

KML

PLANNING COMMITTEE

(8th Meeting)

15th July 2021**PART A (Non-Exempt)**

All members were present, with the exception of Connétable D.W. Mezbourian of St. Lawrence, Deputies R.E. Huelin of St. Peter and M.R. Le Hegarat of St. Helier, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chair
 (not present for item No. A7)
 Deputy L.B.E. Ash of St. Clement
 (not present for item Nos. A8 – A13)
 Deputy K.F. Morel of St. Lawrence
 (not present for item Nos. A1 – A5)
 Deputy S.G. Luce of St. Martin
 (not present for item Nos. A6 and A13)

In attendance -

G. Duffell, Principal Planner
 C. Jones, Senior Planner
 L. Davies, Planner
 G. Palmer, Planner
 J. Gibbons, Trainee Planner
 K. Ambrassa, Trainee Planner
 T. Stone, Research and Project Officer, States Greffe
 K.M. Larbalestier, Specialist Secretariat Officer, States Greffe
 (via video link)

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

Minutes.	A1. The Minutes of the meeting held on 24th June 2021, having been previously circulated, were taken as read and were confirmed.
No. 25 Lewis Street (land parcel to the rear of No. 23 Peirson Road), St. Helier: proposed new dwelling (RFR).	A2. The Committee, with reference to its Minute No. A12 of 24th June 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of a garage at No. 25 Lewis Street (land parcel to the rear of No. 23 Peirson Road), St. Helier and the construction of a 2 bedroom residential unit with integral garage. The Committee had visited the application site on 22nd June 2021.
P/2020/1592	The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. Therefore, the application had been represented for formal decision confirmation.

The Committee accordingly approved the application with no conditions attached.

La Nouvelle Croix, La Rue Guerdain, Trinity:
proposed new extension and annex (RFR).

P/2021/0080

A3. The Committee, with reference to its Minute No. A13 of 24th June 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the demolition of a single storey extension at the property known as La Nouvelle Croix, La Rue Guerdain, Trinity and its replacement with a new 2 storey extension. It was also proposed to construct a one bedroom annex to the north elevation of the property. The Committee had visited the application site on 22nd June 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. Therefore, the application had been represented for formal decision confirmation.

The Committee accordingly approved the application, subject to the imposition of certain conditions detailed within the Department report.

Manor House Farm, Rue de Bas, St. Lawrence:
proposed change of use/extension of farm group/change of use of field to form driveway.

P/2020/1024

A4. The Committee, with reference to its Minute No. A4 of 24th June 2021, considered a report in connexion with an application which sought approval for the change of use of parts of the existing farm group at Manor House Farm, Rue de Bas, St. Lawrence and the construction of extensions to the west and east elevations and a glazed link to form a community centre (including a function room, café, day rooms, kitchen and ancillary accommodation). It was also proposed to construct a pergola to the south elevation. The change of use of part of Field No. 755 to create a vehicular access on to Rue de Bas and form a driveway and parking areas to the west of site was also proposed. The Committee had visited the application site on 4th May 2021.

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming the decision to grant permission, the application had initially been re-presented on 24th June 2021, and the reasons for approval set out in the Department's report.

The Committee recalled that, following the meeting on 8th May 2021, Members and Departmental officers had briefly debated how the community facility use would be controlled and the initial view had been that this could be secured by a formal Planning Obligation Agreement (POA), as opposed to a planning condition. The proposals also involved a number of refurbishment works to the Listed Buildings and it was recommended that details of a full restoration programme (which expanded on the information in the submitted Heritage Impact Assessment) for both the existing farm buildings and the principal dwelling, should also form part of the POA package. The applicant was satisfied with this arrangement. However, the Operations and Transport Section had requested a financial contribution of *circa* £21,000 to cover improvements to pedestrian access between the site and the nearest bus stops on Mont Félard/La Grande Route de St Laurent. In response, the applicant had stated that the facility would be accessed primarily by a minibus service and the preference was to put the funds into running that service instead. Whilst the Department believed that every effort should be made to promote sustainability, it recognised that not all users would be able to utilise the minibus service and the potential for alternative modes of transport (to include the motor car) should also be promoted. Again, the requirement for the [REDACTED] contribution could be included within the POA.

The Committee had decided to defer consideration of the application at its meeting

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on 24th June 2021, pending the receipt of detailed information (with costings) in relation to the exact nature of the highway safety works proposed by the Operations and Transport Section. It had subsequently been confirmed that the financial contribution [REDACTED] would cover the formation of a footway from the junction of La Verte Rue with La Grande Route de St Laurent to the southbound bus stop and facilitate the creation of a 'build-out' within the layby of the kerb, to include dropped kerbs with tactile paving for wheelchairs and pushchairs for those arriving at (or departing from) the northbound bus stop (opposite).

In addition, it was noted that the Natural Environment Section had submitted comments following the Committee's decision to approve the application, which included a request to consider a public right of access through the entire site, also to be secured by a POA.

The Committee noted a letter dated 9th July 2021, from the applicant, Mr. [REDACTED] Bartlett, which had been circulated under separate cover after the distribution of the agenda. In his letter, Mr. Bartlett reiterated concerns regarding the specific requirements of the Operations and Transport Section and how these had been costed and the subsequent request from the Natural Environment Section, which was perceived as problematic for a number of reasons. More generally, the applicant was concerned that these additional requirements had materialised after the Committee had decided to grant permission and that there had been no discussion during the public meeting in respect of the same.

Having considered the above, the Committee confirmed its decision to grant permission, subject to the entering into of a POA for the sole purpose of securing the community use in perpetuity. For the purposes of clarity, the Committee confirmed that it did not support the inclusion of any other aspects of the scheme within the POA, as proposed and set out above. Furthermore, the Committee was extremely disappointed with the lack of detail received in terms of the proposed infrastructure improvements. Moreover, it did not believe that a contribution of this level or nature was appropriate in the context of this application given the philanthropic nature of the project, which would benefit the public of the Island. Consequently, it did not support the recommendation of the Operations and Transport Section.

Deputy G.J. Truscott of St. Brelade reminded the Committee that he had not supported the original decision to grant permission.

Manor House
Farm, Rue de
Bas, St.
Lawrence:
proposed
change of
use/extension
of farm
group/change
of use of field
to form
driveway.

A5. The Committee, with reference to its Minute No. A5 of 24th June 2021, considered a report in connexion with a retrospective application which sought approval for the demolition of a pump house in Field No. 804, Manor House Farm, Rue de Bas, St. Lawrence, the creation of an amphitheatre and the widening of the vehicular access from Le Chemin des Moulins. The Committee had visited the application site on 4th May 2021.

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

The Committee recalled that it had been minded to approve the above application, contrary to the Department's recommendation. For the purpose of formally confirming the decision to grant permission, the application was re-presented and the reasons for approval set out in the Department's report.

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The Committee further recalled that it had decided to defer consideration of the application pending the receipt of detailed information (with costings) in relation to the exact nature of the highway safety works proposed by Operations and Transport (Minute No. A4 refers). It had been confirmed that the financial contribution [REDACTED] [REDACTED] would cover the formation of a footway from the junction of La Verte Rue with La Grande Route de St Laurent to the southbound bus stop and to facilitate the creation of a 'build-out' within the layby of the kerb, to include dropped kerbs with tactile paving to facilitate wheelchairs and pushchairs for those arriving at (or departing from) the northbound bus stop (opposite).

The Committee confirmed its decision to grant permission, subject to the entering into of a POA for the sole purpose of securing the community use in perpetuity (and linking the amphitheatre to that use). For the purposes of clarity, the Committee confirmed that it did not support the inclusion of any other aspects of the scheme within the POA.

The Committee noted that a condition was also proposed in accordance with Policies NE1, 2 and 4 which required the submission of a timetable for an ecological assessment of the amphitheatre section of the site. The results of the assessment, together with appropriate mitigation measures, were to be submitted and approved in writing and all findings and required mitigation measures outlined in the Ecological Assessment implemented within an agreed time frame. The Committee did not support the imposition of this condition and concluded that it should not be attached to the permit.

Clos de
Sergent
Nursery and
Field No.
702A, La Rue
des Cabarettes,
St. Martin:
proposed
installation of
boundary
fencing/JEC
sub-station.

A6. The Committee considered a report in connexion with a revised application which had initially sought approval for the installation of a boundary fence and the construction of an electricity sub-station to the north-west of Clos de Sergent Nursery and Field No. 702A, La Rue des Cabarettes, St. Martin. It was noted that the scheme now proposed only the electricity sub-station as revisions had resulted in the other element of the scheme constituting permitted development. The Committee had visited the site on 13th July 2021.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies NR1, NE7, ERE2 and SP5 of the 2011 Island Plan were of particular relevance.

P/2020/1771

The Committee noted that a glasshouse had been constructed on the application site in 2007, but that this was no longer in use. With regard to the proposals, the Committee was informed that, whilst there was a general presumption against all forms of development within the Green Zone, there were permissible exceptions, which included the development of ancillary buildings. It was noted that the scheme had been amended in response to representations received and concerns from the Department in relation to the impact on the Green Zone of the erection of a 2.6 metre high security fence to all elevations (as originally proposed). Accordingly, the external fence had been omitted. To satisfy licensing requirements (it was proposed to grow medicinal cannabis on the site), security fencing would now be located inside an existing glasshouse and, as such, constituted Permitted Development. The amended application now sought consent for a kiosk sub-station, which would be granite clad and would replace a pair of oil-fired boilers. This would be sited to the north-west of the site and would have a footprint of 10.15 metres x 3.7 metres. Whilst the sub-station would be relatively large, mitigation had been achieved through the use of high quality materials. During the life of the application, concerns had been raised regarding drainage. In response to these concerns a new soakaway was

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proposed in front of the sub-station, with existing water tanks being used to collect rainwater from the glasshouse for plant irrigation. A condition was proposed to ensure the soakaway was installed and operational prior to the first use of the sub-station.

The amended scheme was considered to be appropriate, with any potential landscape harm having been sufficiently mitigated by the use of high quality materials. The proposal was likely to facilitate a contribution to the Island's economy, aid diversification of the agricultural industry and was in accordance with the Government's aim of achieving carbon neutrality. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report.

17 letters of representation had been received in connexion with the application. A number of late representations, which had been received after the agenda had been finalised, had been sent to members under separate cover.

The Committee heard from Connétable K. Shenton-Stone of St. Martin, who stated that she did not believe that the proposed use could be described as agricultural. She advised that she had contacted Mr. R. Smith, Chief Officer of the States of Jersey Police in connexion with the revised application and had received an electronic mail message from Mr. Smith in which he had expressed concerns regarding the revised proposals. The Connétable understood that UK Home Office guidance had been adopted by the Government of Jersey in respect of applications of this nature and she suggested that the Committee should have sight of the same. The Connétable stated that it appeared that no single Government Department had overall responsibility for cannabis production in the Island and that no proper policy framework or guidance had been put in place. She suggested 'a pause' to consider the implications and to reflect on the requirements of the States of Jersey Police.

The Committee heard from Mrs. ■ White, who also referenced the security requirements associated with the proposed use. Mrs. White noted that the Jersey Cannabis Service Advisory Group, an informal industry-led body, appeared to be responsible for the security of cannabis crops. She expressed significant concerns regarding the potential impact of the proposed development on neighbouring residential properties. She believed that the focus was on 'getting the application over the line', rather than acting in the best interests of the Island. She described the proposed sub-station as 'out of scale and not in keeping with Government initiatives to tackle climate change'. Mrs. White outlined a number of other concerns regarding the proposed development, to include the potential for indiscriminate car parking, unauthorised works which had been carried out on site to facilitate the construction of the large electricity sub-station, the longer-term plans for the site (should the proposed use cease) and the lasting effect on the locality. She concluded by stating that a condition attached to the existing permit for the glasshouse should be enforced to ensure the return of the field to its natural state.

The Committee heard from Mrs. ■ du Heaume, who stated that it was important to understand the context and to illustrate this point she showed the Committee a photograph. She too referred to the conditions attached to the original permit, which she understood had been designed to ensure the restoration of the site to its natural state on the cessation of the glasshouse use. The proposal would intensify the use of the site and would have a significant visual and environmental impact. In her professional opinion as an environmental chemist, she believed that cannabis should be grown under natural light, and this had recently been confirmed by a Departmental officer during a Scrutiny Panel hearing in relation to an ongoing review. She urged the Committee to consider the long term impact of proposals of this nature on the natural environment. She too referred to the unauthorised works

which had been carried out and expressed the view that the process had not been transparent. She questioned the location of the proposed sub-station and pointed out that it would completely block vistas across fields and would make access difficult. She concluded by reminding the Committee of the climate emergency and the stated aims of the Government in addressing the same.

The Committee heard from Mr. ■ Gibb of St. Martin's Conservation Trust, who suggested that the Committee should receive advice on the application from the Jersey Cannabis Service Advisory Group and the Law Officers' Department in respect of the legal requirements. He wished to ensure that the Committee was in receipt of all of the necessary information to make an informed decision and asked members to consider the unintended consequences of granting permission.

The Committee heard from Mr. ■ Carney, representing the applicant company, who advised that the Directors of the company lived locally and had obtained a licence for the production of medicinal cannabis. A significant amount of detail had been provided as part of the licensing process, some of which had not been made public due to commercial sensitivities. Many of the concerns raised had been addressed by the licence requirements. The application was respectful and sustainable and would have a low carbon footprint. The perimeter fence originally required by the States of Jersey Police had been replaced with an alternative in response to concerns from residents and the proposed solution accorded with Home Office guidelines. Problems with surface water had been inherited and these too would be addressed as part of the scheme. There would be no issues with noise, light, smells or water and the scheme proposed the proper utilisation of an existing greenhouse which had 'some decades of use left'. The site would be monitored by full-time staff and the proposals were environmentally sustainable, with an existing oil fired boiler being replaced with carbon neutral electricity. He explained that the works which had been carried out on site in respect of the sub-station were preliminary, as opposed to unauthorised and the location of the structure was based on the requirements of the Jersey Electricity Company. Mr. Carney concluded by stating that the application complied with all relevant Government policies and the scheme would provide employment.

In response to a question from Deputy K.F. Morel of St. Lawrence, it was confirmed that the works on site were unauthorised and if the application was refused the matter would be referred to the Department's compliance section.

Having considered the application, the Committee concluded that it could not support the application and refused permission, contrary to the Department's recommendation. Members felt that too many questions remained unanswered and were most concerned that work on the electricity sub-station had commenced without permission. The Committee also remained to be convinced that work being undertaken inside the glasshouse did not need planning consent and members recalled that when the Committee had visited the site, the doors to the glasshouse had immediately been closed. The Committee was also mindful of the concerns of the States of Jersey Police and the Home Office requirements. The impact of the proposal on the countryside character was also considered to be significant. On a more general note, the Committee agreed that a much more holistic approach to applications of this nature was required and it was agreed that future applications should consider the whole site, as opposed to the piecemeal approach presented.

The Committee noted that the application would be re-presented for formal decision confirmation at the next scheduled meeting.

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The Tree
House
Restaurant and
Bar, La
Marquanderie,
St. Brelade:
proposed
change of use.

P/2021/0123

A7. The Committee considered a report in connexion with an application which sought approval for the change of use of the premises known as The Tree House Restaurant and Bar, La Marquanderie, St. Brelade to a horticultural laboratory. The Committee had visited the site on 13th July 2021.

Deputy G.J. Truscott of St. Brelade, Vice Chair did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies SP1 – SP6, GD1, BE6, E1, TT2, TT4, TT7, WM5 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee was informed that the initial application had included a proposal to erect a 2.4 metre high mesh perimeter security fence and new high hedging to screen the proposed fencing. Following the submission of revised drawings and details, this element of the application had been withdrawn and no fencing or hedge planting was proposed. As a result, no external built development was proposed. Internal alterations largely consisted of the dividing up of rooms and the blocking up of entrances on the ground and first floors. Approximately 6 people would be employed on the site, in line with the approved employment use and in accordance with the relevant employment land policies. It was noted that 2 mobile business were currently using the existing facilities to provide off-site services on a temporary tenancy arrangement. The Island Plan contained no specific policies which supported the retention of tourism facilities and whilst it sought to protect community facilities, there was no reference to public houses or restaurants. In terms of the appropriateness of the proposed laboratory use in the Green Zone, whilst a countryside location was not specifically required for this use, the proposal made good use of an existing building. Policy SP3 presented a sequential approach to development and only permitted the change of use of premises in employment use to a use that supported the rural economy or a use that required a countryside location. The proposed horticultural laboratory was in accordance with the policy criteria. Residential accommodation on the first floor of the premises was ancillary to the public house and restaurant use and the scheme sought to maintain a staff flat on the site, in accordance with Policy H11.

The application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

44 representations had been received in connexion with the application.

The Committee heard from Mr. ■ Elliott, Elliott Design Partnership, representing the applicant. Mr. Elliott confirmed that the existing staff accommodation on site was linked to the previous use and that the unit which was to be retained had originally been used as a manager's flat. He added that the previous business had closed due to severe financial losses.

The Committee heard from Mr. ■ Welford, also representing the applicant company. Mr. Welford advised that he was unable to respond to questions from members regarding the future tenancy of the premises or the exact nature of the undertaking, but a horticulture use was proposed as opposed to an industrial use. He confirmed that, at present, there were no plans to develop the remainder of the site and that the car park would be used by the tenants.

The Committee expressed reservations about the absence of any details associated with the proposed use on this site, which was at the gateway to one of the Island's premier tourist areas. Members felt most uncomfortable with the lack of information. However, the Committee could identify no planning grounds by which to refuse the

application. Consequently, permission was granted, subject to the imposition of the conditions detailed within the officer report. In a similar vein to the application in respect of Field No. 702A, La Rue des Cabarettes, St. Martin (item No. A6 refers), the Committee felt that a much more holistic approach was required and the view was expressed that a piecemeal approach in respect of future applications should be strongly resisted by the Department.

Former Jersey Monumental Company site and Nos. 82 New Street and 1 Val Plaisant (extending to Garden Lane), St. Helier: proposed residential development.
P/2020/1832

A8. The Committee considered a report in connexion with an application which sought approval for the demolition of No. 82 New Street, St. Helier and an adjoining workshop and their replacement with 3½ and 2½ storey residential blocks, respectively. Permission for the change of use of the ground floor of the premises of the former Jersey Monumental Company site on the New Street/Val Plaisant elevation from office and retail/showroom to residential was also being sought and the scheme would provide 3 x one bedroom and 9 x 2 bedroom residential units with associated parking. It was also proposed to create a vehicular access onto Garden Lane. The Committee had visited the site on 13th July 2021.

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies SP1 – 3, SP5 – SP7, GD1, GD3, GD7, GD8, E1, H4, H6, TT4, NR2, NR3, NR7, WM1, LWM2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee was informed that the application site included 2 adjoining properties fronting onto the main road to the east - No. 82 New Street and No. 1 Val Plaisant. These had been combined in the past at ground floor level to create a single commercial premises, with a single-storey workshop extending through to the rear of the site, adjoining Garden Lane. It was proposed to demolish No. 82 New Street, together with the workshop. No. 1 Val Plaisant was to be retained. Along the principal (eastern) elevation, a new 3½ storey building was proposed at No. 82 New Street and along Garden Lane, a new 2 to 2½ storey building was proposed in place of the workshop - this connected to the New Street building. A total of 12 new apartments were proposed. The scheme accorded with the required residential space standards and the apartments would share a roof top amenity space at second floor level. The ground floor of No. 1 Val Plaisant would be partially converted.

The re-use of this existing employment site for residential purposes was considered to be acceptable, taking into account the size, location and condition of the existing building, as well as the surrounding residential context. Architecturally, the scheme was well-designed and the scale was appropriate (revisions had resulted in a reduction in the scale) and the Department was of the view that the proposed development would not adversely affect neighbouring amenities. The limited parking provision was considered acceptable in view of the central location of the site and the requirement for a financial contribution towards sustainable transport infrastructure in the local area via a Planning Obligation Agreement (POA) was recommended.

It was recommended that the Committee grant permission, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a POA to secure the following –

a financial contribution [REDACTED] towards the provision of a new bus shelter within the vicinity of the site;

the provision of bicycle stands within Val Plaisant/New Street, to be delivered at the applicant's expense to a technical standard agreed by the relevant highway authority;

public realm improvements, including alterations to the existing unloading bay on

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Val Plaisant/New Street, to be delivered at the applicant's expense to a technical standard agreed by the relevant highway authority;

the ceding of an area of land to the public along Garden Lane (directly adjacent to apartment no. 3), which formed part of the existing building footprint (but not part of the new building footprint) following completion of the development, and prior to first occupation;

the provision of a £500 voucher per residential unit to Evie electric car/bicycle club (or similar 'car club' organisation), to be provided to the first occupant(s) of each new residential unit; and

footway/pedestrian safety improvements at the junction of Union Street and New Street; to be delivered at the applicant's expense to a technical standard agreed by the relevant highway authority.

In the event that a suitable POA could not be agreed within 3 months, the application would be returned to the Committee for further consideration.

It was noted that whilst the applicant has committed, in principle, to the delivery of the above improvements, the precise financial contribution would need to be confirmed and agreed by the applicant, prior to permission being formally granted.

A total of 12 letters of representation had been received in connexion with the application, one of which expressed support for the removal of a 'bad neighbour' use.

The Committee heard from Ms. [REDACTED] Bradbury, who expressed concerns regarding the potential for noise from the mechanism associated with a proposed vehicle turntable and also noise from the construction works. [REDACTED]

[REDACTED] Ms. Bradbury was also concerned about the level of car parking being provided and increased noise associated with the intensification of use of the site. Finally, she sought clarification in relation to the timescale for construction works, if permission was granted.

The Committee heard from Mr. [REDACTED] Stein, of MS Planning, on behalf of the applicant company, who stated that the application was in accordance with Island Plan Policies which steered development towards the Built-Up Area. An earlier application had been withdrawn due to the impact of the scheme on Garden Lane and the applicant had met neighbours to discuss improvements and the current application had been submitted in response. A tradition approach had been adopted with the proposed development being set further back in the site. Balconies facing Garden Lane had been removed and the refuse store relocated. Mr. Stein did not believe that the proposed development would result in any loss of amenity to an existing 2 storey development on Garden Lane and felt that the relationship between the application site and Garden Lane would be much improved. It was also confirmed by the applicant's architect that the motorised mechanism for the vehicle turntable would not cause noise issues.

Mr. [REDACTED]. Romeril, representing the applicant company, stated that the majority of the construction work would be done from New Street and that there would be consultation with the Parish of St. Helier in respect of the occasional use of Garden Lane.

The Committee discussed the application and noted some concerns from Deputies G.J. Truscott of St. Brelade and K.F. Morel of St. Lawrence, regarding the potential

impact of the development on the residents of Garden Lane. The Committee acceded to the Deputy Truscott's request to view a virtual sun path analysis model.

The Committee, with the exception of Deputy Truscott, concluded that it could not support the application and refused permission on the grounds that the design approach was disappointing, particularly in respect of the Garden Lane elevation. The Committee was also concerned with the proposal to use brick, which was not considered appropriate in this context and was not convinced that the proposed vehicle turntable would not result in disturbance to neighbours.

The Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

La Mascotte,
La Grande
Route de la
Côte, St.
Clement:
proposed
demolition and
redevelopment.

A9. The Committee considered a report in connexion with an outline application which sought approval for the demolition of the property known as La Mascotte, La Grande Route de la Côte, St. Clement and its replacement with 2 x one bedroom and 3 x 2 bedroom apartments with associated car parking. Fixed matters comprised: design, means of access and siting. Reserved matters comprised: external appearance and landscaping. The Committee had visited the site on 13th July 2021.

PP/2018/0871

A site plan, drawings and a 3 dimensional model were displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies SP1 – 3, SP6, SP7, GD1, GD4, GD7, H4, H6, TT3, TT4, NR7, LWM2 and 3 and WM1 of the 2011 Island Plan were of particular relevance.

The Committee noted that a structural engineering report had been provided to demonstrate that the existing dwelling was in a very poor state of repair. The proposed development made best use of previously developed land, producing a contemporary scheme which related well to the existing site context. The scheme met the minimum housing standards, as well as providing car parking and sustainable transport initiatives, such as bicycle parking and electric car charging points. Policy GD1 of the 2011 Island Plan set a test of unreasonable harm to neighbouring uses arising from development. Taking into account the context of the area and the scale and siting of the proposed development relative to existing buildings, it was not considered that it would cause unreasonable harm to neighbouring uses. The application was recommended for approval, subject to the imposition of certain conditions detailed within the officer report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure a contribution [REDACTED] towards the Eastern Cycle Route.

4 letters of representation had been received in connexion with the application. In addition, a late submission from a resident had been circulated after the agenda had been finalised. This comprised photo montages commissioned by the occupant of No. 2 Seafeld Close in an attempt to demonstrate the impact of the proposed development. A request had been made for the Committee to visit No. 2 Seafeld Close, Seafeld Avenue during the course of its site visits on 16th July 2021.

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The Committee heard from Mrs. ■ Albertini ■ who advised that she ■ was concerned about the proximity of the development to ■ property and the potential for overlooking. She did not support the increase in height and advised that she would not object to a 2 storey building on the footprint of the existing bungalow. She also believed the proposed development would exacerbate a problem with flooding during high tides. Mrs. Albertini stated that she had requested that a scaffold profile be erected in order to assess the full impact of the development and had submitted a photo-montage. She added that the proximity of the car parking area to ■ property would result in increased noise and pollution. Finally, Mrs. Albertini understood that the submission of further development proposals for other properties on the site was imminent.

The Committee heard from the applicant's agent, Mr. ■ Dubras, who advised that the proposed development would be set into the ground by 750 millimetres and the second floor set back from the rear face by 2.7 metres. Mr. Dubras questioned the accuracy of the submitted photo-montage and, in particular, the depiction of the top floor. The proposed new units had been designed to avoid overlooking with patio doors to rear on the ground floor and a high boundary wall.

Having considered the application, the Committee, with the exception of Deputy G.J. Truscott of St. Breilade, endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed within the Department's report and on the basis of the entering into of a POA to secure a contribution ■ towards the Eastern Cycle Route.

La Maison de la Trappe, La Rue de la Trappe, St. Ouen: proposed removal of agricultural occupancy condition (RFR).

RC/2020/1783

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for the removal of an agricultural occupancy condition attached to the permit in respect of the property known as La Maison de la Trappe, La Rue de la Trappe, St. Ouen. The Committee had visited the site on 13th July 2021.

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

The Committee noted that the application sought consent for the removal of condition No. 5 of a historic planning permit dated 30th April 1986. The condition in question stipulated that the occupation of the dwelling should be limited to persons employed wholly or mainly in agriculture in the vicinity, or dependants of such persons residing within, or a widow or widower of such person.

The Committee was reminded of the presumption against development in the Green Zone and the fact that an exceptional departure from policy had been deemed permissible when the original permission had been granted because it was to be occupied by persons employed in the agriculture industry. Policy H9 of the 2011 Island Plan stated that as long as there was a need within the relevant industry, the Minister would not relinquish such occupancy conditions. The Department required a certain level of evidence to prove that the property was no longer of use to the agriculture industry. In this particular instance, the Department took the view that the level of evidence provided was insufficient to justify the removal of the condition and, therefore, saw no grounds for making an exception to policy. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. [REDACTED] Stein of MS Planning, representing the applicant, Mr. [REDACTED] Le Maistre, MBE. Mr. Stein explained that the farm holding associated with the dwelling was no longer financially viable and had not been farmed since the 1990's. It was stated that agricultural occupancy conditions had been removed from a number of similar agricultural dwellings in the vicinity and reference was also made to a property known as Le Pressoir, Rue de Bechet, St. John, where it was understood that there had been no marketing exercise but that permission had been granted for the removal of the agricultural occupancy condition. Mr. Stein went on to state that La Maison de la Trappe had been advertised in accordance with standard procedure but that, following refusal, reference had been made by the Department to also marketing the property for sale as an agricultural unit. He added that there was technically no market for agricultural dwellings so it was impossible to value the property, as verified by an industry professional. Mr. Stein believed that anyone with a genuine interest in agriculture would wish to rent the property initially to test the viability of the agricultural holding. He believed that it was non-sensical to market the property for sale for someone to purchase it at a reduced price and subsequently exit the agriculture industry. [REDACTED]

[REDACTED] Mr. Stein stated that Government decisions like this further reduced the market for agricultural properties. Finally, he pointed out that the Land Controls and Agricultural Development Section had not objected to the application.

Deputy S.G. Luce of St. Martin commented that agriculturalists seeking accommodation should be required to consider existing agricultural units which were for sale or rent in the first instance.

Having considered the application, the Committee accepted that the case had been made and that the property had been marketed in accordance with procedure. Consequently, permission was granted contrary to the Department's recommendation. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

No. 5 Glen
Rest, Duhamel
Place, St.
Helier:
proposed
residential
development
(RFR).

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for revisions to a previously approved scheme at the property known as No. 5 Glen Rest, Duhamel Place, St. Helier. The Committee had visited the site on 13th July 2021.

A site plan was displayed. The Committee noted that the application site was situated in the Built-Up Area. Policies GD1, GD7, BE6 and H6 of the 2011 Island Plan were of particular relevance.

RP/2020/1623

The Committee noted that permission had been granted for the construction of 3 x 2 bedroomed residential units on the site in 2018, together with the conversion of some office accommodation and the construction of a third floor to create a further 2 residential units. The application under consideration sought consent for the extension of approved unit No. 6 on the third floor to the north and the creation of a balcony to the west. The revisions also included changes to the fenestration on all elevations and changes to the external materials from copper to timber cladding.

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The Department's position was that the approved scheme had been designed so that there would be no direct overlooking of the yard area to the west and the upper level of the development was reduced in scale and set back from the edge of the floor below, with high level windows. The neighbouring arrangement had not changed since permission had been granted and the proposed revisions would both enlarge the upper floor and introduce overlooking from the north-west corner of the site, as well as increasing the mass of the building. The application sought to address potential overlooking by introducing a tall privacy screen. However, this only exacerbated the increase in mass and scale of the building. The design of the approved development had also been diluted and the loss of a roof overhang detail was considered disappointing. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7, BE6 and H6 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, Mr. ■ Van Bodegom of Page Architects. Mr. Van Bodegom noted that there had been no objections to the revised application and advised that the rear balconies had been added at the Department's request but that the applicant was willing to remove the balconies and the high level windows to prevent overlooking. Mr. Van Bodegom explained that the applicant had become aware of proposals to re-develop the neighbouring site to provide a 4 storey building (it was noted that an application on this basis had yet to be submitted and that an earlier scheme had been refused). The proposals for the neighbouring site had caused the applicant to review the approved scheme with a view to making better use of the application site by utilising an infill area.

Having considered the application, the Committee endorsed the recommendation to maintain refusal for the reasons set out above.

Rose Cottage,
Le Chemin de
Creux, St.
Brelade:
proposed
extensions/
replacement
roof.

P/2021/0103

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for the demolition of an existing garage and extensions and the construction of a 2 storey extension to the south and west of and a single storey extension to the east of Rose Cottage, Le Chemin de Creux, St. Brelade. The application also included the replacement of the roof with a thatched covering, the installation of 2 dormer windows to the east elevation and the rebuilding of the chimney stacks. The scheme proposed various internal and external alterations to include revised landscaping, fenestration and re-pointing. The Committee had visited the site on 13th July 2021.

A site plan was displayed. The Committee noted that the application site was situated in the Green Zone. Policies GD1, GD7, BE6, NE7 and EVE2 of the 2011 Island Plan were of particular relevance.

The Committee noted that the site lay within the Green Zone, where there was a presumption against development. However, certain exceptions might be permissible, including extensions to dwellings. where these remained subservient to the existing buildings, did not facilitate a significant increase in occupancy or harm the landscape character.

The existing dwelling comprised 2 bedrooms and a study in the loft (the latter being capable of use as a bedroom). The proposed extensions would increase the number of bedrooms to 5 with additional habitable rooms that could be used as bedrooms, such as a gym, office and additional lounges. The existing floor area would increase from 218 square metres to 739 square metres (a 239 per cent increase) and would result in a potential significant increase in occupancy and a disproportionate increase in the size of the dwelling in terms of its gross floorspace. It was acknowledged that a large proportion of the proposed floorspace would be hidden from view and might have no landscape impact. However, landscape harm was not the sole test of the Green Zone Policy. Policy NE7 also presumed against potential increases in occupancy.

The size, scale and modern design of the extensions to the east elevation would be dominant and intrusive in the rural landscape when viewed from St. Brelade's Bay. There was a disconnect between the 3 levels of the new extension, with the upper ground floor breaking the building line with an imposing glazed gable and large areas of glazing, which competed with the main house, especially with the addition of the thatched roof, which integrated the existing building into the landscape. The extensions were not considered to be subservient to the existing building and this was exacerbated by the increase in hard landscaping and terracing.

The Historic Environment Section had objected to the proposed extension and considered the works to be detrimental to the setting of Listed Buildings in the area, which included St. Brelade's Parish Church and church hall and on the landscape character.

The application had been refused on the grounds that it was contrary to Policies HE1, GD1, GD7, BE6 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal.

The Committee heard from Ms. [REDACTED] Ingle, Principal Historic Environment Officer.

The Committee received the applicants' agents, Mrs. [REDACTED] and Mr. [REDACTED] Godel. Mrs. Godel advised that the applicants, Mr. and Mrs. [REDACTED] Moody were unable to attend the meeting and had asked her to read from a pre-prepared statement on their behalf. The Committee noted that the existing property did not provide the applicants with sufficient space and the internal layout was not fit for purpose. [REDACTED]

[REDACTED] Mr. and Mrs. Moody were passionate about their home and were committed to improving it. They had worked with architects and historians in order to formulate sympathetic proposals and had used the existing ground level to conceal as much of the proposed development as was possible to reduce the impact on the church. The scheme included a nod to the architecture of the church. The proposed improvements were supported by neighbours, the church and the St. Brelade's Bay Association.

Mr. Godel advised that the layout of the property was awkward in plan terms –the lounge was accessed through the bedroom and the existing extensions were unsympathetic. The proposed development would provide modern family living accommodation and improve the external appearance of the dwelling in a sensitive manner. The scheme complied with all relevant policies and enhanced the property and the wider setting. Mr. Godel disputed the figures contained within the Department report in relation to the increase in the built floor area and in occupancy levels. He argued that the floor area would increase from 388.86 square metres to 746 square metres, representing a 91 per cent increase and not the 239 per cent

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increase stated in the Department report. The additional accommodation would be set into the existing contours of the site and large proportions of it would be hidden from view so there would be no landscape impact. In terms of occupancy, Mr. Godel reminded the Committee that a summer house was currently used occasionally as a bedroom and that there was a lapsed consent for a new garage wing with 2 bedrooms. He noted that Policy NE7 presumed against significant increases in occupancy and that the proposed development would facilitate an increase [REDACTED]. [REDACTED] The new accommodation would be used mainly for guests and visiting family members and the other spaces had not been designed as bedrooms (an office and a gym). Mr. Godel made reference to the Green Zone Policy and quoted extensively from the preamble (paragraphs 2.1(18), 2.1(19), 2.1(20)) and argued that the proposed development was in accordance with the stated aims.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chair (who believed the scheme would have enhanced the landscape character) endorsed the Department recommendation to refuse permission for the reasons set out above.

Beauvoir, La
Rue de
Guillaume et
d'Anneville,
St. Martin:
proposed
extensions
(RFR).

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for the demolition of a conservatory, garage and outbuildings at the property known as Beauvoir, La Rue de Guillaume et d'Anneville, St. Martin and the construction of 2 extensions to the north-west and south-east of the dwelling. The Committee had visited the site on 13th July 2021.

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

P/2021/0246

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park. Policies GD1, GD7, BE6 and NE6 of the 2011 Island Plan were of particular relevance.

The Committee noted that the application site lay within the Coastal National Park, wherein there was a presumption against development. Under the residential category, the extension of a dwelling might be acceptable, but only where it remained subservient to the existing building in terms of design and scale, was appropriately designed relative to existing buildings and context, did not disproportionately increase the size of the dwelling, or facilitate a significant increase in occupancy and did not harm landscape character.

Whilst it was acknowledged that the existing conservatory would be removed, the proposed extensions would cumulatively significantly increase the floor area and the proposed occupancy from 3 bedrooms and one bathroom to 5 bedrooms (including a study) and 4 bathrooms, failed the test set out in Policy NE6. The design of the proposed extensions was dominant and intrusive in the streetscape and landscape, was not subservient nor relative to the existing building (as both mono-pitched roofs were higher than the existing building and the floor level of the 2 storey extension to the north-west was at an elevated level). There would be no additional overlooking or overbearing to the adjacent residential property to the north-west as there was already mutual overlooking and the proposed extension would not encroach further forward of the neighbour's property.

The application had been refused on the grounds that it was contrary to Policies GD1, GD7, BE6, NE6 and LWM3 of the 2011 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from the applicants, Mr. and Mrs. ■■■ Broughton and their agent, Mr. ■■■ Collins of MAC Architectural Services. Mr. Collins stated that the Department report contained a number of fundamental errors. The number of bedrooms would, in fact, increase to 4 and there would be 3 bathrooms. He added that the proposed extensions to the east and west elevations would be subservient to the existing garage block and structures on the site and would not be visible. He referred to a previous permission (application reference P/2018/1406) and suggested that if this scheme was implemented this would attach the existing garage to the dwelling with the result that the garage could be converted to a bedroom without planning permission, under permitted development rights. This would put the level of development in line with that which was proposed in the current application. Mr. Collins showed the Committee drawings of the approved and proposed developments and advised that the increase in floor area (20 square metres) was minimal.

The applicants advised that they had revisited the approved scheme and identified a number of potential improvements which would enhance the appearance of the dwelling. Mrs. Broughton stated that the quality of the existing buildings was poor and needed to be addressed.

Having considered the application, the Committee concluded that the case had been made, particularly given the nature of the approved development. Consequently, permission was granted, contrary to the Department recommendation. The application would be re-presented at the next scheduled meeting for formal decision confirmation.