been received in connexion with the application.

The Committee heard from [REDACTED] on behalf of his father, whose property faced the existing telecommunications mast. [REDACTED] parents had lived in their property for [REDACTED] and the mast was situated 12.5 metres from their dining room window. It was acknowledged that whilst the colour palette selected for the mast and the existence of some trees would go some way to reducing the visual impact [REDACTED] father was concerned about the visual impact. It was physically very close to his property and the previously quiet 15 mile per hour lane had been materially changed by the existence of the structure. [REDACTED] advised that the submission of the application and the resultant process had caused his elderly parents a great deal of distress. [REDACTED] urged the Committee to refuse the application and require the removal of the existing mast. The Committee accepted photographic evidence of the mast as viewed from inside the property, as they had not visited the property.

[REDACTED] who also lived near the existing mast, addressed the Committee. [REDACTED] spoke passionately about [REDACTED] which, he believed, had been caused as direct result of residing in close proximity to the mast and the emission of non-ionised radiation. He noted that these emissions affected the television signals of residents in the area and that a warning notice was in place which stated that it was dangerous to venture within 15 metres of the mast. [REDACTED] added that, since the mast had been erected, he had noticed a marked reduction in birds, bees and other wildlife which had affected his vegetable yield. He too urged the Committee to require the applicant to remove the existing mast away from residential areas and refuse the application.

The Committee heard from [REDACTED] a resident of the application area, who endorsed [REDACTED] concerns with regard to the existing mast and added that, due to health concerns, he felt very strongly about the upgrade to a 5G output, which was 100 times faster than the current 4G output.

[REDACTED] addressed the Committee and stated that she could provide research documentation with regard to the emissions, in support of [REDACTED] concerns. [REDACTED] added that the information was relevant to all masts in Jersey and concerned the health of all Islanders.

The Committee heard from the applicant's agent, [REDACTED] of Waddington Architects, who noted that the existing mast had been approved in 2020 and that certified emissions testing had been carried out 3 months after its installation, as was the case with all telecommunication masts in Jersey. [REDACTED] did not believe that the remit of the Planning Committee extended to quashing approved planning permissions and advised that the current application formed part of a series of 21

Island wide applications which had not received any objections from EH. The Committee was informed that evidence showed that mobile telephones emitted more radiation than masts, all of which were independently tested by the Jersey Competition and Regulatory Authority (JCRA) and the results published by EH. On-site testing was the only measurable criteria and emissions could not exceed radio frequency public exposure guidelines. There were no specific requirements with regard to the distance which should be kept by individuals from a mast, albeit that it was accepted that there was a 15 metre warning sign on the site. [REDACTED] added that the existing mast had been situated close to trees as possible and could not be situated in Coin Varin as there was insufficient woodland in the area. Movement of the mast would cause damage to existing tree roots, and it was noted that 63 additional trees had been planted in the vicinity of the mast and these would reach maturity within 7 years, providing further screening. The trees would be maintained at a level of 10 metres high to ensure the mast could pick up frequencies sufficiently.

The Committee heard from [REDACTED] Department of the Environment, Environmental Health who stated that recommendations in relation to applications of this nature were made in line with best practice guidance. The Committee noted that, in the response from EH, it had been confirmed that pre-commissioning details which had been submitted indicated that the estimated electro-magnetic level was below the guidelines. Upon installation and commissioning the levels must be measured to confirm that the guidelines had not been exceeded. [REDACTED] was unable to respond to questions from the Committee in connexion with testing, emissions, or the effect of non-ionised radiation on wildlife.

The applicant, [REDACTED] of the JT Group, addressed the Committee and stated that the existing mast had last been tested in 2022 by the JCRA independent advisor, following objections from residents to its installation and had been found to exceed minimum requirements 268 times. [REDACTED] explained that a tester would use a device to detect the area with the strongest emission level and provide measurements from that point. Following a question from the Committee, with regard to improvements to emission levels in connexion with the application under consideration, [REDACTED] noted that with more demand in mobile technology, data usage was increasing, so masts would have more capacity and additional frequencies, increasing emissions rather than reducing them.

Having considered the application, the Committee decided to defer consideration of the application pending the receipt of further information from EH and on the basis of the concerns which had been raised.

On a related matter, the Committee heard from [REDACTED] who noted that she was able to assist with research on the matter as she had extensive evidence, the Chair requested that she made her submission in writing once the matter was re-presented.

Field No.
1017a, La Rue
de la
Guilleaumerie,
Trinity:
proposed
replacement of
telecommunica-
tions
equipment.

A8. The Committee considered a report in connexion with an application which proposed the replacement of telecommunications equipment, to include a pole, 3 antenna, 2 cabinets and associated paraphernalia, together with the installation of wooden fencing to the south east of Field No. 1017a, La Rue de la Guilleaumerie, Trinity. The Committee had visited the site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and Policies GD1, GD6, ME3, PL5, NE3 and UI4 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the proposed works did not involve the relocation of any

S/2023/0625

existing satellite masts. The proposed changes were not considered to be visually harmful in this context, with additional screening being provided by landscaping. Furthermore, the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Consequently, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

9 representations had been received in connexion with the application.

The Committee decided to defer consideration of the application pending the receipt of further information from EH and on the basis of the concerns which had been raised in a previous application which proposed replacement of telecommunications equipment at Field No. 525B, La Rue du Coin Varin, St. Peter (Minute No. A7 of the current meeting referred).

Fauvic
Nurseries, La
Rue au Long,
Grouville:
proposed
demolition and
redevelopment.

A9. The Committee, with reference to its Minute No. A6 of 16th March 2023, considered a report in connexion with an application which proposed the demolition of various structures at Fauvic Nurseries, La Rue au Long, Grouville and their replacement with new buildings to facilitate the cultivation and preparation for distribution of cannabis for medicinal purposes. The Committee had visited the site on 14th March and 10th October 2023.

P/2021/1988

Deputy S.G. Luce of Grouville and St. Martin did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, 2, 3, 4, 5, 6, 7, PL5, GD1, 5, 6, HE1, NE1, 3, TT1, 2, ER2, 5, ME1, 3, WER1, 2, 6, 7 of the 2022 Bridging Island Plan were relevant to the application. It was also noted that the application site had been considered by an Independent Planning Inspector during the examination in public of the 2022 Bridging Island Plan and that no specific land use need had been identified.

The Committee recalled that it had previously granted permission for the demolition of some existing glasshouses on the site (and the construction of extensions to link retained glasshouses to a new building) together with a perimeter fence and security infrastructure. Permission had been granted subject to the imposition of certain conditions and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure the provision of 2 new bus shelters (one eastbound and the other westbound) in close proximity to the access to the site on La Rue au Long, both of which would be installed prior to the commencement of development and would be ceded to the Public of the Island. The Committee noted that, prior to the completion of the POA, subordinate legislation had been enacted which removed the growing of plants of the cannabis genus from the definition of agriculture (Planning and Building (Cannabis) (Miscellaneous Amendments) (Jersey) Order 2023 refers). Although the Order post-dated the resolution to grant permission, as the growing of cannabis had not commenced prior to 17th May 2023, it had been concluded that the application should be re-submitted with an amended description which included the growing of cannabis. The Order also introduced a requirement for an Environmental Impact Assessment (EIA). Having considered information of this nature which had previously been submitted with the approved application, the Department was of the view that this was sufficient to comply with the EIA requirements.

The Committee was advised that the Department had no objection to the land-use principle of the development. The Order ensured proper control over the associated

detailed operational matters and the Department was satisfied that no operational details would result in harm, including to residential amenity, subject to the imposition of various planning conditions as detailed within the Department report. Consequently, it was recommended that permission be granted on the basis of the aforementioned conditions, together with the entering into of a POA, as detailed above.

A total of 16 representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] of KE Planning, who stated that, following planning approval in March 2023, the scheme had been re-presented due to the abovementioned legislative change.

The applicant, [REDACTED] addressed the Committee and reiterated that the proposals were identical to those approved in March 2023, save for the fact that the revised application complied with the new legislation. The POA had now been completed and the scheme provided the opportunity to diversify.

Having considered the application, the Committee, with the exception of Connétable K.C. Lewis of St. Saviour, endorsed the recommendation to grant permission, subject to the imposition of the conditions outlined in the Department report.

Tralee, La
Route de la
Pulente, St.
Brelade:
proposed new
vehicular
access (RFR).

P/2023/0439

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the formation of a new vehicular access onto La Route de la Pulente, St. Brelade. The Committee had visited the application site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and the Protected Coastal Area and Policies PL5, NE3, TT1 and WER6 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to the Jersey Integrated Landscape and Seascape Character Assessment (JILSCA).

The Committee noted that the application sought permission for the formation of a new vehicular access onto La Route de la Pulente, directly off an existing car parking area to the west of the application site. The application had been refused on the basis that the proposal failed to demonstrate that the area would be protected or improved as a result of the development. The proposed new access was considered to be unnecessary, particularly as it was intended to retain the existing access points to both the western and eastern parking areas. In conclusion, the proposed works failed to satisfy Policies NE3 and PL5 and did not protect or enhance the special landscape and seascape character of the Protected Coastal Area or accord with the Jersey Integrated Landscape and Seascape Character Assessment. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, [REDACTED] of MS Planning. It was noted that, as part of the request for reconsideration, the applicant's agent had pointed out that a similar application [REDACTED] on the grounds that it did not meet the required visibility standards. Consequently, the applicant had commissioned a traffic consultant to design a new access which achieved the required visibility standards and there had been no objection to the proposals from the highway authority. However, the application under consideration had been refused for the reasons set out above. [REDACTED] advised that the existing access was compromised when refuse was collected, and she stated that the proposals would not have an adverse impact on the character of the area and that the Natural Environment Team had not objected to the application. It was noted that if

permission was granted, it would be possible to extinguish other access points. [REDACTED] added that the planting of a hedge would soften the appearance of the new access.

The Committee expressed considerable disappointment that the design and landscaping in accordance with the original approved plans (P/2020/0401 refers) had not been fully implemented and that a prime area of the Coastal National Park and the Protected Coastal Area had been urbanised. Consequently, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Departmental report.

Vale End,
Ivystill Lane,
St. Saviour:
proposed
conversion
garage to
habitable space
(RFR).

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the conversion of a garage to habitable space at the property known as Vale End, Ivystill Lane, St. Saviour. The Committee had visited that site on 10th October 2023.

Connétable K.C. Lewis of St. Saviour did not participate in the determination of this application.

P/2022/1558

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 GD1, GD6, NE1, NE3 and H9 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application sought permission for the conversion of the attic space within a detached garage to habitable accommodation. External steps would be constructed to the east elevation and decking installed to the north. To the south elevation a dormer window and sliding doors would be installed, with the latter providing access via the northern elevation. The application had been refused on the basis that the design of the window and sliding doors failed to conserve, protect and contribute positively to the distinctiveness of the site and the surrounding built environment, landscape and wider setting, contrary to Policy GD6. Furthermore, the proposed dormer window was considered to be harmful to the amenities of an adjacent property (No. 5 Vale View Farm), with particular regard to loss of privacy, contrary to Policy GD1. It was recommended that the Committee maintain refusal of the application.

One representation had been received in connexion with the application.

The Committee heard from the applicant, [REDACTED] and his agent, [REDACTED]. [REDACTED] explained that the proposed development would provide the additional floor space the family required without increasing the built footprint. He highlighted the fact that whilst the proposed dormer exceeded the size permitted under the General Development Order (permitted development rights), the installation of 2 dormers (which were no wider than 1.2 metres) at the front and rear of the property constituted permitted development and did not require planning consent.

[REDACTED] for a variety of activities and the conversion of the space above the garage meant that there would be no loss of amenity space, which would arise from the construction of an extension.

Having considered the application, the Committee decided to endorse the recommendation to refuse permission for the reasons set out above.

La Paix, La
Route du Mont
Mado, St.
John: proposed
new garage
(RFR).

P/2023/0100

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the construction of a garage to the south-east of the property known as La Paix, La Route du Mont Mado, St. John. The Committee had visited that site on 10th October 2023.

Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD6, NE1, NE3 and H9 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, which included the refusal of an application in 2021 for the construction of a detached garage to the south-east of the site.

The Committee noted that the current application had been refused on the basis that the design of the proposed garage failed to conserve, protect and contribute positively to the distinctiveness of the site, the surrounding built environment and the wider setting, contrary to Policy GD6. The proposal also failed to protect or improve the landscape character of the Green Zone, contrary to Policy NE3. It was recommended that the Committee maintain refusal of the application.

2 representations had been received in connexion with the application.

The Committee heard from the applicant, Mr. [REDACTED] and his agent, Mr. [REDACTED] Collins of MAC Architecture. Mr. [REDACTED] outlined the differences between the refused and proposed schemes and noted that the design of the proposed garage was in-keeping with that of the principal dwelling. The proposed garage would be located in an area currently used for car parking and would not be visible from the public realm. He highlighted the fact that whilst a smaller structure could be constructed without planning consent under the General Development Order (permitted development rights), the family wished to accommodate 2 cars, 5 bicycles and garden equipment within the new garage so a larger building was required.

Having considered the application, the Committee, with the exception of Deputy S.G. Luce of Grouville and St. Martin and Connétable M. O'D Troy of St. Clement, decided to endorse the recommendation to refuse permission for the reasons set out above.

Silver Birches,
Le Chemin du
Moulin, St.
Ouen:
proposed
extensions/
external
alterations/
swimming
pool (RFR).

P/2023/0565

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the demolition of part of the eastern wing of the property known as Silver Birches, Le Chemin du Moulin, St. Ouen, and the construction of extensions to the north and east elevations. Various external works were also proposed, to include alterations to garden levels and the installation of a swimming pool. The Committee had visited that site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and the Protected Coastal Area. Policies GD1, GD6, NE1 and NE3 of the 2022 Bridging Island Plan were relevant.

The Committee noted that, notwithstanding the high quality design approach, the proposal represented a significant uplift in floor area (estimated at 60 per cent). The proposed extensions were not considered to be modest or subservient and the

application failed to satisfy the tests set out under Policy H9. The proposed swimming pool and hardstanding area would cover a significant portion of the garden of this property in the Coastal National Park and this was considered to be contrary to Policy NE3. In summary, the application had been refused on the grounds of the increase in floorspace, footprint and visual impact, contrary to Policies H9, GD6, NE1 and NE3 of the 2022 Bridging Island Plan. Attention was also drawn to Supplementary Planning Guidance on housing outside of the Built-Up Area and the Jersey Integrated Landscape and Seascape Character Assessment (JILSCA). It was recommended that the Committee maintain refusal of the application.

The Committee recalled that, during the site visit, members had sought clarification about the status of the land on which the swimming pool was to be constructed and had requested a floor space calculation. Whilst the case officer advised that the land on which the swimming pool was to be located was believed to fall outside of the domestic curtilage, he was unable to provide the calculation requested and reiterated that an uplift in the floor area of 60 per cent was estimated. Deputy T.A. Coles of St. Helier South commented that it was not clear where the plant associated with the swimming pool would be sited.

The Committee heard from the applicant, [REDACTED] and his agent, [REDACTED] of MS Planning. [REDACTED] confirmed that whilst the Departmental officer who had been present during the site visit had requested clarification regarding the status of the land on which the swimming pool was to be installed, he had been unaware of the request for a floor space calculation. [REDACTED] advised that the swimming pool would be constructed within the domestic curtilage, and he referred the Committee to correspondence from the Land Controls and Agricultural Development Section which verified this, and which had been submitted following the site visit (it was noted that the Department had not had the opportunity to assess this information as yet). [REDACTED] added that the plant associated with the pool would be located at a lower level, as detailed on the floor plans. On a related matter, [REDACTED] informed the Committee that he believed that the installation of the swimming pool constituted permitted development and that planning consent was not required for this element of the scheme. Turning to the proposed development, [REDACTED] believed that it was very well considered and would sit comfortably in this context. A whole host of benefits would arise, and these were detailed in the submitted Design and Access Statement (DAAS). [REDACTED] drew attention to Policy H9 (paragraph one) – Housing outside the Built-Up Area, which stated that extensions must remain subservient to the existing dwelling and not disproportionately increase the size of the dwelling in terms of gross floorspace, building footprint or visual impact. [REDACTED] contended that the proposed development accorded with the policy context and refuted the assertion that the proposed development would double the floor area. He noted that the DAAS included photo montages which sought to illustrate the visual impact of the proposed development from key vantage points and was disappointed that these images had not been displayed. The scheme was not considered to challenge the objectives of the JILSCA, and the development would sit comfortably behind the principal dwelling whilst also merging successfully with the landscape.

The Committee heard from the applicant, who recognised the privilege of living in the Coastal National Park and was committed to conserving and preserving the natural landscape. Nurture Ecology had been commissioned to produce a biodiversity enhancement management plan and [REDACTED] award winning architectural practice had been chosen to design the scheme based on their sustainability credentials and awareness of the interconnexion between architecture, climate and biodiversity.

The Committee discussed the application and whilst all members commended the high quality design approach, ultimately refusal of the application was maintained for the reasons set out above (with the exception of Policy GD6). With regard to the swimming pool and [REDACTED] view that this constituted permitted development, Deputy T.A. Coles of St. Helier South suggested that consideration should be given to reviewing permitted development rights in the Coastal National Park.

No. 1 Tipton,
La Route de
Beaumont, St.
Peter:
proposed
raising of roof
to form
additional unit
(RFR).

P/2022/1715

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the raising of the roof on the garage associated with the property known as No. 1 Tipton, La Route de Beaumont, St. Peter to form a one bedroom residential unit. The Committee had visited that site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies SP2, SP5, PL5, GD6, H1, H9 and TT1 of the 2022 Bridging Island Plan were relevant.

The Committee noted the planning history of the site, which included the refusal of an application in 2021, for the formation of a one bedroom unit above the garage at the property. The application had been refused on the grounds that it was contrary to Policies SP2, SP5, PL5, H9 and TT1.

The Committee noted that the application under consideration sought permission for a similar form of development to that which had been refused in 2021. The Committee recalled that the Bridging Island Plan permitted the construction of new dwellings outside the Built-Up Area under certain limited circumstances. This did not include the extension of existing detached residential outbuildings to form new dwellings. The size and scale of the proposed extension was considered harmful to the rural and relatively undeveloped character of the locality. Consequently, the application failed to satisfy the requirements of Policies SP2, SP5, PL5, and H9 of the Bridging Island Plan and had been refused on this basis. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, [REDACTED] who noted that the Department report did not make reference to Policy H4 – Meeting housing needs. [REDACTED] highlighted the shortage of housing in the Island generally and advised that the Connétable of St. Peter had been consulted on the proposals and had acknowledged the need for accommodation of the nature proposed. He went on to state that the proposed development would be well screened and soundproofed. Mr. [REDACTED] reminded the Committee of the provisions of Policy SP2 – Spatial Strategy, which stated that development would be concentrated within the Built-Up Area. The planning history of the site, as set out in the Department report, did not include the permit which had been granted for the 2 existing houses on the site. [REDACTED] advised that whilst a 3 bedroom and a 4 bedroom dwelling had been constructed, permission had been granted for 2 x 4 bedroom dwellings and he believed that this should be a material consideration in terms of the assessment of the current application. [REDACTED] contended that the proposed development would not result in harm to the natural environment and explained that a modest development with a garden at the rear was proposed and there would be no impact on neighbouring amenities. A foul drainage connection existed and good visibility splays could be achieved. Turning to the simple design approach, [REDACTED] stated that this was in keeping with the 2 existing dwellings. Reference was also made to the compatibility of the proposals with Policies H9 and PL5 and the provisions of Article 19 (2) of the Planning and Building (Jersey) Law 2002, as amended. In response to questions from members, [REDACTED] advised that the unit would accommodate 2 persons and

complied with all relevant space standards.

Having considered the application, the Committee decided to endorse the recommendation to refuse permission for the reasons set out above. In doing so some members also questioned the quality of the amenity space and whether the living accommodation met the minimum standards.

Montreaux, La
Rue de
l'Eglise, St.
John: proposed
conversion and
extension
RFR).

P/2023/0239

A15. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the conversion and extension of the roof space at the property known as Montreaux, La Rue de l'Eglise, St. John to form one x 2 bedroom and one x 3 bedroom dwellings. The Committee had visited that site on 10th October 2023.

Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and Policies SP2, PL3, GD1, GD6, H1, H2, TT2, TT4, WER5, 6 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee noted that pre-application advice had been provided to the effect that the proposal would result in the over-development of the site. The application had been refused on this basis and on the grounds that the required car parking/bicycle storage standards had not been met. In addition, insufficient information had been provided to determine whether a proposed new vehicle access would have an adverse impact on road safety. Consequently, the application was considered to be contrary to Policies H1 and H2, Planning Policy Note No. 6 - Supplementary Planning Guidance (SPG) (1994), draft Residential Space Standards SPG (2023), draft Density SPG (2022), Policy TT4 and the Access Standards for Small Housing Developments SPG (2016). It was recommended that the Committee maintain refusal of the application.

2 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who expressed concerns regarding highway safety arising from the proposed new access arrangements and noted the absence of a traffic speed survey. [REDACTED] also expressed reservations about the standard of the living accommodation and the provision of on-site car parking and questioned whether these elements complied with the approved standards.

The Committee heard from [REDACTED] who expressed the view that the scheme would result in the overdevelopment of the site and would have a detrimental impact on her privacy. She too was concerned about highway safety. She outlined the details of a boundary issue which had been drawn to her attention when she had purchased her property, and which had culminated in her reaching an agreement with the current owners of Montreaux which had allowed them to maintain their access. However, agreement had not been reached with other property owners, who retained ownership of a boundary wall and a wayleave for maintenance purposes. [REDACTED] made the point that the overall size of the application site appeared to have been misrepresented. The Chair advised that the grant of planning permission did not override legal requirements.

The Committee heard from Deputy Howell, who advised that she had visited [REDACTED] property and could confirm that the proposed development would have an overbearing impact and would adversely affect enjoyment of her property.

The Committee heard from [REDACTED] who objected to the application on the grounds that the proposed development would cause shadowing in her garden and would result in a loss of privacy.

The Committee heard from the applicant's agents, [REDACTED] of Riva Architects and [REDACTED] of MS Planning. [REDACTED] reminded the Committee that the application site was situated in the Built-Up Area and he drew attention to the Spatial Strategy. He did not believe that the scheme would result in the over development of the site and stated that there would be no unreasonable impact on neighbouring amenities. He noted the availability of all relevant infrastructure and expressed the view that there was clear physical capacity on the site to accommodate the proposed development. [REDACTED] felt that confusion between draft and adopted standards had led to some inconsistency of approach and he compared the proposals against the adopted standards, noting that the scheme met and (in some cases exceeded) these. He also advised that the application site sat outside the visibility splay for the road and technical consultees and the parish authority had raised no issues with regard to traffic intensification or visibility splays. There were no set policy requirements for minimum or maximum headroom heights and this and other matters, such as ventilation, were addressed with under the Building Bye Laws. Turning specifically to the provision of car parking, [REDACTED] informed the Committee that the scheme exceeded the adopted standards. If it were to be assessed against draft parking guidelines, the size of the spaces would increase but fewer spaces would be required.

On a related matter, [REDACTED] expressed concerns that dimensions had been added to the drawings by the Department (it was noted that these had been recalibrated with scales provided by the applicant's agents) and neither the applicant or the agents had been made aware of this prior to the meeting. [REDACTED] believed that a broader discussion was necessary on the nature of the material which was received by the Committee in connexion with applications. In his personal view some of the Department's presentations during the course of the meeting had not been impartial. [REDACTED] was assured that the Committee was not presented with any information which could be viewed as prejudicial, and which prevented a fair and proper assessment of applications.

Having considered the application, the Committee decided to endorse the recommendation to refuse permission for the reasons set out above.