

# Planning Applications Panel Public Meeting

Meeting No:94

Date: 26 June 2014

Venue: The Church House, Town Church, St Helier

Start Time: 09.30

## Special Notes:

Members of the public are entitled to attend the meeting to observe.

Item No	Est. Time	Application No, Recommendation & Case Officer	Application Address	Description of Work
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### 09.30 - Decision Confirmations

(No further public representation allowed as Panel are confirming previous resolution)

1.		P/2014/0247 Officer Recommendation: <b>APPROVAL</b>  DS	The Old Forge, La Rue du Pontlietaut, St. Clement.	Convert 1 No. self catering unit into 1 No. dwelling. REQUEST FOR RECONSIDERATION of refusal of planning permission.
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2.		P/2013/1760 Officer Recommendation: <b>APPROVAL</b>  GD	Archirondel Cottage, La Route de la Cote, St. Martin.	Demolish existing West wing extension, lean-to, utility room and external WC. Form new single storey extension to rear cottage elevation. Create single garage/boathouse store and alter vehicular access to provide a new passing place. Close off existing access.
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### 09.35 -Planning Applications

3.		P/2014/0607 Officer Recommendation: <b>APPROVAL</b>  GD	Le Vlicot Cottage, Le Mont du Petit Port, St. Brelade.	Demolish existing cottage and construct new dwelling.
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4.		PP/2014/0114 Officer Recommendation: <b>REFUSAL</b>  GD	La Pepiniere Farm, La Rue de Crabbe, St. Mary.	Demolish 4 No. agricultural sheds. Construct 3 No. dwellings
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5.		P/2014/0626 Officer Recommendation: <b>APPROVAL</b>  RG2	Le Petit Chene, Le Mont de la Rosiere, St. Saviour.	Widen existing vehicular access. Create new vehicular access. Various external alterations.
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No	Time	App Number	Application Address	Description of Work
6.		P/2014/0615 Officer Recommendation: <b>APPROVAL</b>  MJ1	Beauchamp Farm, La Grande Route de St. Jean, St. John..	Change of use of part of shed for concrete processing and kitchen manufacturing. Erect 1.8 metre high wire mesh fence to form secure compound. Modify existing access.

### Coffee Break – 10.45

### 11.00 - Requests for Reconsiderations

7.		P/2013/1829 Officer Recommendation: <b>REFUSAL</b>  MJ1	South-West part of Field No. 346, La Route du Carrefour a Cendre, St. Peter.	Construct agricultural workers dwelling. REQUEST FOR RECONSIDERATION of refusal of planning permission.
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8.		RW/2014/0522 Officer Recommendation: <b>REFUSAL</b>  NR	Highbury, La Rue du Crocquet, St. Brelade.	RETROSPECTIVE: Replace 7 No. windows to East (front) elevation. ...REQUEST FOR RECONSIDERATION of refusal for planning permission.
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9.		RW/2014/0410 Officer Recommendation: <b>REFUSAL</b>  NR	2 Victoria Terrace, Victoria Street, St. Helier.	RETROSPECTIVE: Replace existing crittal dormer windows with new UPVC units on North elevation. REQUEST FOR RECONSIDERATION of refusal of planning permission.
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10.		RW/2013/1305 Officer Recommendation: <b>REFUSAL</b>  NR	Flat 2, 10, Duhamel Place, St. Helier.	RETROSPECTIVE: Replace existing timber window with pvcu window to first floor on East elevation. REQUEST FOR RECONSIDERATION of refusal of planning permission.
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11.		P/2013/1724 Officer Recommendation: <b>REFUSAL</b>  LD	Ancona, La Rue de la Coupe, St. Martin.	Demolish dwelling and construct new dwelling and detached garage.REQUEST FOR RECONSIDERATION of refusal of planning permission.
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12.		PP/2014/0112 Officer Recommendation: <b>REFUSAL</b>  LD	Land adjacent to the east of, Field No. 76, Le Mont de la Mare, St. Peter.	OUTLINE PLANNING: Construct earth-sheltered dwelling.REQUEST FOR RECONSIDERATION of refusal of planning permission.
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13.		RP/2014/0204 Officer Recommendation: <b>REFUSAL</b>  CJ	Beau Vallon Farm, Le Mont des Louannes, St. Peter.	Proposed first floor extension to existing home office. REQUEST FOR RECONSIDERATION of refusal of planning permission.
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Meeting Ends: 13.00(approx.)

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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**Planning and Environment Department  
Report**

**Application Number** P/2014/0247

**Site Address** The Old Forge, La Rue du Pontlietaut, St. Clement, JE2 6LG.

**Applicant** Mr M Foley

**Description** Convert 1 No. self catering unit into 1 No. dwelling. REQUEST FOR RECONSIDERATION of refusal of planning permission.

**Summary/  
Conclusion**

This report is presented to the **Panel** for the purposes of confirming the reasons following the indication at the meeting of the 29<sup>th</sup> May 2014 that it was minded to **APPROVE** permission for the above application, contrary to the Department's recommendation. The following conditions are recommended:

1. The development hereby approved shall be carried out entirely in accordance with the plans and documents permitted under this permit. No variations shall be made without the prior written approval of the Minister for Planning and Environment. The approved scheme shall be fully completed in accordance with the agreed details.

Reason: To ensure that the development is carried out and completed in accordance with the details approved by the Minister for Planning and Environment and to comply with Policy GD1 of the Adopted Island Plan 2011.

2. The parking and amenity space provision as illustrated on the approved drawings shall be retained to exclusively serve the dwellings as shown.

Reason: To ensure adequate parking and amenity space

	provision and to comply with Policy GD1 of the Adopted Island Plan 2011.
<b>Reasons</b>	Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.
<ul style="list-style-type: none"> <li>• <b>Informative for approval</b></li> </ul>	
<b>Officer Recommendation</b>	APPROVAL

**Endorsed by:**

**Date:**

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
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**Planning and Environment Department  
Decision Confirmation Report**

**Application Number** P/2013/1760

**Site Address** Archirondel Cottage, La Route de la Cote, St. Martin, JE3  
6DY.

**Applicant** Mr & Mrs Martin

**Description** Demolish existing West wing extension, lean-to, utility  
room and external WC. Form new single storey extension  
to rear cottage elevation. Create single garage/boathouse  
store and alter vehicular access to provide a new passing  
place. Close off existing access.

**Summary/  
Conclusion**

This report is presented to the **Panel** for the purposes of  
confirming the reasons following the indication at the  
meeting of 29<sup>th</sup> May 2014 that it was minded to  
**APPROVE** permission for the above application, contrary  
to the Department's recommendation.

**Recommended  
Reasons  
For Approval:**

Permission has been granted having taken into account  
the relevant policies of the approved Island Plan, together  
with other relevant policies and all other material  
considerations, including the consultations and  
representations received.

It is considered that the grant of permission for the  
detached garage/boathouse as a suitable exception to  
the Island Plan, 2011 is justified in this instance having  
regard to all the circumstances of the case, in particular  
having regard to the additional landscaped bank to the  
north, and the scale and the location of the boathouse/  
garage, which will be sensitively assimilated into the  
landscape and will not cause serious landscape harm  
within the Coastal National Park.

Furthermore, given the contemporary design, scale and location of the extension which will be partially screened from the roadside, and involve the removal of other less sensitive modern structures on the site, the scheme is considered to respect and relate positively to the existing Listed Building and does not result in serious harm to the landscape character of the Coastal National Park.

The scheme is considered to accord with Policies GD1, HE1, HE2 and with the exception of the detached boathouse NE6 of the Jersey Island Plan, 2011.

**Officer  
Recommendation**

APPROVAL

**Conditions:**

The Department recommends the following conditions:

1. Prior to the commencement of construction, a Project Design for an Archaeological Watching Brief shall be submitted to and approved in writing by the Minister for Planning and Environment. This Project Design will deliver archaeological supervision during ground breaking works to assess any further archaeological interests. The archaeological works shall then be carried out in accordance with the agreed Project Design. Any features of archaeological interest shall be reported immediately to the Minister for evaluation of their importance and potential for removing, recording and retention.

*Reason:*

*In the interests of improving the understanding of the archaeology and historic development of the Island in accordance with Policy HE5 of the Adopted Island Plan, 2011.*

2. Prior to the commencement of the development, hereby permitted, a programme of recording and analysis of the protected structures forming the adjacent bunker to the terms of a brief to be supplied by the Department, shall be submitted to and approved by the Minister for Planning and Environment, to be thereafter implemented.

*Reason:*

*To ensure that special regard is paid to the interests of protecting the architectural and historical interest, character and integrity of the building under the provisions of Policies SP4, HE1, HE2, HE5 of the Adopted Island Plan, 2011.*

3. Notwithstanding the details submitted on the drawings, the details of the new roof light shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of development. These details shall be implemented and maintained thereafter.

*Reason:*

*In order to safeguard the character and integrity of the Listed Building, in accordance with Policies GD1 and HE1 of the Jersey Island Plan, 2011.*

4. Notwithstanding the details submitted on the approved drawings, large scale joinery details of the dormer windows shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of development. These details shall be implemented and maintained thereafter.

*Reason:*

*In order to safeguard the character and integrity of the Listed Building, in accordance with Policies GD1 and HE1 of the Jersey Island Plan, 2011.*

5. If hidden historic features are revealed during the course of works they should be retained in-situ until examined by the Historic Buildings Officer. Works shall be suspended in the relevant area of the building and the Historic Buildings Officer notified immediately with a view to agreeing the appropriate action. Failure to do so may result in unauthorised works being carried out and an offence being committed.

*Reason:*

*To ensure that special regard is paid to the interests of protecting the architectural and historical interest, character and integrity of the building under the provisions of Policies GD1 and HE1 of the Jersey Island Plan 2011.*

6. Notwithstanding the details submitted on the drawings, final large scale details of the attachment of the glazed link to the rear of the cottage, shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of development. These details shall be implemented and maintained thereafter.

*Reason:*

*In order to safeguard the character and integrity of the Listed Building, in accordance with Policies GD1 and*

*HE1 of the Jersey Island Plan, 2011.*

7. Notwithstanding the details submitted on the drawings, a full external materials schedule shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of development. The development shall then be undertaken in accordance with that agreement and the agreed materials retained.

*Reason:*

*In order to safeguard the character and integrity of the Listed Building, in accordance with Policies GD1 and HE1 of the Jersey Island Plan, 2011.*

8. Notwithstanding the details submitted on the drawings, confirmation of the proposed treatment (retention, repair and restoration) of the water pump to the front elevation shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of development. The agreed treatment shall then be undertaken on site prior to the first use of the proposed extensions hereby approved.

*Reason:*

*In order to safeguard the character and integrity of the Listed Building, in accordance with Policies GD1 and HE1 of the Jersey Island Plan, 2011.*

**Endorsed by:**

**Date:**



Department of the Environment  
**Planning and Building Services**

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**Department of the Environment**  
**Report for Planning Applications Panel**  
**Site Visit**

- |                                   |   |
|-----------------------------------|---|
| <b>1. Application Number</b>      | P/2014/0607   |
| <b>2. Site Address</b>            | Le Vlicot Cottage, Le Mont du Petit Port, St. Brelade, JE3 8HL. |
| <b>3. Applicant</b>               | Ms A Egglshaw   |
| <b>4. Description</b>             | Demolish existing cottage and construct new dwelling.           |
| <b>5. Type</b>                    | Major Application   |
| <b>6. Date Validated</b>          | 16/04/2014  |
| <b>7. Zones &amp; Constraints</b> | Coastal National Park   |

**Summary**

This application proposes the construction of a replacement dwelling. Planning Permission has been given previously for a similar scheme following which the original building has been demolished. Effectively the current application seeks permission for an alternative new building to that already approved.

Since that original permission was granted however, the 2011 Island Plan has been adopted and the site is now within the Coastal National Park. Within the park there is a presumption against development, but certain types of development are accepted in principle such as extensions to houses and also replacement dwellings where these give rise to environmental gains, make a positive contribution to the landscape, reduce visual impact and achieve an improvement in design.

The original building, although modest in size, was not especially attractive nor of a traditional design. The proposed building builds upon some of the positive characteristics of the building such as its cladding, but does so in a style and scale of building which is considered more traditional, whilst also tidying up the site, respecting the character of the area and creating a dwelling providing a significantly better living environment. Since the application was submitted it has been reduced in size so that it is now a very similar size to that approved. It is set against a green backdrop and will be smaller than the buildings around it.

It is considered to achieve an *improvement* in visual impact but it does not achieve a *reduction* in visual impact. The Panel must however also take into account the existing planning permission for a replacement dwelling, which remains extant and could be built at any time. The proposed dwelling is a simpler design which is no less acceptable in terms of design and visual impact than the existing approval, and the new proposal achieves a reduction in excavation and so retains more of the existing landscape. Overall therefore it is considered that it is an acceptable alternative to the existing approval and satisfies the requirements of policies GD1, GD2, GD7 NE2 and NE4, and the majority of the requirements of policy NE6, and can be considered as an acceptable exception to that policy.

**Department  
Recommendation**

APPROVAL

**8. Site Description  
& Existing Use**

The site has been recently cleared of the small two bedroom chalet dwelling in order to implement the permission granted for a new dwelling in August 2009 (detailed below).

**9. Proposed  
Development**

The proposal involves the demolition of the existing dwelling and construction of a new larger three bedroom chalet style dwelling.

There have been three design changes to this live application.

- The increase in the width of the access by moving the existing north east boundary wall by 1m.
- The introduction of a retaining wall to the parking area.
- The decrease in the width of the chalet from 12m to 10.5m.

**10. Relevant  
Planning History**

REFUSED Feb 2014 Demolish existing cottage and construct new dwelling.

The five reasons for refusal are summarised below;

- 1) The proposal is significantly greater than the existing dwelling;
- 2) The design details failed to complement the style of traditional buildings
- 3) Inadequate visibility at the access;
- 4) The lack of waste management details;
- 5) The lack of information with regard to repairing and refurbishing the existing property.

APPROVED August 2009 - Demolish existing chalet. Construct 1 No. dwelling (two bed) P/2009/0390.

**11. Consultations**

**Highways section of TTS** in its letter dated 25<sup>th</sup> April stated that the proposal results in an intensification of use of the access with limited visibility at 15m to the offside and could not support the proposal.

The agent submitted an improvement to the visibility showing 30m offside visibility (15<sup>th</sup> May 2014).

TTS were re-consulted and the visibility now satisfies their requirements.

**Drainage section of TTS** in its letter dated 14<sup>th</sup> May confirms that the existing property is served by a foul connection to the public foul sewer.

There is a no public surface water sewer available and it is noted that surface water from the proposal will be drained to soakaway.

**Natural Environment Section of DoE** in its letter dated 1<sup>st</sup> May 2014 states:

It is the responsibility of the applicant to inform all site workers of the possibility of protected species on site and the implications under the Conservation of Wildlife (Jersey) Law 2000. If any protected species are found, the applicant shall stop work and notify the Department of the Environment immediately.

**All consultations are attached with the background papers**

**12. Representations** There have been six letters of objection, two of which are from the same household (closest neighbour to the south west).

- Unacceptable increase in traffic generation resulting in an increase in noise and disturbance and an unsafe access arrangement.
- Unacceptable impact on neighbours by virtue of loss of privacy and overlooking of gable window to property Les Trois Isles to the south west.
- Out of keeping with character of the area – increase in height and larger footprint than the existing.
- Excavation of north and north eastern bank.
- Loss of trees resulting in potential undermining of footings of adjacent building Le Trois Isles and destabilisation of bank near borehole.

The agent has responded with an alteration to the site plan to show improved visibility and the reduction in width by 1.5m resulting in a floor space which is the same as the previous approval.

**All letters of representation and responses are attached with the background papers**

## **13. Planning Assessment**

### **a) Overarching policy constraints**

*GD1 General Development Considerations*

*Outlines the material considerations against which all development proposals will be tested, including the need for the highest standard of design and construction, and respect for the amenities*

*of adjacent properties.*

*GD 7 – Design Quality*

*Requires a high quality of design that respects, conserves and contributes positively to the landscape and built context.*

*NE 6 Coastal National Park*

*Sets the strongest presumption against all forms of new development. Notwithstanding this presumption, the Policy accepts that there may be opportunity to secure the repair and restoration of its character by allowing exceptions to the presumption against new development to be made where it is clear that a redevelopment of existing buildings or land uses might provide an opportunity to repair or reduce the damage caused to the landscape character by existing buildings and uses.*

The proposed design, although higher and wider than the originally approved dwelling, reflects the character of the original dwelling, and displays local relevance. Significantly the proposal has been sited within the confines of the level site avoiding the removal of the surrounding rock. The dwelling is therefore considered to be located in a more sensitive location than the previously approved dwelling, and no longer requires the blasting of rock.

*GD 2 Demolition and Replacement of Buildings*

*The demolition of a building, or part of a building, will not be permitted unless:*

- it involves a building which is not appropriate to repair or refurbish,*
- it makes adequate provision for management of demolition waste,*
- it would not have an unacceptable impact on a listed building or place,*
- it would not have an unacceptable impact on the character and amenity of the area and,*
- in the case of a replacement building, the new building must enhance the appearance of the site and surroundings and should be seen to replace a building that is not appropriate to repair or refurbish.*

The original building has now been demolished. The new building is considered to enhance the character of the area.

*NE2 Species Protection*

Permission will only be granted for development that would not cause significant harm to animal or plant species protected by Law, or their habitats.

In this case the reduction in excavation and retention of landscaping will give greater opportunities for habitats than the existing and previously approved schemes.

*NE4 - Trees, woodland and boundary features which are of townscape, amenity, biodiversity or historical value will be*

*protected.*

The site benefits from a significant amount of mature trees and vegetation. The retention of this and the improvement to screening to the boundaries of the site is considered essential to maintaining biodiversity and helping to assimilate the development into the surrounding landscape, given that the site lies within the Coastal National Park.

**b) Scale  
Form, Siting &  
Design**

The proposed dwelling has a floor space of 112 sqm metres. The approved dwelling is 111sqm and the original chalet was 38 sqm.

There are a number of examples of these chalet style properties in sea side locations around the Island. The proposed pitched roof chalet building is considered to respect the overall character of the original dwelling and has been designed with a veranda overhang and good quality materials. It is therefore considered sympathetic to the local vernacular.

The scale of the property is 400mm higher and 1.5m wider than the previously approved dwelling. However, the previous scheme included a larger ground floor and resulted in the excavation of a significant amount of banking to the north and north east.

Although this scheme is slightly larger in scale, than the 2009 approval and the demolished chalet, it has significantly less landscape impact than the approved scheme, given that no excavation of the eastern bank, which is bedrock, is proposed. A small amount of soil removal is proposed to create the parking area to the south side of the dwelling.

**c) Impact on the  
Landscape/Street**

The site benefits from a mature backdrop of trees and banking to the south and east side. Given this setting, the marginal increase in the size of the building is not considered to result in a detrimental impact causing harm to the character of the Coastal National Park.

The new dwelling has the same orientation as the original chalet building, facing north west, providing a suitable road frontage which reflects the character of the area.

**d) Impact on  
Neighbours**

The most potentially affected property is Petit Port Villa, located to the south west of Le Vlicot. The majority of this property's useable amenity space is located to the front (north) of the property and is a significant distance away from Vlicot Cottage. It is not considered that the balcony will result in unacceptable overlooking to the first floor terrace of Petit Port Villa.

Another close neighbour is located to the south, known as Les Trois Isles. This property is mainly orientated north/ south and benefits from a north facing terrace elevated above Le Vlicot and overlooking the site. The terrace level of Les Trois Isles is 5.6m

above the proposed site level of Le Vlicot.

Given the significant difference in levels and the south west orientation of the gable of the new dwelling, it is not considered that the scale of the dwelling will result in an overbearing impact. Furthermore, the window and small balcony to the southern gable will not result in unreasonable overlooking or loss of privacy.

Although some of the banking to the south is proposed to be removed to accommodate the parking, the Department requires the retention of the two Sycamore trees to the south in order to retain privacy to Les Tois Isles.

The adjacent apartment building to the north west of the site is located approximately 18 metres away at the closest point.

The location of the new dwelling is proposed to be brought closer to the Sea Crest apartment building by two metres. However, given the orientation of the new dwelling on the same building line and facing the same direction as the original dwelling and the significant distance between the two sites, the first floor dormer windows are not considered to result in an unacceptable level of overlooking and loss of privacy to the rooms and balconies of this apartment building.

**e) Access, Car Parking & Highways Considerations**

The access is proposed to be enlarged by the relocation of the roadside access wall to the north by 1m.

Two parking spaces are proposed to be provided to the south with granite chipping surfacing, with a retaining wall and access onto the existing track.

The access and parking are considered to meet the Minister's Parking Guidelines and adhere to the requirements of TTS.

**f) Foul Sewage & Surface Water Disposal**

The property proposes to connect to the existing foul sewer.

**g) Landscaping**

Three blackthorn bushes are proposed to be planted to the north eastern side of the site, in order to provide an environmental benefit and help assimilate the dwelling into the natural landscape setting.

The retention of both the Sycamore trees to the south of the parking area will be required by condition in order to retain the mature landscaped nature of the site.

**h) Planning Obligations**

No planning obligation agreements are required for this proposal.

**i) Other Matters**

The proposal adheres to the Minister's minimum space standards.

#### 14. Conclusion

This application proposes the construction of a replacement dwelling. Planning Permission has been given previously for a similar scheme following which the original building has been demolished. Effectively the current application seeks permission for an alternative new building to that already approved.

Since that original permission was granted however, the 2011 Island Plan has been adopted and the site is now within the Coastal National Park. Within the park there is a presumption against development, but certain types of development are accepted in principle such as extensions to houses and also replacement dwellings where these give rise to environmental gains, make a positive contribution to the landscape, reduce visual impact and achieve an improvement in design.

The original building, although modest in size, was not especially attractive nor of a traditional design. The proposed building builds upon some of the positive characteristics of the building such as its cladding, but does so in a style and scale of building which is considered more traditional, whilst also tidying up the site, respecting the character of the area and creating a dwelling providing a significantly better living environment. Since the application was submitted it has been reduced in size so that it is now a very similar size to that approved. It is set against a green backdrop and will be smaller than the buildings around it.

It is considered to achieve an *improvement* in visual impact but it does not achieve a *reduction* in visual impact. The Panel must however also take into account the existing planning permission for a replacement dwelling, which remains extant and could be built at any time. The proposed dwelling is a simpler design which is no less acceptable in terms of design and visual impact than the existing approval, and the new proposal achieves a reduction in excavation and so retains more of the existing landscape. Overall therefore it is considered that it is an acceptable alternative to the existing approval and satisfies the requirements of policies GD1, GD2, GD7 NE2 and NE4, and the majority of the requirements of policy NE6, and can be considered as an acceptable exception to that policy.

#### 15. Department Recommendation

APPROVAL

#### 16. Conditions

1. Notwithstanding the details submitted on the approved drawings, prior to the occupation of the dwelling, the dwelling shall be connected to the foul sewer, unless otherwise agreed in writing with the Minister for Planning and Environment.

*Reason:*

*In order to meet the requirements of Policies GD1 and LWM2 of the Jersey Island Plan, 2011.*

2. Notwithstanding the details submitted on the approved

drawings, the two Sycamore trees located to the south of the parking area, shall be retained and not reduced in height or lopped, unless otherwise agreed in writing with the Minister for Planning and Environment.

*Reason:*

*To ensure that the surrounding natural landscape is retained and that the neighbour remains screened from the development, which will help assimilate the development into the landscape, whilst protecting the amenities of the surrounding residents, in accordance with Policy GD1, NE1, NE2 and NE 4 of the Island Plan, 2011.*

3. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Minister for Planning and Environment, a scheme of landscaping which shall provide details of the following:

- i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site and on adjoining land within the same ownership;
- ii) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them, including specific planting proposed to both the northern and southern boundaries;
- iii) other landscape treatments to be carried out or features to be created, for example, any excavation works, surfacing treatments, or means of enclosure;
- iv) the measures to be taken to protect existing trees and shrubs; and,
- v) the arrangements to be made for the maintenance of the landscaped areas.

The approved works shall then be undertaken in the first planting season following the commencement of development.

*Reason*

*To ensure that before development proceeds provision is made for a landscaping regime that will enhance the appearance of the development and help to assimilate it into the landscape, whilst protecting the amenities of the surrounding residents, in accordance with Policy GD1, NE1, NE2 and NE 4 of the Island Plan, 2011.*

4. The approved landscaping scheme shall be implemented in full in the first planting season following the commencement of construction. Unless otherwise agreed in writing by the Minister for Planning and Environment, all the features shown within that scheme must be retained and:

- a) No tree/shrub/hedge which is shown on these approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped, or topped other than in accordance with the approved plans, particulars and without the prior written approval of the Minister for Planning and Environment.
- b) In the event that any tree/ shrub/hedge is removed, damaged or dies, another tree/ plant shall be planted at the same place and shall be of the same size and species and planted in the next



available planting season.

*Reason:*

*These features are considered to make an important contribution to the character of the area and for that reason the Minister for Planning and Environment wants to retain control over their removal or replacement, in accordance with Policy NE 4 of the Island Plan, 2011.*

5. No tree felling or hedge removal or any clearance works shall be undertaken between the period 1st March to 31st July in any calendar year unless a written statement has been submitted from a qualified and competent person confirming that there are no nesting birds or other protected wildlife in any of the trees or hedgerows to be felled or removed. The written statement shall be submitted to and approved by the Minister for Planning and Environment at least 5 working days in advance of any felling or clearance works.

*Reason:*

*To ensure the protection of any nesting birds and any recognised species in accordance with the requirements of Policies NE 2 and NE 4 of the Jersey Island Plan 2011.*

6. Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011, or any amendment to or replacement of that order, no works involving the erection of a building allowed by Classes A, B & C of Part 1 of Schedule 1 of those Regulations or any other excavations (other than those shown on the approved plans), is permitted without the prior approval of the Minister for Planning and Environment.

*Reason:*

*The prominence of the site requires strict control over the form of any additional development which may be proposed and in order to retain the character of the Coastal National Park, in accordance with Policies GD1 and NE6 of the Jersey Island Plan, 2011.*

7. Prior to the commencement of the development hereby permitted, details of the siting and design of all walls and/or fencing shall be submitted to and approved in writing by the Minister for Planning and Environment. Such walls or fencing as may be approved shall be erected before the first occupation of the dwelling/accommodation unless the prior written approval by the Minister for Planning and Environment to any variation has been obtained.

*Reason:*

*To ensure that these features are completed as they are considered to be integral to the approved development which is located within the Coastal National Park where there is the highest level of protection, in accordance with Policies GD1 and NE6 of the Jersey Island Plan, 2011.*

8. Notwithstanding the details shown on the drawings, hereby approved, large scale details of the proposed dormer windows, shall be submitted to and agreed in writing with the Minister for Planning and Environment, prior to the commencement of

development. These details shall be implemented and maintained in perpetuity.

*Reason:*

*In order to safeguard the character and design of the proposal, in accordance with Policies GD1, GD7 and NE6 of the Jersey Island Plan, 2011.*

9. Prior to the first use/occupation of the development hereby permitted visibility lines must be provided in accordance with the approved drawings. Everything within the visibility sight lines, including gates, walls, railings and plant growth is to be permanently restricted in height to 900mm above road level.

*Reason:*

*In the interests of highway safety, in accordance with Policy GD 1 of the Island Plan, 2011.*

INFORMATIVE: It is the responsibility of the applicant to inform all site workers of the possibility of protected species on site and the implications under the Conservation of Wildlife (Jersey) Law 2000. If any protected species are found, the applicant shall stop work and notify the Department of the Environment immediately.

## **17. Reason for Approval**

The proposed development is considered to be acceptable having due regard all of the material considerations raised including all of the representations received. In particular, the development has been assessed against Policy NE6 of the Jersey Island Plan 2011, which allows for replacement buildings where they give rise to demonstrable environmental gains and restore landscape character. The proposals satisfy this policy other than in respect of the requirement to reduce visual impact. In this case however, it is considered that the grant of permission as a suitable exception to Policy NE6 is justified having regard to all the circumstances of the case, in particular having regard to the extant permission for a replacement dwelling. This proposal builds upon the positive characteristics of the original chalet building, whilst also tidying up the site. Although this proposal does not achieve a reduction in visual impact it achieves an improvement in visual impact and is considered an enhancement of the site. In addition it achieves a reduction in excavation and landscape impact compared to the existing approval.

In addition, the representations raised to the scheme on the grounds of an unacceptable increase in traffic generation resulting in an increase in noise and disturbance ; unsafe access arrangements; loss of privacy and overlooking and excavation of the bank and the loss of trees, have been assessed. However, overall this scheme is considered an acceptable alternative to the existing approval and satisfies the requirements of Policies GD1, GD2, GD7, NE2 and NE4, in that it does not have an unreasonable impact given the improvement to the access and visibility achieved, the distance and relationship to the neighbouring properties and as a result of landscape improvements and retention of existing features.

**18. Background  
Papers**

1:2500 Location Plan  
4 consultation responses  
6 letters of objection

**Department of the Environment  
Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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**Department of the Environment  
Report for Planning Applications Panel  
Site Visit**

- |                                   |  |
|-----------------------------------|--|
| <b>1. Application Number</b>      | PP/2014/0114   |
| <b>2. Site Address</b>            | La Pepiniere Farm, La Rue de Crabbe, St. Mary, JE3 3AD.      |
| <b>3. Applicant</b>               | Mr R Baudains<br>C/O Benest & Syvret                         |
| <b>4. Description</b>             | Demolish 4 No. agricultural sheds. Construct 3 No. dwellings |
| <b>5. Type</b>                    | Major Application  |
| <b>6. Date Validated</b>          | 24/01/2014   |
| <b>7. Zones &amp; Constraints</b> | Water Pollution Safeguard Area<br>Green Zone                 |

**Summary**

The Department has taken into account all the material planning considerations with regard to this site, which crucially includes the previous historical permissions for the sheds and the two more recent applications determined under the previous Island Plan.

The Department's conclusion is fundamentally based on the policy context of the Island Plan and the introduction of the employment land policy, neither of which were in place when the previous application was considered.

The Department is prepared to accept that if there is no demand for an alternative commercial use, the removal of the sheds may be justified, notwithstanding the conditions imposed on the original permissions. However it has not been proven that the sheds are redundant to the agricultural industry as a whole, nor that they cannot be used for an alternative employment use. In addition given the layout, the visual impact, the design, the lack of local relevance, the Department cannot support the application for the reasons set out at the end of the report.

**Department  
Recommendation**

REFUSAL

- |                            |  |
|----------------------------|--|
| <b>8. Site Description</b> | The application site encompasses Fields 343 and 344. It is located |
|----------------------------|--|

## **& Existing Use**

to the north side of La Rue de Crabbe and to the south of La Rue des Touettes, with accesses from both lanes.

There is an existing house located to the south end of the site and a bungalow to the north east both with agricultural restrictions.

## **9. Proposed Development**

Demolish 4 No. agricultural sheds and construct 3 No. dwellings with a new formalised domestic access to both the north and south of Fields 343 and 344.

## **10. Relevant Planning History**

There is extensive history on this site which has been examined in two parts. This latest application has been submitted since the adoption of the Jersey Island Plan, 2011.

### Previous site history supporting agricultural development from 1988 to 2002:

#### **APPROVED** (most southerly shed)

New farming unit comprising implement store, cow shed with dairy unit, 2 storey dwelling and garage.

Condition to be retained as part of the corpus fundi and with agricultural occupancy requirement for the dwelling. August 1988 (Ref: 15095)

#### **APPROVED** (House extension)

Conversion of first floor extension of existing garage into separate unit of accommodation. Feb 1991.(15095/A)

#### **APPROVED** (addition to most southerly shed)

Construct new stock building

Condition to be retained as part of the corpus fundi. Feb 1997.(15095/C)

#### **APPROVED** (most easterly shed)

Construct young stock building with 2 bull pens and feed store. Oct 1998 (15095/E)

Condition: If falls into disuse or disrepair, it is to be removed.

#### **APPROVED** (middle shed)

Construct new milking stock building

Condition: If falls into disuse or disrepair, it is to be removed and to be retained as part of the corpus fundi. July 1999 (15095/F)

#### **APPROVED** (most northerly shed)

Construct machinery store and silage clamp

Condition: If falls into disuse or disrepair, it is to be removed and to be retained as part of the corpus fundi. August 2000 (15095/G)

#### **APPROVED** (dwelling to north east)

New bungalow ( PP/2001/1180 Dec 2001 and PB/2002/0417 – July 2002)

Conditions: agricultural occupancy

2007 – Mr Baudins came out of farming through the Exit Strategy.

### **More recent history 2007- 2011**

(Crucially prior to the current Island Plan, 2011 and the implementation of SPG '*Protection of Employment Land*' June 2012):

#### **REFUSED**

Demolish 3 No. agricultural sheds. Construct 3 No. houses with new access and altered existing access. (PP/2009/0804) July 2009

1. The proposed development represents the erection of new residential development within the Green Zone and, in the absence of any demonstrable essential agricultural need, is considered to be contrary to the provisions of Policy C5 of the Jersey Island Plan, 2002.
2. The proposed development would result in the permanent loss of agricultural land to residential purposes and, in the absence of any exceptional circumstances, is considered to be contrary to the provisions of Policy C13 of the Jersey Island Plan, 2002.

In July 2009, the Panel requested that the owner look at other options for the ongoing use of the sheds (as set out in the minutes of the meeting attached in the background papers), given that the sheds were 10 years old and were advertised 6 months previously.

The PP/2009/0804 application for three houses was refused on the basis of an absence of demonstrable agricultural need, loss of agricultural land and the absence of exceptional circumstances for housing.

**Pre-application advice** was requested for the demolition of three of the sheds in order to construct one dwelling. This acknowledged that the sheds were potentially redundant at the time and that there was a reduction in floorspace. However, the advice set out concerns with the proposed design. PA/2010/0143, March 2010.

#### **REFUSED**

Demolish 3 agricultural sheds. Construct 1 No dwelling, garage block and swimming pool. Construct stable block. Alter vehicular access. (P/2010/1024) May 2011

Reasons:

1. The proposed development represents the erection of new residential development within the Green Zone and, in the absence of any demonstrable essential agricultural need, is considered to be contrary to the provisions of Policy C5 of the Jersey Island Plan, 2002.
2. The proposed development would result in the permanent loss of agricultural land to residential and private equine grazing purposes and, in the absence of any exceptional circumstances, is considered to be contrary to the provisions of Policy C13 of the Jersey Island Plan, 2002.
3. The design, bulk, massing and total floor area of the proposed dwelling and associated structures are considered

to be out of keeping and out of scale and proportion to other forms of residential development in the vicinity and, accordingly, the proposal fails to comply with the provisions of Policies G2, G3 and C5 of the Jersey Island Plan, 2002.

In May 2011, the Panel did not dispute the fact that the dairy use was redundant (as set out in the minutes of the meeting attached in the background papers). However, other agricultural uses or other commercial uses were clearly not examined. The application was refused on the same grounds as in July 2009, with an additional reason relating design, bulk, massing and that the total floor area was out of keeping with the surrounding forms of residential development.

## **11. Consultations**

**Parish of St Mary** in its letter dated 26<sup>th</sup> February 2014 states:

This application has been considered by the Roads Committee. It is noted that no changes are proposed to the existing access. This being the case, the Committee has no comment on the proposals. Should the development be approved, care must be taken during the development period to ensure that no damage is caused to the by-road by heavy plant and machinery accessing the site.

**Drainage section of TTS** in its letter dated 13<sup>th</sup> May 2014 states:

There is a public foul sewer in La Rue de Crabbe to which the existing property has been provided with a foul connection. The sewer has the capacity for the proposal.

The backwash for the swimming pool will be allowed to connect to the foul sewer system. In the absence of a public surface water sewer it is noted that run-off will be directed to soakaways.

**Land Controls and Agricultural Development Section of DoE** in its letter dated 17<sup>th</sup> March 2014 states:

This site is made up of 3 large agricultural sheds, 2 of which are designed for cattle the third a general purpose machinery/ storage building. It is known that the third building was used during 2013 for the storage of potatoes and machinery.

This section would ask that the standard protocol for advertising be followed.

The shed is to be advertised in the Growers section as an agricultural shed with location (Parish). The should be for 3 nights over a 3 month period using a JEP box with notification of any replies from the JEP. We would also ask that it be advertised on the gov.je website for this 3 month period.

If there is no agricultural interest this Section would then be able to fully consider the application.

**Natural Environment Section of DoE** in its letter dated 27<sup>th</sup> February 2014 states:

This property is subject to a number of features that indicate its potential use by bats and swallows and the latter are historically known to nest at this site.

The applicant should be aware of the risk of contravening the Wildlife Law.

**Environmental Protection Section of DoE** in its letter dated 20<sup>th</sup> February 2014 states:

Any asbestos found on the site should be dealt with in accordance with the provisions of the Waste Management (Jersey) Law 2005.

#### **Agent's Response**

The agent has confirmed their clients acknowledgement of the potential presence of bats and their responsibilities under the Conservation of Wildlife (Jersey) Law, 2000. Asbestos found on site will be dealt with in accordance with the Waste Management Law 2005.

#### **All consultations are attached with the background papers**

**12. Representations** There have been two representations received, no letters of support.

One objection has been received from a previous tenant of the northern most shed which states the following:

- The applicant knew that the objector was interested in buying the shed.
- He occupied the shed for 7 months and was then asked to leave within a month.
- He had to remove 28,000 potato boxes full of seed.
- He is still looking for an agricultural property to purchase.

The National Trust for Jersey have the following comments to make:

- This is a very isolated area.
- The proposals are contrary to the Island Plan policies
- SP1 requires that development is within the Built Up Area where people do not need to rely on the car.
- GD1 refers to a sustainable pattern of development
- The rural economy objectives refer to protecting the landscape and wildlife
- If the sheds are redundant they should be removed.
- Other commercial uses may be a possibility under Policy NE7.
- The Trust do not support the application.

#### **Agent's Response**

The agent suggests that the Planning Applications Panel has already committed to the development of this site for residential



purposes.

This issues is discussed below in Paragraph (i) *Other Matters*

**All letters of representation and responses are attached with the background papers**

### **13. Planning Assessment**

#### **a) Overarching policy constraints**

##### ***SP1 Spatial Strategy***

*Development will be concentrated within the Built Up Area and in particular within the Town of St Helier. Outside the Built Up Area, planning permission will only be given for development appropriate to the coast or countryside, Brownfield Land or Greenfield Land, in exceptional circumstances.*

**The three proposed dwellings are to replace 4 agricultural sheds on brownfield land where their redundancy from the agricultural industry has not been proven. The loss of these sheds has not therefore been adequately justified. Furthermore these dwellings are not considered to meet an identified agricultural need, nor a need for this type of large dwelling outside the Built Up Area.**

##### ***SP2 Efficient use of Resources***

*Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of development and to respond to climate change.*

**Permission for four agricultural sheds, through separate applications submitted over a period of time were granted as an agricultural need was originally identified. The applicant has not proven that this need has been extinguished.**

**The three dwellings proposed, take up the whole of the field leaving no land for agricultural use and fail to make an efficient and effective use of land to encourage the rural economy or to enhance the landscape.**

##### ***SP3 Sequential approach***

*A sequential approach to an assessment of development proposals will be applied in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings. This approach will be applied to the re-use and/ or redevelopment of land and buildings outside the Built Up Area in employment use.*

##### ***SP5 Economic Growth and Diversification***

*A high priority will be given to the maintenance and diversification of the economy and support for new and existing businesses. In particular the protection and maintenance of existing employment land and floor space for employment-related use; and*

*the redevelopment of vacant and under-used existing employment land and floor space for new employment uses.*

**As regards SP3 and SP5 this site is currently considered as employment land. No convincing case has been made to prove its redundancy from the agricultural or commercial industry.**

### **NE 7 – Green Zone**

Policy NE7 states there is a general presumption against all forms of new development for whatever purpose.

*Paragraph (b) - states there is a presumption against the redevelopment of modern agricultural buildings, except where the existing building can be re-used for an employment-related purpose in support of the agricultural industry or the rural economy.*

*Paragraph (c) states that there will be a presumption against the use of commercial buildings for purposes other than for those which permission was originally granted. Exceptions to this will only be permitted where:*

- i. The existing building can be re-used for an employment-related purpose in support of the agricultural industry or the rural economy.*
- ii. Their demolition and replacement with a new building(s) for another use would give rise to demonstrable environmental gains, reducing their visual impact and resulting in an improvement in the design of the buildings which is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise, in particular, from reductions in mass, scale, volume and the built form of buildings; reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensures the local relevance of design and materials; and a restoration of landscape character.*

*Development proposals that are potentially permissible exceptions to the presumption against new development in the Green Zone will only be permitted where they do not seriously harm the character of the area.*

**This scheme fails to effectively reduce the visual impact of the development, restore the landscape character and essentially provide demonstrable environmental gains.**

### **Policy E1 – Protection of employment land**

*There will be a presumption against development which results in the loss of land for employment use as supported by the Strategic Policy SP5 ‘Economic Growth and Diversification’ unless:*

- 1. It is demonstrated that the site is inappropriate for any employment use to continue, having regard to market demand. Applications will need to be accompanied by*

- documentary evidence.*
2. *The existing development is predominantly office or tourist accommodation; or*
  3. *The overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises; or*
  4. *The existing use is generating environmental problems such as noise, pollution or unacceptable levels of traffic and any alternative employment use would continue to generate similar environmental problems.*

**SPG – Protection of Employment Land June 2012** *The Minister expects the **site** (that would include the sheds and the land itself in this case) to have been marketed for both its authorised use and other suitable employment uses given to justify the release of an employment site for another use.*

*Applicants are required to have undertaken a vigorous marketing campaign alerting the availability of the site to the business community. Simply because an employment site is vacant, does not mean that the site is redundant. Furthermore, the site should also be advertised as available as a redevelopment opportunity for employment use.*

**ERE 5 – Change of Use and/ or conversion of modern farm buildings**

*There will be a presumption against the change of use/ and or conversion to other use of modern farm buildings unless the redundancy of the building to the farm unit and to the agriculture industry as a whole is proven by the applicant that the building is not of strategic importance to the agricultural industry.*

*If the Minister is satisfied that the building is redundant to the needs of the agricultural industry, then consideration may be given to an alternative use.*

**The submitted information does not include any recent evidence of marketing to the agricultural industry or the wider commercial sector, to satisfy the requirements of Policies E1 and ERE5.**

**Policy ERE 1 Safeguarding agricultural Land**

There is a presumption against the permanent loss of good agricultural land for development or other purposes. Where exceptions are proposed, the Minister for Planning and Environment will take into account; the impact on the viability of an agricultural holding; the nature of the proposed use; in the case of a dwelling, the requirement for reasonable private amenity space; the visual impact; and the recommendations contained in the Countryside Character Appraisal.

**Countryside Character Appraisal:**

This site is located in an area called Interior Agricultural Land.

There is no capacity to accept any new development and it is recommended that the agricultural land along the north coast should have high levels of protection. Development, even small scale buildings or track ways should be discouraged on the wholly undeveloped areas at Crabbe and east of Sorel Point.

Where developments are permitted, opportunities should be taken to achieve the environmental enhancements and management measures outlined.

### ***GD1 General Development Considerations***

Outlines the material considerations against which all development proposals will be tested, including the need for the highest standard of design and construction.

### ***GD 7 – Design Quality***

Requires a high quality of design that respects, conserves and contributes positively to the landscape and built context.

**The scheme is considered to take up a disproportionate amount of agricultural land, resulting in a design which is out of keeping with the scale and character of the surrounding residential development and landscape.**

### ***GD 2 – Demolition and Replacement of Buildings***

*The demolition of a building, or part of a building, will not be permitted unless: (inter alia)*

- it would not have an unacceptable impact on a listed building or place,*
- it would not have an unacceptable impact on the character and amenity of the area and,*
- in the case of a replacement building, the new building must enhance the appearance of the site and surroundings.*

**These four modern sheds are between 15 and 20 years old. A case to justify that they are not appropriate to repair or refurbish has not been submitted.**

### ***NE2 Species Protection***

Permission will only be granted for development that would not cause significant harm to animal or plant species protected by Law, or their habitats.

### ***NE4 Trees, woodland and boundary features***

These features which are of townscape, amenity, biodiversity or historical value will be protected by refusing development which will result in their loss or damage and requiring trees or hedgerows to be retained. Development proposals which do not adequately make provision for the appropriate landscaping of the site including the retention of existing trees and hedgerows may not be supported.

**The loss of this agricultural land will result in an unreasonable loss of habitat within this rural area of the**

## **Green Zone.**

### ***Policy LWM 1 Liquid waste minimisation and new development***

In considering proposals for new development, the Minister will seek to encourage water management measures to minimise the volumes of sewage effluent that has to be managed.

### ***Policy LWM2 Foul Sewerage Facilities***

This states that development which results in the discharge of sewage effluent will not be permitted unless it provides a system of foul drainage that connects to the mains public foul sewer network. A stringent drainage hierarchy will be considered and is required to be justified in a Foul Sewer Assessment where a connection to the foul sewer network is not financially feasible.

**The dwellings are proposed to be connected to the foul sewer. Details of this have not however been submitted at this stage.**

### ***Policy LWM 3 Surface Water Drainage Facilities***

The Minister will expect proposals for new development and redevelopment to incorporate Sustainable Drainage Systems into the overall design wherever practicable.

**The surface water is proposed to be drain to a soakaway. This detail has not been provided within this outline application.**

### ***Policy WM1 – Waste Minimisation and new development***

The Minister will require a Site Waste Management Plan to be submitted for all new development which would involve the demolition of major structures and will seek to encourage the minimisation of waste generated as part of construction activity and an increase in the recycling, re-use and recovery of resources.

**This detail has not been provided within this outline application.**

### ***Policy NR7 Renewable Energy in Developments***

*The Minister will encourage all developments to incorporate on-site low carbon or renewable energy technologies.*

**The development seeks to maximise orientation, incorporating ground and solar thermal energy for space and water heating and use of grey water harvesting for irrigation and W.C. flushing. The benefit of providing renewable energy solutions is acknowledged and welcomed.**

## **b) Scale Form, Siting & Design**

The four existing sheds total approximately 3,500sqm.

The total footprint of the three proposed dwellings combined is 780 sqm.

Although this is a considerable reduction in floor area within Field 343 of approximately 80%, the development is spread across the entire site. Creating a very large residential area in a rural location, this achieves little towards environmental gain in terms of returning land back to agricultural use, or landscape restoration, and fails to significantly reduce the visual impact of the development.

Unit 1 (southern dwelling) is a large one and a half storey dormer bungalow

Unit 2 (middle dwelling) is a large two storey pitched roof dwelling.

Unit 3 (northern dwelling), the largest is a contemporary, 'chalet style' bungalow with a large flat roof combining as a roof terrace.

Although Unit 3 is no higher than that existing sheds, Units 1 and 2 are proposed approximately one metre higher than the height of the existing sheds.

All three designs fail to reflect the local traditional architecture found within this largely unspoilt rural agricultural landscape.

Furthermore the extent of the footprint of House No. 3 is excessive at approximately 380 sqm. The average footprint of surrounding residential development, many of which are traditional Jersey farmhouses, is approximately 150 sqm. This house also relies on the creation of a new domestic access from La Rue des Touettes across the agricultural field.

Furthermore, this scheme for three houses has the same total footprint as the one dwelling proposal refused on this site in May 2011. Significantly, the May 2011 scheme retained some agricultural land, retaining the fourth shed. This scheme does not seek to improve the environmental benefits from the previous scheme and is considered a worse solution.

The proposal is therefore considered to be out of keeping with the scale and character of the surrounding residential development. Failing to restore landscape character and fails to comply with Policy NE7.

**c) Impact on the Landscape/Street**

Given that the proposed dwellings are spread across the entire site and are at a scale, they will be visually prominent within this rural landscape. Their bulk and mass do not sensitively reflect the character of the surrounding rural development.

**d) Impact on Neighbours**

The closest neighbouring properties are 10 and 15 metres away and are within the same ownership.

However the location of house No.3 is in close proximity to the agricultural bungalow located to the east. This is considered to be a poor relationship, but the scheme could not be refused on this basis.

**e) Access, Car**

The new domestic access to the north is a further unacceptable

**Parking & Highways Considerations**

incursion into an agricultural field. This land could be restored for future agricultural use.

This access is however considered to be safe, given that it is located on the outside of a bend of a local lane and is currently a wide access track for farm vehicles, combined with the neighbouring bungalow's drive.

The other two units to the south rely on the large existing access to the south, which is considered acceptable.

**f) Foul Sewage & Surface Water Disposal**

The new dwellings are proposed to connect to the foul sewer. No details have been provided at this stage.

**g) Landscaping**

Landscaping has been shown in outline on the boundaries between the three properties and around the edge of the application site.

Although this is noted and welcomed it is not considered enough in order to justify that sufficient environmental gain or landscape restoration is achieved, given the sprawl of development across the site, and the loss of agricultural land.

**h) Planning Obligations**

No Planning Obligation Agreements are required.

**i) Other Matters**

The applicant's advocates submitted a letter on 9<sup>th</sup> April raising the following points:

- Previous history/ details of States Members views at the Planning Applications Panel meeting, in terms of the amount of development which might be acceptable and the discussion of redundancy of the site is key to the consideration of a future application.
- Reliance of the applicant on advice from the Panel (McCarthy case)
- The consistency of decision making.

Specifically the applicant notes that on May 2011 in refusing a previous application, some PAP members said that 2 or 3 units might be acceptable. The Department has considered this point and the weight to be attached to these comments.

The previous planning history is a material planning consideration in respect of any application for development. However, the policies of the Island Plan are not put to one side and remain the primary consideration. Also, since May 2011 the 2011 Island Plan has been adopted, introducing the Spatial Strategy, new policies for development in the countryside and Policy E1 (Employment Land). This application has to be considered under the policies now in place.

Moreover, in making a comment that 2 or 3 units may be acceptable, PAP members were not commenting on a specific

scheme and gave no assurances as to scale, design and layout, other than they should be 'significantly smaller' and of a 'traditional style'. It would be wrong to take this comment to be an encouragement for 3 large dwellings with curtilages which consume the entire site, plus a new access driveway.

The McCarthy case highlights that the cost of preparing plans and applications was not serious detriment, but purchase of property in reliance may be. It requires considerably more than the preparation of plans to constitute detriment to an applicant.

#### **14. Conclusion**

Notwithstanding the submission of the applicants' redundancy case (dated July 2009 and attached in the background papers) for the refused May 2011 application, this submission fails to adequately justify redundancy from both the dairy and agricultural industry as a whole at this point in time.

The Department is not satisfied that the site has been adequately marketed for both agricultural and commercial uses, in order to satisfy Policy E1, ERE5 and *Supplementary Planning Guidance on Employment Land*.

Moreover, Policy NE7 does not support the replacement of these agricultural buildings for another use without adequate justification.

The Spatial Strategy of the Island Plan aims to encourage new residential development within the Built Up Area. The size of these new dwellings on agricultural land is not considered to be adequately justified in such a remote rural location, taking up a disproportionate amount of agricultural land without providing sufficient environmental gain and failing to satisfy the requirements of Policies NE7 and ERE1.

The mass, scale, design and layout of the dwellings fails to significantly reduce visual impact and provide architectural features which do not adequately demonstrate local relevance or complement the surrounding settlement style, form and character. The scheme does not contribute positively to the character and appearance of the area and is contrary to the requirements of Policies NE7, GD1, GD7 and ERE1 of the Jersey Island Plan, 2011

#### **15. Department Recommendation**

REFUSAL

#### **16. Conditions**

1. The application site is currently identified as employment land and insufficient information has been submitted to justify the loss of agricultural land. Insufficient information has been also been submitted to justify why an alternative commercial use on the site has not been explored. Accordingly, the proposal is contrary to the aims of Strategic Policies SP3 and SP5, Policies ERE5 and E1 of the Jersey Island Plan 2011 and Supplementary Planning Guidance Protection of Employment Land June 2012.



2. The application site falls within the Green Zone as identified on the Proposals Map of the 2011 Island Plan where there is a presumption against all forms of new development for whatever purpose, with a specified presumption against the demolition and replacement of modern agricultural buildings for another use without an established identified housing need, accordingly the residential development proposed is contrary to the aims of Strategic Policies SP1 and SP2 and Policy NE 7 of the Jersey Island Plan 2011.

3. The submitted scheme by virtue of its inappropriate layout (with an unacceptable domestic incursion into an agricultural field) is not sensitive and sympathetic to achieving a long term landscape restoration for the benefit of the landscape and the agricultural industry. Furthermore, the mass, scale and design of the dwellings fail to significantly reduce visual impact and include architectural features which do not adequately demonstrate local relevance or complement the surrounding settlement style, form and character. The scheme does not contribute positively to the character and appearance of the area and is contrary to the requirements of and Policies NE7, GD1 and GD7 of the Jersey Island Plan, 2011.

## **18. Background Papers**

1:2500 Location Plan  
Planning Report in Support of Application  
6 consultation responses  
2 letters of objection  
1 response from agent  
May 2011 Panel Minutes  
July 2009 Panel Minutes  
1 response from applicant's lawyer  
1 Legal Advice from the Law Officer's (not for public use)

Department of the Environment  
**Planning and Building Services**

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**Department of the Environment  
Report for Planning Applications Panel**

<b>1. Application Number</b>	P/2014/0626
<b>2. Site Address</b>	Le Petit Chene, Le Mont de la Rosiere, St. Saviour, JE2 7HF.
<b>3. Applicant</b>	Mr & Mrs R. French
<b>4. Description</b>	Create new vehicular access. Various external alterations.
<b>5. Type</b>	Minor Application
<b>6. Date Validated</b>	24/04/2014
<b>7. Zones &amp; Constraints</b>	Built-Up Area Water Pollution Safeguard Area

**Summary**

The proposals comprise the creation of a new vehicular access on to a private lane to the north of the site and to create a new ground floor opening to the east elevation. Provision of the new access point would reduce the current need to reverse out of the site on to Mont de la Rosiere.

Seven parties have objected to the proposed development, voicing strong concerns in relation to the standard of the proposed access on to La Rosiere Park and the subsequent impact upon vehicular movements within La Rosiere Park.

The concerns expressed by the neighbouring occupiers are acknowledged, however, the works proposed, are considered to sit comfortably with the site and its Built Up Area setting. The proposed vehicular opening has been designed to provide ease of access to and from the application site. The relationship between Le Petit Chene and La Rosiere Park is noted, however, the latter is a small residential cul de sac wherein vehicular movements are likely to be slow and small in number. Consequently the introduction of a single, private vehicular access on to La Rosiere Park, is not considered to cause serious harm to the amenity or safety of neighbouring land users, whilst the reduction in the use of the access onto Le Mont de la Rosiere will improve safety.

**Department  
Recommendation**

Approve

**8. Site Description & Existing Use** The application site comprises a large two storey granite property situated on the western side of Le Mont de la Rosiere within a designated Built Up Area.

**9. Proposed Development** This application seeks planning permission to create a new vehicular opening to the northern boundary of the site which abuts La Rosiere Park, enclosed by 2000mm high sliding timber gates, and to create a new ground floor door opening to the east elevation of the building.

For the avoidance of any doubt the alteration to the recessed wall adjacent to the existing eastern access and the various additional external alterations to the main dwelling, as specified on the submitted plans, do not require planning permission. Consequently the Department cannot exercise any control over these works.

**10. Relevant Planning History** There is no relevant planning history.

**11. Consultations** **Natural Environment Section of DoE** in its letter dated 6<sup>th</sup> May 2014 has noted that the property contains a number of features which indicate its potential use by bats. Consequently all site workers are to be made aware of the potential presence of protected species and the implications under the Wildlife Law.

**The consultation response is attached with the background papers.**

**12. Representations** Seven letters of representation have been received, voicing their objection to the proposed development. Those objections are summarised as follows:

- Proposed vehicular access will create a significant accident hazard by virtue of the blind opening on to the private road of La Rosiere Park;
- Exiting the proposed access will be impeded by vehicles parked on La Rosiere Park; and,
- The movement of vehicles on La Rosiere Park will be adversely affected by the proposed access.

The applicant's agent has responded to the letters of representation. Those comments are summarised as follows:

- The objections relate to the proposed access only;
- The applicant has a number of legal rights relating to a right of way and access on to La Rosiere Park;
- A vehicular access previously existed in the proposed location;
- Traffic mirrors could be introduced to aid visibility;
- Proposed access would bring an end to the need for vehicles within Le Petit Chene having to reverse on to Mont de la Rosiere;
- Proposals will be clearly beneficial to road safety and the additional single car usage does not unreasonably impact

upon the adjacent properties.

**All letters of representation and the applicant's agent response are attached with the background papers.**

### **13. Planning Assessment**

#### **a) Overarching policy constraints**

##### **Policy GD1 General Development Considerations**

outlines the material considerations against which all development proposals will be tested, including the need to ensure development does not unreasonably affect the character and amenity of the area, and addresses highway safety. In this instance the proposed works are considered to be commensurate with this Built Up Area setting and are not deemed to cause serious harm to the amenity of neighbouring land users, nor on balance result in a detrimental impact on highway safety.

##### **Policy GD7 Design Quality**

requires a high quality of design that respects, conserves and contributes positively to the landscape and built context. The simple, traditional design approach is considered to be consistent with the residential use of the site and its setting.

##### **Policy BE6 Building Alterations and Extensions**

places a general presumption in favour of development proposals to alter or extend existing buildings. The proposed works are considered to be commensurate with the residential use of the site and the principal building whilst paying appropriate regard to the character of the area.

#### **b) Principle of development**

The application site is situated within the designated Built Up Area which forms the focus for the concentration of development, wherein the 2011 Island Plan makes provision for alterations and extensions to residential properties. However, this must be balanced with a need to pay careful regard to the characteristics of the area and the amenity of neighbouring land users.

#### **c) Impact on the area**

The creation of a new ground floor opening to the east provides a modest break in the elevation which appears proportionate to the existing openings and sits comfortably with the characteristics of the principal dwelling and its residential setting.

Similarly the proposed vehicular access provides a subtle break within the existing long boundary wall. The introduction of this opening is not considered to be at odds with the character of this residential area.

#### **d) Impact on Neighbours**

The key issue under consideration in this respect is whether the proposed development would seriously harm the amenities or safety of neighbouring occupiers.

The proximity to and relationship of, the proposed vehicular

opening to the occupants of La Rosiere Park is acknowledged. However, the access would open on to a private road which serves 8 no. residential units, wherein vehicular movements are likely to be slow and small in number. In light of the above together with the limited vehicular movements likely to arise from the introduction of an access on to La Rosiere Park, and the reduction in the need for vehicles to be reversing from Le Petit Chene on to Mont de la Rosiere, it is considered the resultant impact of the development is not so significant to cause serious harm to the amenity of neighbouring occupiers, nor overall result in a detrimental impact on highway safety.

**e) Access, Car Parking & Highways Considerations**

As noted above the proposed access opens on to a private road, consequently no comments have been sought from the Parish of St Saviour or the States of Jersey Transport & Technical Services Department. The site presently contains a hardsurfaced area which is utilised for off-street parking. Given the narrow form of the existing parking area, manoeuvring space is limited. As a result, vehicles may at present be required to reverse from, or on to the parish road (Le Mont de la Rosiere) to exit the site or to allow others to exit or enter. The introduction of a second exit point on to La Rosiere Park should reduce the need for any such manoeuvre whilst the provision of traffic mirrors to the inner face of the proposed access should aid visibility in the interests of all users. Consequently, although the proposals create a new access onto La Rosiere Park, it is considered the proposals overall, do not result in a detrimental impact on highway safety.

**14. Conclusion**

The proposed external alterations to the property form part of a programme of maintenance and repair which sit comfortably with the traditional characteristics of the existing dwelling and its residential context. In turn the proposed vehicular opening on to La Rosiere Park has been designed to provide ease of access to and from the application site. The introduction of this access is not considered to cause serious harm to the amenity or safety of neighbouring land users, and will reduce the use of the access onto Le Mont de la Rosiere.

**15. Department Recommendation**

Approve

**16. Conditions**

- Standard Time Limit Condition

**INFORMATIVE:**

Note to agent/applicant:

It is the responsibility of the applicant to inform all site workers of the possibility of protected species on site and the implications under the Wildlife Law and you are advised that it is your duty under the Law to stop work and notify the Department of Environment immediately should any species be found.

You are hereby made aware of the possibility of bats on site.

## **17. Reason for Approval**

The proposed development is considered to be acceptable having due regard to all of the material considerations raised. In particular, the development has been assessed against policies GD1, GD7 and BE6 of the 2011 Island Plan wherein the policy emphasis is to ensure that proposed development promotes a high standard of design which respects the characteristics of the site and its setting and does not seriously harm the amenities of neighbouring land users.

The concerns expressed by the neighbouring occupiers are acknowledged, however, the works proposed, are considered to be consistent with the site and its Built Up Area setting. The proposed vehicular opening has been designed to provide ease of access to and from the application site whilst reducing the need for multiple vehicular manoeuvres on to Mont de la Rosiere, in the interests of highway safety.

The proximity of and relationship of the proposed vehicular opening to La Rosiere Park is acknowledged, however, the access would abut a private road which serves a small residential cul de sac wherein vehicular movements are likely to be slow and small in number. In light of the above and given the limited vehicular movements arising from the introduction of the proposed private access, the potential impact of the development is not considered to be so significant to cause serious harm to the amenity of neighbouring land users, and it is considered the proposals overall do not result in a detrimental impact on highway safety.

In light of the above the proposals are considered to accord with the requirements of Policies GD1, GD7 and BE6 of the Island Plan, 2011 and are not considered to cause serious harm to the amenities of neighbouring residents or highways safety, nor unreasonably harm the characteristics of this Built Up Area.

## **18. Background Papers**

1:2500 Location Plan  
1 consultation response  
7 letters of objection  
1 letter of response from agent

Department of the Environment  
**Planning and Building Services**

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**Department of the Environment**  
**Report for Planning Applications Panel Meeting**

**Site Visits: A) to existing site at Le Catelet Farm, St. John and  
B) to proposed new site at Beauchamp Farm, St. John**

- |                                   |  |
|-----------------------------------|--|
| <b>1. Application Number</b>      | P/2014/0615  |
| <b>2. Site Address</b>            | Beauchamp Farm, La Grande Route de St. Jean, St. John, JE3 4FL.  |
| <b>3. Applicant</b>               | A1 Landscaping and Gardening Ltd.  |
| <b>4. Description</b>             | Change of use of part of shed for concrete processing and kitchen manufacturing. Erect 1.8 metre high wire mesh fence to form secure compound. Modify existing access. |
| <b>5. Type</b>                    | Major Application  |
| <b>6. Date Validated</b>          | 17/04/2014   |
| <b>7. Zones &amp; Constraints</b> | Primary Route Network<br>Water Pollution Safeguard Area<br>Built-Up Area   |

**Summary**

The application seeks permission to change the use of part of a shed for concrete processing and kitchen manufacturing and to erect a 1.8 metre high wire mesh fence to form a secure compound. Works also include the modification of the existing access which will allow A1 Landscaping's business to relocate it's entire business operations from Le Catelet at St. John.

Objections have been received from surrounding residents regarding their concerns over the change of use with particular concern over the introduction of a concrete batching plant as part of the landscape operations. 'Epsom Lodge' to the north of the site have particular concerns regarding the new uses on the site in regard to the impacts these may have on their amenities. However, as noted a 4m high earth bank at the boundary between the sites will in effect act as a visual and acoustic barrier. To ensure the residents amenities are further protected it is proposed that further natural screening be introduced. As noted in the report the Noise Impact Assessment submitted suggests that that noise complaints are unlikely to occur given the testing carried out.

Whilst it is noted that Land Controls do not support the diversification of the agricultural holding into semi-industrial uses at the site there is clear support for within Policy SP5 to support economic diversification within the Built-Up Area where the site is located. Furthermore, Policy E1 presumes in favour of protecting existing employment use and a series of changes to the access will bring about highway safety improvements.

Clearly a balance must be struck whereby the business expansion is supported, given its Built-Up Area location, versus the impact the use will have on surrounding neighbouring amenities. Taking into account the improvements proposed to the access and additional planting it is considered that this use is acceptable and is more appropriate in this location than that of the existing site at Le Catelet.

**Department  
Recommendation**

It is recommendation that the application is approved by the Panel with the Conditions attached.

**8. Site Description  
& Existing Use**

A group of semi industrial farm buildings, utilising a floor area of approximately 1058 sqm, are located at Beauchamp Farm. The vehicular access is to the west of La Grande Route de St Jean. The external areas around the sheds, which cover an area of approximately 3000 sqm, is mostly concrete with some rough ground towards the northern & western boundary. Beauchamp House which is in residential use is located on the southern boundary of the development site.

**9. Proposed  
Development**

The proposal seeks permission for a Change of Use of part of the group of buildings for concrete processing and kitchen manufacturing. The proposals include the construction of a 1.8 metre high wire mesh fence to form a secure compound. Modifications to the existing access are also proposed.

**10. Relevant  
Planning History**

**1995** - D/1995/0263 - Construct extension to existing agricultural building. Infill existing reservoir to form hard standing. Approved 7<sup>th</sup> July 1995.

**11. Consultations**

**Parish** in its letter dated 1<sup>st</sup> May 2014 advise that the Parish Roads Committee have reviewed the application and noted the proposed entrance enlargement and that this entrance in its original form was always difficult. The change of use whereby a larger volume of traffic will arise needs careful consideration in planning terms. We understand the existing hedge will be removed and would like see new trees planted and set bank from the splay lines.

**Parish** in a further letter dated 27<sup>th</sup> May 2014 mention that they have received a number of letters of objection. The information in the letters has led the Roads Committee and Parish to have cause for serious concern as neither parties wish to see a large industrial concern develop at this location.

It is noted that the agent, following comments received from the Parish, had a meeting with the Constable at Le Catelet on the 11<sup>th</sup> June 2014, where the applicant's currently operate from, to view the current concrete processing and kitchen manufacture operation being carried out. They then visited Beauchamp Farm to view where these uses were being proposed. The Constable acknowledged that the scale and degree of activity was much less than he had feared.



On the back of this, the Constable arranged for representatives of the Roads Committee to do the same, which they have duly done. They too, seemed to share the view of the Constable. The highway - Roads Committee have also acknowledged that the proposal to amend the entrance, was an improvement on the existing situation. Given that A1 Landscape will generate significantly less traffic than AMAL Grow (the authorised use being a food packaging and wholesale depot) this weighs in favour of the applicant.

**Highways section of TTS** in their e:mail dated 11<sup>th</sup> June 2014 comment that the existing nearside visibility is stated as 8m and offside visibility at 17m. It is proposed to move the access north 5m and to construct a 900mm high wall to the south side. This will provide nearside visibility of 15m and offside of 17m.

The proposal involves a significant change in the nature of use. Once alternate uses have been approved it may not be possible to control the number and frequency of vehicles using the site in the future.

The proposal states that accidents have occurred at the access. Adding 7m to the nearside visibility distance is not a significant improvement. A commercial access with 15m nearside visibility is still a serious highways hazard.

It can be significantly improved by creating a 50m offside visibility splay. New screen planting comprising of a bank with trees and shrubs could be installed behind the splay line. The Department has produced a diagram to show how this can easily be achieved. If the offside visibility can be significantly improved the Department would support the application.

**Environmental Health Protection Team of H&SS** in its letter dated 8<sup>th</sup> May 2014 has no objections to the proposed development, but do recommend hours of operation to minimise noise nuisance to neighbouring premises. (*See attached consult response in background papers for recommended hours & times of operation.*)

**Land Controls and Agricultural Development Section of DoE** in its letter dated 15<sup>th</sup> May 2014 advise that the landscaping business would be supported as an agricultural/horticultural business, however, the concrete processing and kitchen manufacture would not be.

As this current application is not deemed to be wholly agricultural/horticultural in nature the Land Controls and Agricultural Developments Section object to this application.

**Environmental Protection of DoE** in their letter of the 9<sup>th</sup> June 2014 advise that the storage of waste, chemicals & wood chippings should be stored away from surface water drains.

**The agent** has responded letters dated the 16<sup>th</sup> May 2014 & 4<sup>th</sup> June 2014 (*attached in the background papers*) to the comments received from the statutory consultees:- Land Controls; Parish; Environmental Health.

The agent has also responded in a letter dated the 28<sup>th</sup> May 2014 (*attached in the background papers*) to the comments received from the letters of representation received objecting to the proposals.

**All consultations are attached with the background papers**

- 12. Representations** Six letters of representation have been received all of which object to the proposed development. The nature of their objections are as follows:-
- Noise generation from continuous use of site and through use of large industrial machinery.
  - Impact on surrounding neighbouring amenities.
  - Vibration caused from batching plant.
  - Air pollution.
  - Traffic increase.
  - Change of use of agricultural sheds to an industrial use.
  - Adverse impact on the rural character of the location.

**All letters of representation and responses are attached with the background papers**

### **13. Planning Assessment**

#### **a) Overarching policy constraints**

**Policy SP1 - Spatial Strategy** - *The principle of reusing already developed land is a sound one and accords with the principles of sustainable development. The Plan's spatial strategy will focus much of the development activity over the Plan period on the Island's existing Built-up Area and will encourage the re-use, redevelopment and regeneration of already developed land and buildings, encouraging higher development yields.*

The application site is within the Built-Up Area.

**Policy SP2 - Efficient Use of Resources** - *sets out that development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development. In particular the proposed spatial distribution of new development should be designed to limit carbon emissions.*

The proposal is considered to be an appropriate location for the gardening business and ancillary operations of concrete batching for garden products and kitchen manufacturing.

**Policy SP5 - Economic Growth and Diversification** – *gives a high priority to the maintenance and diversification of the economy, and supports the redevelopment of vacant and under-used existing employment land and floor space for new employment uses.*

The proposal seeks to deliver a quantum of mixed use employment within the Built-Up Area.

**Policy GD1 - General Development Considerations** - *states that development proposals will not be permitted unless the proposal contributes towards a more sustainable form and pattern of development, does not seriously harm the natural and historic environment, does not seriously harm the amenities of neighbouring uses, contributes or does not detract from the Island's economy, contributes to reducing the dependence on the car, and is of a high quality of design.*

The site is located within the Built-Up Area but is located in a rural setting just north of Sion village. To the immediate south of the site is Beauchamp House which is understood to be in the same ownership as Beauchamp Farm.

The nearest residential property on the north of the site is Epsom Lodge and a large soil bank of 4m high at the northern perimeter of the development site ensures a natural visual barrier which will also act as an acoustic barrier separating the two sites. Furthermore, there is approximately 30m from the principal elevation of Epsom Lodge to the boundary between the two sites.

Some objection has also been received from other residents located on the periphery of the site but given the distances from the site to their respective boundaries impacts on their amenities is not considered to be significant.

Whilst the objectors concerns are noted at present there is clearly a lot of activity on the site at present as the current occupants, Amal Grow, who supply multiple local businesses with fruit and veg, employ 30 no. staff but also rely on an additional work force of 30 no. staff who operate from High Cross Farm which is located further to the north of La Grande Route de St. Jean.

The new business proposal will employ 45 staff.

As noted within the background information the Noise Impact Assessment Report which accompanies the submission, the proposed business activities on the site are considered to be lower than the prevailing background level and it is considered that complaints are unlikely to occur with the additional inclusion of the noise character correction by virtue of the fact that the agricultural sheds at the site are heavily insulated by wall and roof panels. The raw materials needed for the concrete batching will be located within the building and the vibrating tables will be mounted on noise and vibration isolation feet.

Further, closure of an existing agricultural access to Field 1088 which is currently accessed via the application site will also help improve the level of noise attenuation.

***Policy E 1 - Protection of employment land*** - *There will be a presumption against development which results in the loss of land for employment use as supported by the Strategic Policy SP 5 'Economic growth and diversification'.*

*There is a benefit to the Island in seeking to maximise the economic contribution of those employment sites which cumulatively provide significant levels of employment. The development of a wide range of business activities on these sites, taking account of their character and potential, including uses such as warehousing, storage and light industry, can provide employment without compromising the quality of the surrounding environment.*

In this instance the current occupants, 'Amal Grow', who employ approximately 30 no. people, are moving out of the site. The applicant's, 'A1 Landscape', employ approximately 45 people. Therefore, the proposal will retain an employment use on the site thereby improves the economic contribution by providing a significant level of employment as encouraged by Policies E1 & SP5.

**Policy ERE 5 - Change of use and/or conversion of modern farm buildings** - There will be a general presumption against the change of use and/or conversion to other use of modern farm buildings unless the redundancy of the building to the farm unit and to the agriculture industry as a whole is proven by the applicant, to the satisfaction of the Minister for Planning and Environment, that the building is not of strategic importance to the agricultural industry.

*If the Minister is satisfied that the building is redundant to the needs of the agricultural industry, then consideration may be given to an alternative use provided that the proposed use is appropriate to the Island's economic needs, such as light industry, warehousing or distribution uses.*

*Proposals which do not satisfy these criteria will not be permitted. Where permission is granted the Minister will, as appropriate, impose conditions relating to external storage of materials, parking, landscaping and visual improvements to the building.*

The proposals are split between that of an agricultural use in the form of the gardening business but diversifies into a light industrial use by introducing a change of use for concrete batching linked to the garden business function. Perhaps unusually the applicant has also historically provided a small building element within the business function which involves the manufacture and assembly of kitchens on a small scale. The kitchens are generally assembled off site. The area needed for these small joinery works is 36 sqm. The remaining area of 584 sqm will be used for the landscape garden business.

**Policy EIW 2 - New industrial buildings** - *Proposals for new industrial buildings within designated sites and the boundary of the Built-up Area, will be permitted provided that the development accords with Policy GD 1 'General development considerations'.*

As the proposal seeks a change of use moving away from purely agricultural use consideration must be given to the impact that the light industrial uses will have on the surrounding area and in particular on the amenities of the surrounding residents. In this respect although several objections have been received the Noise Impact Assessment Report from Aura (Sound & Air) Ltd suggests that the steel framed sheds are thermally insulated providing a sound reduction.

**Policy NE 4 - Trees, woodland and boundary features**  
*Trees, woodlands and boundary features - walls, fosses, banques and hedgerows - which are of landscape, townscape, amenity, biodiversity or historical value, will be protected.*

Given the removal of some mature vegetation to achieve an improvement to the access and egress to the site and the recommendation of that Parish that new planting be incorporated into the scheme, a landscaping Condition will be applied to any forthcoming permission.

## **b) Scale Form, Siting & Design**

The applicants will utilise the existing group of sheds so there is no visible development other than the works to the access and the addition of a new 1.8m high mesh fence with gates to be fixed to the west of the sheds to effectively enclose the rear hard standing. This is considered a minor material alteration which will not unduly impact visually on the

character of the site or surrounding area. This is a demountable structure which can be removed if the use is no longer required in the future.

**c) Impact on the Landscape/Street**

Changes to the vehicular access will alter the appearance of the site on the road side elevation but this is considered acceptable as highway improvements will be achieved. However, as requested by the Parish replacement planting will be required to offset the loss of vegetation. This will ensure that the visual impacts of the proposed changes will be minimised.

**d) Impact on Neighbours**

*(Refer to comments in GD1 above).*

**e) Access, Car Parking & Highways Considerations**

As noted in the background papers the established packing shed and wholesale depot for Amal Grow generates a significant amount of traffic during the hours of operation whereby tractors, trailers, HGV lorries; vans and domestic vehicles move to and from the site.

The new business operations for A1 Landscaping will reduce the amount of vehicular movements to and from the site as the business operations will no longer be based on distribution and deliveries but will nevertheless be concentrated on the site and on customers sites.

Currently the existing access is sub-standard in terms of visibility to both the nearside and offside lanes. The less intensive use of the site will help reduce highway safety concerns in this regard. However, in an attempt to improve the situation it is proposed to move the access 5 metres to the north by widening the access and incorporating a 900mm high roadside wall at the southern part of the opening. This will double the visibility to the nearside lane. The hedgerow to the north will be lowered to 900mm high to improve offside visibility.

In response to these access improvements consultations with TTS-Highways have submitted a diagram to show how further improvements can be made to the access which will in turn improve highway safety standards. TTS-Highways advise that if the offside visibility can be significantly improved the Department would support the application. (It is therefore proposed to require these works as a Condition of granting planning permission).

**f) Foul Sewage & Surface Water Disposal**

The site is connected to the main foul sewer.

**g) Landscaping**

A detailed landscaping scheme will be required prior to the commencement of the development, which shall include details of;

- The new planting behind visibility splays at the remodelled vehicular access;
- Increased planting along the northern boundary to improve the visual and acoustic 'green' buffer between Epsom Lodge and Beauchamp Farm & along the western boundary of the site.

**h) Planning Obligations**

None.

## i) Other Matters

Currently A1 Landscape operate out of Le Catelet Farm, La Route de St. Jean. There is no connected to the main foul sewer at this location and the sheds the business operate from are not as well insulated as those at Beauchamp Farm. Further, Le Catelet Farm, is located in the Green Zone unlike the Beauchamp Farm which is located in the Built-Up Area.

### 14. Conclusion

The site is in the Built-up Area, wherein there is no presumption against development subject to the usual amenity requirements. Having undertaken a site visit and considered the existing history of how the site is currently utilised it is concluded that the improvements to site access through improved visibility splays; the reduction in the intensity of use of the site by the relocation of Amal Grow; the condition of the existing sheds which are acoustically well insulated and the closure of access to field 1088 makes this an appropriate Built-Up Area location for the business operations of A1 Landscaping.

In conclusion, the site represents an appropriate siting for the development proposed without causing undue harm to surrounding neighbouring amenities or the character of the surrounding area in accordance with the Policies identified.

### 15. Department Recommendation

APPROVE with the attached Conditions.

### 16. Conditions

1. The development hereby approved shall be carried out entirely in accordance with the plans and documents permitted under this permit. No variations shall be made without the prior written approval of the Minister for Planning and Environment.

*1. Reason: To ensure that the development is carried out and completed in accordance with the details approved by the Minister for Planning and Environment under the provisions of Policy GD1 of the Adopted Island Plan, 2011.*

2. Prior to first use of the development, hereby approved, details of visibility splays must be submitted to and agreed in writing by the Minister for Planning and Environment in accordance with TTS-Highways consultation comments and the submitted TTS-Highways diagram ref: 14-0615 (dated 11.06.14). Once agreed the access improvements and visibility splays must be implemented in full, prior to first use, and thereafter retained and maintained as such, and nothing within these splays shall be allowed to exceed 900mm in height.

*2. Reason: In the interests of highway safety in accordance with Policy GD1 of the Adopted Island Plan, 2011.*

3. The development, hereby permitted, shall not be commenced until there has been submitted to and approved in writing by the Minister for Planning and Environment, a scheme of landscaping which shall provide details of the following;

- i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site and on adjoining land within the same ownership;
- ii) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing

and the means to be used to support and protect them. Full details of new screen planting comprising of a bank with trees and shrubs to be installed behind the splay lines must also form part of the landscaping works.

- iii) other landscape treatments to be carried out or features to be created, for example, any excavation works, surfacing treatments, or means of enclosure;
- iv) the measures to be taken to protect existing trees and shrubs; and,
- v) the arrangements to be made for the maintenance of the landscaped areas.
- vi) details of the increased boundary buffer to the north boundary of the site between 'Epsom Lodge' and the site shall also form part of the landscaping works as well as details for additional planting along the western boundary of the site.

Once agreed in writing by the Minister for Planning and Environment the approved scheme shall be implemented in full and retained and maintained as such.

3) Reason: *To ensure that before development proceeds, provision is made for a landscaping regime that will enhance the appearance and ecological value of the site and help to assimilate it into the landscape, in accordance with Policies GD1 & NE4 of the Adopted Island Plan, 2011.*

4) All planting and other operations in the landscaping scheme approved under this permission, shall be carried out and completed in the first planting season following the completion of the development.

4) Reason: *To ensure the benefits of the approved landscaping scheme are not delayed and consequently make an early contribution to the amenity of the site in the interest of sustaining and enhancing landscape quality in accordance with Policies GD1 & NE4 of the Adopted Island Plan, 2011.*

5) Any trees or plant(s) planted in accordance with the approved scheme, which within a period of five years from the planting taking place; die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Minister for Planning and Environment gives written consent to a variation of the scheme.

5) Reason: *To mitigate against the potential failure of trees and plants, and the extent to which that failure might threaten the success of the landscaping scheme in accordance with Policies GD1 & NE4 of the Adopted Island Plan, 2011.*

6) The hours of operation shall be restricted to Monday to Friday between 07.30hrs and 18.00hrs; Saturdays between 08.00 hrs and 13.00 hrs and with no working on Sundays; Bank Holidays or Public Holidays.

6) Reason: *To protect the amenities of surrounding neighbouring properties in accordance with Policy GD1 of the Adopted Island Plan, 2011.*

7) There shall be no retailing from the site.

7) Reason: *To protect the amenities of surroundings neighbouring properties in accordance with Policy GD1 of the Adopted Island Plan,*

2011.

## 17. Reason for Approval

The proposed development is considered to be acceptable having due regard all of the material considerations raised. In particular, the development has been assessed against Policy GD1 of the Adopted Island Plan, 2011 wherein there is no presumption against development. In this case, the proposed change of use to include semi light industrial uses for concrete batching and joinery workshop are regarded as acceptable because the hours of working will be controlled; the existing sheds are acoustically clad to ameliorate noise impacts to surrounding residents; access changes will bring about highway safety improvements and additional landscaping will also reduce noise impacts to surrounding residents and bring visual improvements to the character of the area.

In addition, the representations raised to the scheme on the grounds of noise generation; vibration caused from batching plant; air pollution; traffic increase and impacts on surrounding neighbouring amenities have been assessed. However, it is considered that the proposals accord with the terms of Policies, GD1; E1; SP1; SP2; SP5; ERE5 & NE4 of the Adopted Island Plan, 2011, in that it does not have an unreasonable impact on surrounding neighbouring amenities or the character of the surrounding area.

## 18. Background Papers

1:2500 Location Plan

Consultation responses:-

1. Parish: Letters 1<sup>st</sup> & 27<sup>th</sup> May 2014
2. TTS-Highways: E:mail 11.6.14 (*included is a vis. splan diagram*)
3. Env. Health Protection: Letter 8<sup>th</sup> May 2014
4. Land Controls – 15<sup>th</sup> May 2014
5. Environmental Protection: Letter 9<sup>th</sup> June 2014

6 no. letters of objection:-

1. National Trust
2. Mr P Le Marquand
3. Dr P R Woodman
4. Mr S MacKenzie
5. Mr & Mrs R Davies
6. Mr & Mrs Simmons

Responses from agent: 16<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup> May 2014 & 4<sup>th</sup> June 2014 & E:MAIL 11<sup>th</sup> June 2014.



Department of the Environment  
**Planning and Building Services**

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Application Number: P/2013/1829

**Request for Reconsideration Report**

**Site Address** South-West part of Field No. 346, La Route du Carrefour a Cendre, St. Peter.

**Requested by** Somerleigh Farm (1996) Limited      **Agent** J Design Limited

**Description** Construct agricultural workers dwelling. REQUEST FOR RECONSIDERATION of refusal of planning permission.

**Type** Major Application

**Original Decision** REFUSED

**Conditions  
Reasons**

1. The proposed new dwelling by virtue of its design, scale and location would detract from and unreasonably harm, the character of the countryside contrary to Policies NE7 & GD7 of the Adopted Island Plan, 2011.
2. The proposed development would result in the permanent loss of part of Field 346, La Route du Carrefour a Cendre, St. Peter, contrary to Policy ERE 1 of the Adopted Island Plan, 2011.
3. Insufficient justification has been made for the construction of a new key agricultural workers dwelling within Field 346 as is required by the sequential tests of Policies H9 & NE7 of the Adopted Island Plan, 2011.

**Determined by** Delegated Refused

**Date** 21/03/2014

**Zones** Green Zone  
Potential Listed Building  
Water Pollution Safeguard Area  
Primary Route Network

**Policies** GD1 - General Development Considerations  
NE 7 - Green Zone  
H 9 - Staff and key agricultural worker accommodation  
HE 1 - Protecting Listed buildings and places  
ERE 1 - Safeguarding agricultural land

**Recommendation**

The site lies within the Green Zone wherein there is a strong presumption against development including the construction of new dwellings and extending residential curtilages.

Green Zone policy NE7 accepts that staff accommodation *may* be allowed but only where it satisfies certain requirements, in particular demonstrating that the accommodation is essential (not merely desired), and cannot be accommodated within the built up area or within existing buildings. If therefore the accommodation is not essential there is no justification for an exception to the normal presumption against development, and in all cases the development must also avoid having an unacceptable visual impact.

The construction of new dwellings in the Green Zone is therefore only permitted in exceptional circumstances and there are a series of sequential tests to ensure that Policy rigour is applied before grant of a new unit can be considered.

In considering this Request for Reconsideration the Panel are advised in the first instance that there is no doubting the '*bona fide*' status of the applicant or his son within the agricultural industry based on the business case provided.

A case has been submitted for the construction of a new agricultural workers unit within the south/west section of Field 346 on the basis that it is said to be essential to the business function. The applicant's make reference to this being a "last resort" having explored all other options.

However, whilst noting that the business is a significant producer within the local agricultural industry and exports produce to UK super markets, the justification put forward does not go far enough in making an adequate case for an exception to the presumption against development in the Green Zone.

If it were proven that a permanent residence was required on site, it would be expected that other options be explored for developing existing buildings on either of the sites referenced or that the business operations be rationalised in such a way as to provide the additional key worker accommodation needed as part of Policy NE7 & H9 requirements.

The applicants support for environmental projects generally is noted but as regards the application in hand, the loss of a large agricultural farm land to create a substantial residential curtilage cannot be supported given the strong presumption against its loss as outlined within Policy ERE 1.

Notwithstanding the arguments put forward the construction of a detached dwelling with no obvious physical or architectural link to the farm, plus the large hardstanding and curtilage would all change the appearance of the site and be detrimental to the

character of the area and the Green Zone. The location is argued by the applicant to be infilling, but infilling is not encouraged within the Island Plan.

The proposal is therefore contrary to the Policies identified in this report, will have a detrimental impact on the landscape, and fails to make an adequate case for an exception to policy or to justify this impact. It is therefore recommended that the original reasons for refusal be maintained.

**Comments on Case** The application is for the construction of an agricultural workers dwelling to Field no. 346 which is located to the south of the 'Sommerleigh Farm' group of buildings at, La Route du Carrefour a Cendre, St. Peter.

The site is located in the Green Zone wherein there is a general presumption against all forms of new development for whatever purpose. Therefore, exceptions to this Policy criteria set a very high bar and in this case a fundamental consideration will be that of demonstrating why, in accordance with Policy H9, accommodation for a key agricultural worker cannot in the first instance be found within the Built-Up Area or secondly be located within the existing farm group of buildings at 'Sommerleigh Farm' or at the business' other site - Verte Rue Farm.

Furthermore, notwithstanding the principle of creating a new dwelling in the Green Zone, the siting of the new unit in the middle section of field 346, is considered indiscrete when assessed against the back drop of the historically listed farm group of buildings forming the 'Sommerleigh' farm holding. It is noted that the location of unit forms a 'book end' to the dwellings located to the south of the site which are outside the applicant's ownership, but in doing so it extends that residential character in to an existing field.

The design of the proposed dwelling is also considered to be mediocre and visually prominent within the rural landscape and does not sit comfortably with the surrounding context. In short the development fails to ensure that the impact on the character of the countryside is minimised.

As insufficient Policy justification has been made for the siting of new agricultural workers accommodation in the Green Zone the application fails to meet the criteria of key Policies H9, HE1, ERE1, NE7 & GD1 of the Adopted Island Plan, 2011. (*The full assessment for the original decision is in the attached Case Officer report*).

Before identifying the core arguments, the applicant's agent originally provided a brief history of the business. It is noted that Sommerleigh Farms (1996) Ltd. are key investors in the agricultural industry having sorted and packed potatoes for other growers for over 40 years. In 2014 the farm group are projected to grow 753 verges of Jersey Royal potatoes and 66 verges of daffodils. Their produce is distributed locally through Barlett's and forwarded

onto the U.K. stores such as, Sainsburys, Tesco, Morrisons and Booths.

The business is run from two sites, Somerleigh Farm and Verte Rue Farm, and whilst each farm has a distinct function they are very close in proximity to each other being .6 of a mile apart. Also there are no livestock to watch over which would necessitate closer living accommodation to the business function.

The applicant's position regarding the core arguments contained within the Reasons for Refusal, are summarised below in italics, with the Department response following.

*1. We note that the Planning Officer assessment makes the assumption that as there are no animals of livestock to be cared for at the farm then some lesser degree of on-site supervision may be acceptable. Somerleigh Farms (1996) Ltd. have invested over £2,500,000 in tractors, harvesters, implements, machinery, packing lines, chillers, new buildings and infrastructure which cannot be left unattended. Increasing super market demands frequently results in potatoes being lifted, cleaned, graded and packed within 12-14 hours, and it is vital that the farm manager is on site to oversee and manage these operations.*

*Assertions that no other options to locate accommodation within the farm group have been considered are not correct and it is noted that no existing buildings on site can be converted to accommodate the applicant's son. Further, the farm have investigated purchasing one of the existing properties on La Rue du Carrefour a Cendre, adjacent to the farm, but none of these properties are currently available. Also the sub-division of the main house at Somerleigh to create two units has been considered but proved unviable in part due to its historic listing.*

As noted in the original submission there is a clear business case which demonstrates that Somerleigh Farms (1996) Ltd. are key investors in the agricultural industry. Therefore, the 'bona fide' status of the applicant and his son within the agricultural industry is not in doubt. However the panel needs to be convinced that there is a need for this dwelling on site if it is to make an exception to the normal, strong presumption against development.

As referenced in the original officer report the business also operates out of Verte Rue Farm which is less than .6 of a mile from 'Somerleigh' and as noted at present Mr Lamy senior is located at 'Somerleigh' and their son, who plays a key role within the business, is located at Verte Rue Farm. As both farms have key workers present there needs to be a better explanation of why accommodation cannot be better placed and why existing accommodation does not meet the alleged need.

The argument that there is valuable equipment on site is not considered convincing reason for a detached house in the Green Zone, as a similar argument could be made for any activity in the countryside where capital has been invested in buildings and equipment.

2. *We have undertaken these investigations with our client over the last two years and the submission of this application is a “last resort” as all other options considered have failed. We would therefore contend that our client has fulfilled the sequential tests of Policies H9 & NE7 of the Adopted Island Plan, 2011.*

The Department acknowledge the applicant's statement but still endorse Reasons 2 and 3 of the Notice.

3. *With regard to the design, scale and location of the proposed new dwelling the Planning assessment states that its siting is considered to be indiscrete when assessed against the back drop of the historically listed farm group of buildings. However, HET consultation comments confirm that the “proposal will not have an adverse impact on the character and setting of the adjacent pLB Somerleigh,....” So there would appear to be a divergence of opinion on this matter.*

Although HET do not object to the siting of the new unit of accommodation in front of the listed farm group, Policy NE7 notes that where development must occur outside the Built-Up Area it will only be permitted in the Green Zone where it is demonstrated that there are no suitable alternative sites and, wherever possible, new buildings should be sited next to existing ones or within an existing group of buildings. Further, Policy H9 requires that where new accommodation can be supported, where possible it is located within or adjacent to the existing business premises, or other buildings on the site; and is of a size appropriate to its functional need.

4. *We have taken our cues for the design of the proposed new dwelling from the existing houses to the south – the foot print is similar to these houses, having only a one and a half storey element with granite faced frontage.*

As noted in the original officer report the design of the proposed dwelling is considered mediocre and visually prominent within the rural landscape and does not sufficiently ameliorate itself with the surrounding context of development or ensure that the impact of the provision of staff accommodation on the character of the countryside is minimised.

Therefore, given the large foot print, mediocre design and visual prominence of the new unit when assessed against the context of the listed group of farm buildings and character of the rural setting it is considered that the new unit would detract from and unreasonably harm the character of the area contrary to the criteria of Policies NE7 and GD7 of the Adopted Island Plan, 2011.

5. *With regard to Reason 2 relating to the permanent loss of agricultural land the total site area for the new dwelling as shown is just over one vergee. This amounts to 0.05% of the total area of land whose production of Jersey Royals is handled and packed at Somerleigh Farm.*

*The eastern boundary of the site follows the line of the domestic gardens to the south and there is no great architectural or aesthetic necessity for this particular line. The site could easily be reduced by around 30.0m in length without significantly affecting the proposal which would reduce the incursion into Field 346 by around 40%.*

As noted there is a concern over the further loss of agricultural land albeit '*Unconditional*' in terms of Agricultural Controls. The Field has only recently lost a large strip of land to create a new access to support the new agricultural shed located to the east of the farm group of buildings at Somerleigh Farm. Given the presumption against the permanent loss of agricultural land for whatever purpose the arguments regarding the reduction of the scale of the site remain contrary to the principles of Policy ERE 1 as explained.

**Recommendation**      Maintain refusal as per the original recommendation.

**Reasons**                As original refusal Notice.

**Background Papers**    1:2500 Site Plan  
Request for Reconsideration letter – 24.04.14  
Original Officer Report – 20.03.14

Consultations:-  
HET  
TTS-Highways  
Land Controls

No letters of representation received.

Endorsed  
by

Date

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
Fax: +44 (0)1534 445528

Application Number: RW/2014/0522

**Request for Reconsideration Report**

**Site Address** Highbury, La Rue du Crocquet, St. Brelade, JE3 8BZ.

**Requested by** Mr. G.Seaford ROK **Agent** MAC Architectural Services  
Construction Ltd. Limited

**Description** RETROSPECTIVE: Replace 7 No. windows to East (front) elevation. ...REQUEST FOR RECONSIDERATION of refusal for planning permission.

**Type** Minor Application

**Original Decision** REFUSED

**Conditions Reasons**  
1. The retrospective application has failed to justify the principle of the replacement of the historic windows by a failure to demonstrate that the existing windows were not suitable for repair and retention. Furthermore, the proposed replacement windows would by virtue of their proposed detailing, including double glazing and decorative horns, detract from the intrinsic architectural quality and historic value of the building, which is included on The Minister for Planning and Environment's "Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey" as a Potential Listed Building, contrary to Policies SP4 and HE2 of the Island Plan 2011

**Determined by** Delegated Refused

**Date** 15/05/2014

**Zones** Built-Up Area  Potential Listed Building  Tourist Destination Area

**Policies** TR2 - Tourist Destination Area  
SP4 – Protecting the Natural and Historic Environment  
GD1 – General Development Considerations  
HE2 - Protection of Historic windows and doors.

<b>Recommendation</b>	The application proposes the retrospective replacement of historic windows on a Potential Listed Building and follows an application that was recently approved by the Panel for the retrospective over-render of the facades.  The 2011 Island Plan has a clear position with regard to the
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protection of Historic buildings and this is further emphasised within Policy HE2, relating specifically to the protection of Historic windows and doors.

This application has failed to provide sufficient and complete evidence in order to demonstrate that the previous windows were not suitable for repair or refurbishment and the replacement. Furthermore, the windows fail to replicate the historical detailing by means of their double glazing and decorative horns and is unacceptable in Policy terms.

The RFR submission contests that sufficient justification has been provided, though it is maintained by the Department that the incomplete evidence does not justify the removal and replacement of the historic windows.

**MAINTAIN REFUSAL**

**Comments on Case** No further comments.

**Recommendation** Maintain refusal

**Reasons** As previous reasons

**Background Papers** 1:2500 Site Plan  
1 x Request for Reconsideration  
1 x Case Officer Report  
1 X HET Consultation

Endorsed  
by

Date



Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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Application Number: RW/2014/0410

**Request for Reconsideration Report**

**Site Address** 2 Victoria Terrace, Victoria Street, St. Helier, JE2 4TG.

**Requested by** . CPSS Properties Ltd **Agent** MAC Architectural Services Limited

**Description** RETROSPECTIVE: Replace existing crittall dormer windows with new UPVC units on North elevation. REQUEST FOR RECONSIDERATION of refusal of planning permission.

**Type** Minor Application

**Original Decision** REFUSED

**Conditions Reasons**  
1. The proposed uPVC windows would, by virtue of their proposed historically inappropriate and thick framed detailing with a uPVC infill panel, detract from and harm the architectural quality and historic value of the building, which is included on The Minister for Planning and Environment's "Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey" as a Potential Listed Building, contrary to Policies SP4, GD1, GD7 and HE1 of the Island Plan 2011.

**Determined by** Delegated Refused

**Date** 17/04/2014

**Zones** Built-Up Area  Primary Route Network  Regeneration Zone  Town of St. Helier  Potential Listed Building

**Policies**  
SP4 – Protecting the Natural and Historic Environment  
GD1 – General Development Considerations  
GD7 – Design Quality  
HE1 – Protecting Listed Buildings and Places

<b>Recommendation</b>	<p>The retrospective proposal to install uPVC windows upon a Potential Listed Building is considered to be contrary to the Historic Environment Policies of the Island Plan that seek to protect and conserve the character and integrity of Listed buildings and places.</p> <p>Whilst it is understood that the application is to replace non-original windows, the style and material proposed is considered harmful to this heritage asset. Although betterment cannot be expected, the slim crittall frames, as were previously in place, are considered to</p>
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be less visually intrusive than the proposed heavy framed uPVC. This is in addition to the large uPVC infill panel that is considered to exacerbate the adverse impact on the character and quality of the listed Building.

The RFR submission raises no specific points of appeal and therefore, the Department maintains the views expressed in the original Case Officer Report and has nothing further to add.

**MAINTAIN REFUSAL**

**Comments on Case** No further comments

**Recommendation** Maintain Refusal

**Reasons** As original reason for refusal.

**Background Papers** 1:2500 Site Plan  
1 x Original Officer Report  
1 x HET Consultation

Endorsed  
by

Date

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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Application Number: RW/2013/1305

**Request for Reconsideration Report**

**Site Address** Flat 2, 10, Duhamel Place, St. Helier, JE2 4TP.

**Requested by** Mrs. B. J. Pattison **Agent** Mrs B. J. Pattison

**Description** RETROSPECTIVE: Replace existing timber window with pvcu window to first floor on East elevation. REQUEST FOR RECONSIDERATION of refusal of planning permission.

**Type** Minor Application

**Original Decision** REFUSED

**Conditions Reasons**  
1. The proposed replacement window would by virtue of its detail, non-traditional method of opening and material detract from the intrinsic architectural quality and historic value of the building, which is included on The Minister for Planning and Environment's "Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey" as a Potential Listed Building, contrary to Policies SP4, HE1, HE2 of the Jersey Island Plan 2011.

**Determined by** Delegated Refused

**Date** 14/11/2013

**Zones**  
Built-Up Area  
Regeneration Zone  
Town of St. Helier  
Potential Listed Building

**Policies**  
SP4 Protecting the Natural and Historic Environment  
HE1 Protecting Listed buildings and places  
HE2 Protection of Historic windows and doors

<b>Recommendation</b>	<p>The application is for a retrospective replacement window in a Potential Listed Building. The window that was previously in place is believed to be a timber 1/1 sliding sash and the application seeks consent for a uPVC, single pane, casement window.</p> <p>The 2011 Island Plan has a clear position with regard to the protection of Historic buildings and this is further emphasised within Policy HE2, relating specifically to the protection of Historic windows and doors. The application fails to demonstrate that the previous window was not suitable for repair or refurbishment, nor</p>
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does the replacement window replicate or restore the historic windows in terms of materials, method of opening, proportions, details and finish.

The RFR submission argues that the previous window was not original, was a poor quality product and that the window cannot be seen from most perspectives.

The points raised are not considered to overcome the fact in itself that the Island Plan does not allow for this type of window to be inserted into a historic building, and in particular, without acceptable justification.

The recommendation is therefore to refuse the RFR in accordance with the original Case Officer report and recommendation.

**MAINTAIN REFUSAL**

**Comments on Case** The principle of a replacement window in a historic building must demonstrate that the existing window is not suitable for repair or refurbishment or indeed that the existing window is itself, a modern replacement.

Due to the retrospective nature of this application, it is inherently difficult to determine with any certainty if the existing window was not suitable for repair, or if indeed it was a modern replacement itself. Notwithstanding this, the proposed uPVC window by means of its materials, method of opening, proportions, details and finish, is inappropriate upon a PLB and is unacceptable in principle; whether the previous timber window was a historic window or not.

The RFR submission raises the point that the previous window was not original and was in poor condition. However, this is not considered to be an acceptable justification due to a lack of justifying evidence and the detailing of the new window being considered harmful to the character and integrity of the PLB.

HET objected on the grounds already outlined and one letter of representation was received, stating that they can see the window from their property and that whilst they are not entirely against the use of uPVC, they feel that the use of a single pane of glass is not in keeping and gives a harsh appearance.

**Recommendation** MAINTAIN REFUSAL

**Reasons** 1. The proposed replacement window would by virtue of its detail, non-traditional method of opening and material detract from the intrinsic architectural quality and historic value of the building, which is included on The Minister for Planning and Environment's "Register of Buildings and Sites of Architectural, Archaeological and Historical Importance in Jersey" as a Potential Listed Building, contrary to Policies SP4, HE1, HE2 of the Jersey Island Plan 2011.

**Background Papers** 1:2500 Site Plan  
1 RFR submission

1 x officer report  
1 x HET Consult  
1 x Letter of Representation

Endorsed  
by

Date

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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Application Number: P/2013/1724

**Request for Reconsideration Report**

*This appeal was originally considered by the Panel at its meeting on 29/05/2014; a decision was deferred for further clarification of the extent of the existing domestic curtilage and also for the erection of a scaffolding profile to give an indication of the height and footprint of the proposed building on site. This is the original report, which has been updated with an additional section at the end.*

<b>Site Address</b>	Ancona, La Rue de la Coupe, St. Martin, JE3 6BS.
<b>Requested by</b>	Mr H & Mrs R Goatcher <b>Agent</b> Gallaher Architects Limited
<b>Description</b>	Demolish dwelling and construct new dwelling and detached garage.REQUEST FOR RECONSIDERATION of refusal of planning permission.
<b>Type</b>	Major Application
<b>Original Decision</b>	REFUSED
<b>Reason for Refusal</b>	1. The proposed new dwelling would be considerably larger (taller, wider and deeper), with a significantly increased level of accommodation, and a greater visual landscape impact, than the existing dwelling. In addition, the scheme proposes an unacceptable extension of the property's domestic curtilage into Field 188. For these reasons, it is considered that the application fails to satisfy the requirements of Policies GD 1 and NE 7 of the 2011 Island Plan.
<b>Determined by</b>	Delegated Refused
<b>Date</b>	04/03/2014
<b>Zones</b>	Green Zone
<b>Policies</b>	GD 1 General Development Considerations GD 2 Demolition and Replacement of Buildings GD 7 Design Quality NE 7 Green Zone LWM 2 Foul Sewerage Facilities

*see original officer report for full discussion around these policies*

<b>Recommendation</b>	Maintain Refusal
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**Comments on Case** Ancona is an isolated and detached dwelling, c. 1960s / 70s, in rural St Martin. The building is a conventional dormer bungalow with a steep pitched roof.

The application is for the demolition and replacement of the dwelling. The new dwelling would be in a traditional 'Victorian' style – a 3-bay property 2½ storeys in height, with accommodation on 3 levels.

The new house will be appreciably larger overall than the existing house – taller, wider, and deeper, and with a greater level of accommodation. Therefore, its visual impact within the landscape will be somewhat greater than at present.

In addition, the domestic curtilage is also being extended into the agricultural land at the rear of the site (Field 188).

Overall, the combination of these elements is considered to be unacceptable in an area where there is a strong presumption against development – this formed the basis of the single reason for refusal.

### ***Applicants' Case***

In their letter of appeal, the applicant's agent contests the view that the new dwelling would be 'considerably larger' and have a greater 'visual impact'. It is also suggested that its traditional character is far more appropriate in this rural setting than the existing building.

Also, it is argued that the proposed dwelling does not infringe the Department's view regarding the line of the existing domestic curtilage.

### ***Summary***

The Department respects the applicants' argument in respect of the scale and impact of the new development and we acknowledge that there is clearly a judgement to be made in this regard; however, we stand by our original decision and maintain that the proposed building does represent an excessive increase in overall size given its Green Zone location \*.

With regard to the issue about domestic curtilage, we accept that the proposed replacement dwelling itself would be within the existing curtilage; however, that in itself was not the problem highlighted – the issue is the significant extension of the curtilage (by approx. 130 m<sup>2</sup>) into the adjoining field which was proposed. The need for such an extension of curtilage has only arisen owing to the increase in the scale and footprint of the existing dwelling – taking it to the edge of the existing site boundary.

On this basis, we recommend that the original decision to refuse permission be maintained.

\* *The Panel may wish to note that the Minister has recently lodged a proposition which, if approved, would make a*

*number of revisions to the 2011 Island Plan, including to Green Zone policy (Policy NE 7). Under the proposed alterations to this policy, the redevelopment of existing dwellings within the Green Zone will only be permitted if the replacement dwelling is no larger "in terms of any gross floorspace, building footprint or visual impact than the building being replaced". This is a material consideration for the Panel.*

*Other members have suggested amendments to this proposition; however, at the time of writing, these have still to be considered by the Minister.*

#### **Additional Comments – June 2014**

The application was originally considered by PAP at its meeting in May; however, the application was deferred for further clarification regarding the precise location of the property's existing curtilage, and for the erection of a scaffolding profile to give an indication on site of the proposed dwelling's height and footprint.

Since the May meeting, the case officer has met with the applicants' agent on site to agree the location of the existing curtilage. This is shown more precisely in a series of new and updated plans submitted by the agent. In essence however, the boundary between domestic curtilage and agricultural land has been agreed as running parallel to the existing building, at a distance of 5.3m to the north; in line with the existing north-west corner of the building, this boundary line then runs in a straight line to the existing southern entrance gate post to the field entrance.

The updated plans indicate that the proposed building lies within the existing curtilage, and so an extension of the curtilage would not necessarily be required to accommodate the new building.

The applicants have indicated that they would be prepared to remove the extension of the curtilage from their application; whilst this is to be welcomed, the department's view is that this should form the basis of discussions ahead of the submission of a fresh application, and that the current Request for Reconsideration should consider the current application on the basis of its existing merits.

In addition to the curtilage issue, the department maintains its opposition to the substantial increase in the size of the development (the level of new floorspace would be more than twice that of the existing property).

Finally, the applicants have stated that they will erect a partial scaffolding profile of the new development in order to give some impression of its appearance on the site; this will be somewhat difficult however in view of the fact that much of the footprint of the proposed building is within that of the existing building.

#### **Recommendation**

Maintain Refusal



**Reasons**

1. The proposed new dwelling would be considerably larger (taller, wider and deeper), with a significantly increased level of accommodation, and a greater visual landscape impact, than the existing dwelling. In addition, the scheme proposes an unacceptable extension of the property's domestic curtilage into Field 188. For these reasons, it is considered that the application fails to satisfy the requirements of Policies GD 1 and NE 7 of the 2011 Island Plan.

**Background Papers**

Original Officer Report  
1:2500 Site Plan  
Applicant's agent's original Design Statement  
Applicant's agent's RFR statement  
2 additional letters from applicant's agent  
Correspondence in support of RFR  
1 letter of representation  
3 consultation responses

*June 2014 – additional papers*  
Applicant's agent's letter dated 06/06/14

Endorsed by

Date

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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Application Number: PP/2014/0112

**Request for Reconsideration Report**

<b>Site Address</b>	Land adjacent to the east of Field No. 76, Le Mont de la Mare, St Peter
<b>Requested by</b>	Mr M R Fauvel, <b>Agent</b> Peter Thorne MRTPI Fluid Architecture
<b>Description</b>	OUTLINE PLANNING: Construct earth-sheltered dwelling. REQUEST FOR RECONSIDERATION of refusal of planning permission.
<b>Type</b>	Major Application
<b>Original Decision</b>	REFUSED
<b>Reason for Refusal</b>	<ol style="list-style-type: none"><li>1. The site is located within a highly-scenic area which forms part of the Green Zone; in this zone, there is a high level of protection and a strong presumption against all forms of new development for whatever purpose, including the development of new residential dwellings. The proposed development is an 'earth-sheltered eco-dwelling' and the applicants have argued that its innovative and low visual-impact design are sufficient reason to set aside the strong presumption against development and permit the development as a departure from Policy NE 7. The Minister for Planning and Environment does not concur with this view, and maintains that this architectural approach does not justify the setting aside of this policy. Accordingly, it is considered that the application fails to satisfy the requirements of Policies GD 1, SP 1 and NE 7 of the 2011 Island Plan.</li></ol>
<b>Determined by</b>	Delegated Refused
<b>Date</b>	12/03/2014
<b>Zones</b>	Green Zone Water Pollution Safeguard Area
<b>Policies</b>	SP 1 Spatial strategy GD 1 General Development Considerations GD 7 Design Quality NE 7 Green Zone ERE 1 Safeguarding agricultural land LWM 2 Foul Sewerage Facilities

see original officer report for full discussion around these policies

<b>Recommendation</b>	Maintain Refusal
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**Comments on Case** The site comprises an area of open countryside / scrubland in the St Ouen's Bay area. This is a gently-sloping site partly used for grazing. Although classed as a farmland, the site is generally unsuitable for farming.

There is a concrete base structure is part of the field dating from the Occupation. This is a rural area with a handful of other dwellings in the vicinity.

This is an outline application for the development of a single dwelling.

The Panel considered a previous outline application in August 2011 for the construction of a new dwelling on this site. This was refused on the grounds that new residential development was not permitted in the (then) Countryside Zone and St Ouen's Bay Planning Framework area, and also on the grounds of inadequate foul drainage provision.

As an outline application, it is the *principle* of development on the site which the applicants are seeking to establish. That said, the application includes a good level of information and it is not entirely clear exactly which matters are to be reserved for future consideration.

The proposal is for the construction of a single dwelling on land adjacent to the eastern side of Field 76. This would be a single-storey 'earth-sheltered' structure which would sit pre-dominantly (but not entirely) within the profile of an existing earth mound on the site.

The footprint of the development occupies 3 linked circular areas with accommodation pushed to the rear (east) into the mound, and opened up into courtyards towards the west.

The house would be formed by removing the earth mound, constructing the new dwelling and then re-forming the mound over the top so that just the western elevation, formed by a series of curved frontages, is showing. This would be mainly glazed, but also making use of timber and natural stone. In purely architectural terms, this is certainly an interesting design.

Although the majority of the house itself would be largely contained within the profile of the existing mound, there would certainly be an impact, beyond this profile, from the new external areas including the garden / patio and driveway.

The total 'plot area' is given as 2,314 m<sup>2</sup> (1.3 vergées); the gross internal footprint of the dwelling is 243 m<sup>2</sup> (2,615 sq ft).

The Land Controls team have commented on the scheme stating that they would have no objection as this is not commercially viable land.

The Panel will note that the department received 5 letters of objection in response to the application – 4 from nearby residents, 1 from the National Trust. Concerns were raised in respect of the following issues;

- The site is in the Green Zone and on agricultural land. The Island Plan does not allow new development on such sites. This undermines the island's Spatial Strategy;
- An 'eco' development does not justify an exception to this – approval would set a precedent;
- The design is still 'very conspicuous';
- Loss of agricultural land is unacceptable, even if it's low-grade land;
- Impact on traffic;
- The proposed wind turbine would be a 'blot on the landscape';

### ***Applicants' Case***

In their letter of appeal, the applicants stress that the site is effectively brownfield land owing to the fact that there are the remains of an Occupation Structure there. As such, they suggest that it has the potential for development. They also point out that, for the same reason, there is no possibility of the site being used again for agricultural purposes.

It is suggested that the site cannot readily be seen from the bay and that the *'careful and sympathetic eco-friendly design'* will result in a dwelling that has no impact on neighbouring uses or the wider environment.

The applicant acknowledges that the site is within the Green Zone; however, it is argued that Policy NE 7 does allow for exceptions to the general presumption against development where the landscape character of the zone would not be harmed.

A copy of the RFR letter has been included within the background papers.

### ***Summary***

The Department acknowledges that this is an interesting and innovative concept for a new highly-sustainable dwelling. However, the site is located within the Green Zone wherein there is a strong presumption against development.

The applicants have argued that this would be a low-impact 'eco' house, and that there are the remnants of an Occupation structure on the site. However, in the Department's view, this does not justify the development of a new dwelling on the site, and the application remains fundamentally unacceptable.

**Recommendation**      Maintain Refusal

**Reasons**

1. The site is located within a highly-scenic area which forms part of the Green Zone; in this zone, there is a high level of protection and a strong presumption against all forms of new development for whatever purpose, including the development of new residential dwellings. The proposed development is an 'earth-sheltered eco-dwelling' and the applicants have argued that its innovative and low visual-impact design are sufficient reason to set aside the strong presumption against development and permit the development as a departure from Policy NE 7. The Minister for Planning and Environment does not concur with this view, and maintains that this architectural approach does not justify the setting aside of this policy. Accordingly, it is considered that the application fails to satisfy the requirements of Policies GD 1, SP 1 and NE 7 of the 2011 Island Plan.

**Background Papers**      Original Officer Report  
1:2500 Site Plan  
Applicant's agent's original Design Statement + Covering Letter  
Applicant's agent's RFR statement  
5 letters of representation  
2 consultation responses

Endorsed by

Date

Department of the Environment  
**Planning and Building Services**

South Hill  
St Helier, Jersey, JE2 4US  
Tel: +44 (0)1534 445508  
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Application Number: RP/2014/0204

**Request for Reconsideration Report**

<b>Site Address</b>	Beau Vallon Farm, Le Mont des Louannes, St. Peter, JE3 7DA.
<b>Requested by</b>	Mr & Mrs. Paterson <b>Agent</b>
<b>Description</b>	Proposed first floor extension to existing home office. REQUEST FOR RECONSIDERATION of refusal of planning permission.
<b>Type</b>	Minor Application
<b>Original Decision</b>	REFUSED
<b>Conditions Reasons</b>	<p>1. Beau Vallon Farm is located in a remote rural area of the Green Zone. The proposal applied for is an extension to an existing 'home office'. However the proposal envisages the employment of up to 16 persons and this goes well beyond what could be considered a home office. The Department considers that the proposed resultant office would, in actuality, represent the creation and/or the extension of a commercial office and a substantial intensification of use of this site. The proposal would therefore be contrary to Policies SP1, SP6, GD1, NE7, NR1 and EO3 of the Island Plan 2011 which seek to direct such development to the Built-Up Areas as defined in the Island Plan, in order to ensure efficient use of resources and protection of the natural environment.</p>
<b>Determined by</b>	Delegated Refused
<b>Date</b>	02/04/2014
<b>Zones</b>	Water Pollution Safeguard Area (WPSA) Green Zone. Airport Noise Zone 3
<b>Policies</b>	SP1 – Spatial Strategy SP6 – Reducing Dependence on the car GD1 – General Development Considerations GD7 – Design Quality NE7 – Green Zone BE6 – Building alterations and extensions EO3 – Other small scale office development TT16 – Aircraft Noise Zone 3 NR1 – Protection of water resources

<b>Recommendation</b>	Maintain Refusal
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**Comments on Case** In support of the proposals, the applicant's case (*précis*) has been highlighted in italics, with the Department's response following:

*1. Part of the property is currently being used as a home office and permission has previously been granted for this use under applications P/2012/1169 and P/2013/1311. Given that a change of use from residential to a home/office was involved with P/2012/1169, the Department must have been aware of the use at that time.*

Permission has not been given for a wholly separate office. P/2012/1169 was for the retrospective change of use of an existing garage and workshop to a *home/office*. It was stated on the application form and covering letter that this would be used as a home office, and not a wholly separate office employing others who did not live on site. No information was supplied to suggest otherwise, in fact the agent's letter of 5 December 2012 clearly states that the proposal will not increase the load on the existing septic tank and soakaway, will reduce the use of the car, and negate the need to travel into St Helier, as the applicant lives on site.

Policy E03 of the Island Plan allows for a change of use of an existing non-residential building and the proposal was treated on its own particular merits as a home office.

P/2013/1311 was for the demolition and replacement of an existing structure with a new office extension. Again when taken on its own particular merits, the proposal complied with Policy E03.

*2. Pre-application advice sought the views of the Department on the principles of an extension for new office development. The submitted drawings (under RP/2014/0204) were the result of the agreement between all parties as the most aesthetically pleasing scheme.*

Informal officer advice sent to the applicant's agent by e-mail correspondence dated 15.1.14 (attached) confirmed that whilst the principles of the proposed extension design could be acceptable, the overriding concern was one of the provision of additional office space within this unsustainable Green Zone location, and the scheme could not be supported.

The agent's subsequent Design Statement submission with the planning application did not then include any reference to the main policy context under E03 to justify the case.

*3. The proposal does not increase the existing footprint of the building. The proposed roof height is lower than the existing main ridge and is hipped to reduce visual impact.*

The reason for refusal relates to the issue of the use of the site, not the design of the proposed extension. In any event, the proposal *will* increase the floor space of the building. Policy E03 only allows for the conversion of existing non-residential buildings to office accommodation in this location, it does not allow for new extensions to provide additional office accommodation.

*4. The refusal reason states that employment will be provided for up to 16 no. people. The additional space would primarily be used as a much needed conference room.*

The agent's submitted Design Statement clarifies the staff numbers involved at the site and then states as follows "The aim of this project is to extend the existing home office at first floor to enable the IT company to further expand its business. The proposed extension will house a further open plan office space to accommodate additional local workers that are essential in expanding the Jersey based business." A conference room facility was not previously indicated and is not shown as thus on the submitted drawings.

The reason for refusal was also confirming that this is not a use that can be termed as a 'home/office' use and as such is not deemed to be appropriate in this unsustainable rural location.

The provision of a conference room within the new extension could also suggest an increase in the numbers of staff/clients visiting the premises.

*5. The fact that the site is located within the Airport Safety Zone 3 should not be an issue as there are a number of instances where development has been permitted within this zone.*

The site is within Noise Zone 3 rather than the Airport Safety Zone. The location of the application site in relation to the flight path of the airport is not an issue and did not form part of the refusal notice.

*6. There are persuasive economic arguments which support the proposed extension. The business operates globally and there has been job creation in Jersey. Without the additional office space then potential new employees will have to be turned away.*

Notwithstanding the fact that the submitted appeal statement states that the extension will be used primarily as a conference room, it then goes onto contradict this by confirming that 4 new students will be turned away if the development is rejected. No case has been made to demonstrate why the business has to be located at Beau Vallon Farm. On the contrary, an IT business that operates globally could be located anywhere, not specifically in this unsustainable location.



*7. It might be suggested that the business should be relocated in the event of a refusal. This is both unhelpful and divorced from the economic reality considering substantial sums have been spent on both being persuaded to move to Jersey, building a business here and converting a building to offices. The cost of creating a similar infrastructure elsewhere would be measured in both time and money and does not deliver value to shareholders.*

The Island Plan seeks to promote sustainable development within the Built-Up Areas (BUA) of the island to reduce the reliance on the car by encouraging alternative modes of transport and to safeguard the character and appearance of the countryside.

The Department is clearly not suggesting that the applicant should move away from Jersey. However, when the proposed development is considered in planning policy terms on its own particular merits, the site is in a remote area on the island, poorly related to the road network and public services (the site is not on mains drainage), and so does not comply with the relevant Island Plan policy context. The submitted Design Statement comments that up to 16 people are employed on site at present and this is bound to generate a relatively significant amount of traffic and general movement on a daily basis in this unsustainable rural location.

*8. A refusal of permission would impede the business and would result in a reconsideration of basing technology workers in Jersey. This action is not preferable but the success of the business cannot be compromised if Jersey is unwilling to accommodate the reasonable requests.*

Noted, but the Department has to judge submitted planning applications on their own particular merits, having due regard to the Policy considerations of the Island Plan and any other material consideration.

To summarise, this Request for Reconsideration relates to an established residential property in the Green Zone, which has permission for a 'home office' in the detached former garage building, not a general office. The term 'home office' is, generally, taken to imply that the business is being conducted by the occupant(s) of the dwelling house where it is their principal place of residence and where it is undertaken on their own account without any employees or assistants. This is how the use was understood when permission was originally given. The current application cannot, therefore, be regarded as being simply a revision to the original planning permission for a home office. The application is, in effect, for a significant commercial undertaking and is not acceptable. It is contrary to policies of the plan relating to sustainability, protection of the countryside and encouraging office development to BUAs. The site is in a remote location within the Green Zone wherein policy presumes against all forms of new development. There are some acceptable exceptions, which allowed for the 2013 application (replacement of the log store with a small extension) but this proposal is not an acceptable exception

and so cannot be supported. It is contrary to Policy SP1, SP6 and NE7. As the property is within the WPSA and does not have a connection to mains drains it is also contrary to Policy NR1.

Additionally the proposal is contrary to Policy EO3 which only allows for the creation of offices outside of St Helier, or the urban and key rural settlements, by the conversion of existing non-residential buildings. Other small scale office developments, such as extensions as proposed here, outside of these stated areas do not comply with this policy and so cannot be supported.

**Recommendation** Maintain Refusal

**Reasons** As before

**Background Papers** 1:2500 Site Plan  
Case Officer report under delegated powers dated 27.3.14  
Design Statement from agent submitted with original planning application  
Letter from agent dated 14.4.14 in support of the Request for Reconsideration.  
Pre-Application Advice given

Endorsed  
by

Date