

## **REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT**

Site visit made on 6 March 2017

**by N McGurk BSc (Hons) MCD MBA MRTPI**

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### **Reference: P/2016/0624**

#### **La Rocque Chapel and Hall, La Rue de la Sente Maillard, Grouville, JE3 9BS**

- The appeal is made under Article 108 and 110 of Planning and Building (Jersey) Law 2002 (as amended) against the granting of permission to develop land.
  - The appeal is made by Christopher Floyd, Stephen and Elizabeth Pillings, Christopher Le Masurier and David Whalley against the decision of the States of Jersey.
  - The application Ref P/2016/0624 by Sarah Jenkins, dated 4 May 2016, was approved by notice dated 11 November 2016.
  - The application granted permission is "Change of use of Chapel and hall to showroom and workshop. Demolish part of, and alterations to, the hall to create vehicular access and parking spaces."
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### **Recommendation**

1. I recommend that the appeal be dismissed and that the original planning permission be upheld, subject to conditions.

### **Procedural Matters**

2. I have taken the description of the development proposed from the application form. I note that the decision notice is slightly different, "Change of use from church (Class G) into workshop and showroom. Demolish North Western part of building. Alter vehicular access onto La Rue de la Sente Maillard."
  3. The appellants state that the neighbouring Oyster processing facilities' parking, noise standards and conditions "were not referenced in the PLO reports." However, there is no substantive evidence to demonstrate that this compromised the Department's decision-making ability, as suggested. Rather, there is evidence to demonstrate that the Department had regard to the appeal site's surroundings.
  4. The appellants disagree with the contention that the appeal site is within a semi industrial area. As set out below, the appeal site is located between commercial and residential uses.
  5. The appellants have raised a wide range of issues in relation to this appeal. I confirm that I have considered all of the information before me and that this report focuses on the relevant land use planning matters raised.
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## **Main Issues**

6. The main issues in this case are the effects of the proposed development on the character and appearance of the area; its effect on the living conditions of neighbouring occupiers, with regards to noise and disturbance; and its effect on highway safety.

## **Reasons**

### *Character and appearance*

7. The appeal property, La Rocque Methodist Church, is a Grade 3 Listed Building. The buildings on the appeal site together comprise a Chapel, Hall and Manse, and closed as a place of worship in 2015. The site is situated at the corner of La Rue de la Sente Maillard and La Grande Route des Sables.
8. Whilst it also has a side entrance, the front porch of the Chapel faces towards La Rue de la Sente Maillard to the north and the modern single storey extension to the Hall faces the same road, albeit set back and with a recessed entrance porch. The Chapel's east elevation facing La Grande Route des Sables adjoins the road, without any set-back or footpath in between. The west elevation of the Hall and south elevations of the Hall and Manse also reach to the site boundary, without any set-back.
9. Built development therefore largely fills the appeal site, which is situated between residential and commercial uses. Immediately to the south and west of the site are relatively large-scale employment premises. Immediately across La Rue de la Sente Maillard from the appeal site is an attractive row of two storey terraced houses, set back from the road behind small front gardens. These include No 2 Windsor Cottages, a Grade 4 Listed Building within a terrace with group heritage value. The largely blank elevation of a detached dwelling faces the Chapel from across La Grande Route des Sables.
10. Whilst La Grande Routes des Sables comprises the A4, it is relatively narrow and without pavements as it passes the appeal site. The Rue de la Sente Maillard in this location is a narrow lane, also without pavements. There is a single yellow line along this road in front of both the appeal site and the cottages opposite.
11. During my site visit, I observed that, with the exception of the rather bland modern extension, together, the church, cottages, small gardens and associated boundary treatments in front of the cottages provide for an attractive and historic built form.
12. The proposal would involve the demolition of the modern single storey extension to the front of the Hall and its replacement with a small car parking area. I find that its removal would not harm the Listed Building but would, to a small degree, provide for a slightly more spacious setting to the heritage assets in the immediate area. This would result in a minor positive benefit to local character and overall, there would be no harm to heritage assets.
13. I note that the proposal would involve the provision of a roller shutter door where the hall would face the car parking area. This appears somewhat starkly on the plans submitted and it was accepted by the applicant at the public hearing that it is important to ensure that this part of the proposal is

sympathetic to the Listed Building, having regard to Island Plan Policy HE1, which presumes in favour of the preservation of the architecture, historic character and integrity of Listed Buildings. I address this matter in the conditions, below.

14. The site itself is located within the Built-Up Area, to which the Island Plan<sup>1</sup> directs development, in support of a more sustainable pattern of development and the more efficient and effective use of land and buildings. Given this presumption in favour of development and the absence of harm to local character or to heritage assets (subject to the proposed condition below), I find that the proposal is in keeping with Policies GD1, SP4, SP7, GD7 and HE1, which together amongst other things, serve to protect local character.

#### *Living Conditions*

15. The proposed development would involve the use of the appeal property for joinery. As such, it provides the potential for noise and disturbance to arise through day-to-day operations, including from the use of machinery, from deliveries and related manoeuvring and from general activities associated with commercial premises.

16. The applicant has provided a professionally produced report, by a credible company known to the Department, to demonstrate that noise arising from the proposed use would not reach harmful levels in respect of the impact on neighbours. Whilst I acknowledge that, in support of their case, the appellants disagree that the report provides an appropriate document to base a decision on, there is no substantive evidence before me to demonstrate that the report's findings are incorrect; and no alternative professionally produced noise report, demonstrating that any significant harm would arise, has been presented. In this regard, I also note that there is no evidence to demonstrate that the proposal would result in any harm to the living conditions of the occupants of the Manse in respect of noise and disturbance.

17. Further to the above, the Department's environmental health officer attended the public hearing. He confirmed his view that, based on the evidence submitted, the proposal was unlikely to have a significant or unacceptable impact on levels of noise and disturbance. In addition, he stated that robust processes exist outside the planning process to address harmful levels of noise and disturbance, were they to arise.

18. Taking the above into account and in the absence of any evidence to the contrary, I am satisfied that the proposed development would not give rise to unacceptable levels of noise and disturbance. In this regard, I am also mindful that the original planning permission was subject to a condition limiting the times and days of operation to the working week and Saturday mornings – those times when activities can reasonably be expected.

19. Consequently, I find that the proposed development would not harm the living conditions of neighbouring occupiers in respect of noise and disturbance. The proposal is in accordance with Island Plan Policy GD1, which amongst other things, protects residential amenity.

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<sup>1</sup> Revised 2011 Island Plan (2014).

### *Highway Safety*

20. The proposed development would provide the appeal property with two parking spaces that do not currently exist. The proposed size and design of the parking area and access to the premises is such that it allows for the likely manoeuvring associated with the proposed use.
21. There is little doubt that the existing site is constrained, in that there is no vehicular access and no parking. The proposal improves this situation. Further, it does so in a manner unlikely to give rise to large numbers of vehicle movements, or to create a high demand for parking.
22. In the above regard, I am mindful that the existing use of the property has the potential to generate a demand for car parking way in excess of the proposed use, without any means of catering for such. Consequently, the proposal would not result in any greater impact in terms of parking or traffic generation than might arise under the current use and in all reasonableness, would be likely to improve the situation by the introduction of the management of vehicular access and parking.
23. Taking the above into account, I find that the proposed development does not harm highway safety and is in keeping with Island Plan policy GD1, which seeks to ensure that development provides for appropriate manoeuvring and parking space, and does not result in unacceptable impacts on traffic generation or highway safety.

### *Conditions*

24. In granting planning permission, the Department imposed three planning conditions.
25. Taking each of these in turn, Condition 1 is unusual in that it is personal to TKDesign. TKDesign is simply a company name and there is nothing to prevent it from changing hands. In this regard, it is unclear why the condition seeks to ensure that the consent relates to a company name, rather than to the development itself. It could be, for example, that the named company decides to go into a different type of business which has different effects for planning purposes. In such a circumstance, Condition 1 runs the risk of being incapable of being enforced should a planning breach occur.

26. I recommend to the Minister that Condition 1 is replaced with the following condition:

*Condition 1: The use hereby permitted comprises a joinery workshop within the existing hall and an ancillary showroom within the existing chapel, as shown on the drawings hereby approved. Following the implementation of this permission, no further changes to the use of the building, nor any subdivision of the site shall be undertaken, without the express permission of the Department of the Environment.*

*Reason: To ensure that any change of use or subdivision is assessed by the Department of the Environment to prevent an unacceptable increase in traffic generation or any other impact on highway safety in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).*

27. Condition 2 limits the use of the appeal property to acceptable working hours and no change is proposed to this Condition or its Reason.

28. As set out, Condition 3 would limit the flexibility of the proposed car parking spaces by preventing their use by visitors to the showroom. The Department has submitted an updated Condition and I consider this to be appropriate. Consequently, I recommend that Condition 3 changes to:

*Condition 3: No part of the site shall be used for the use hereby permitted until the vehicular manoeuvring area and respective car parking spaces have been laid out and surfaced as indicated on the approved plans. The car parking spaces shall thereafter be retained solely for the use of the occupants of, and visitors to, the site.*

29. No changes to the Reason for Condition 3 are proposed.

30. I refer earlier to the proposed roller shutter. To ensure appropriate planning controls over the appearance of this, having regard to the need to respect heritage assets, I recommend the introduction of the following new Condition.

*Condition 4: No part of the site shall be used for the use hereby approved until the proposed roller shutter door, or an appropriate alternative, has been installed. The details of that door, or appropriate alternative, shall be submitted to and agreed in writing by the Department of the Environment prior to its installation.*

*Reason: To ensure that the appearance of the entrance to the workshop is sympathetic to the setting of the Listed Building in accordance with Policies GD1, GD7 and HE1 of the Adopted Island Plan 2011 (Revised 2014).*

31. I note that the Department has suggested a new Condition relating to the submitted Travel Statements. However, these were submitted in support of the proposed development, rather than as mechanisms for development control. No substantive evidence has been provided to demonstrate that the Department could monitor or enforce the content of these documents, or that this would be necessary.

### **Other Matters**

32. In addition to all of the above, in reaching my conclusion, I am mindful that the proposed development not only seeks to bring a vacant building into use, but serves to preserve a heritage asset and support economic development, all within the Built-Up Area. This is a material planning consideration which adds weight to the recommendation below.

### **Conclusion**

33. For the reasons given above, I recommend to the Minister that the appeal be dismissed.

*N McGurk*

INSPECTOR