

Planning Committee

(5th Meeting)

17th November 2022

Part A (Non-Exempt)

All members were present, with the exception of Connétables P. B. Le Sueur of Trinity, D. W. Mezbourian of St. Lawrence, R. A. K. Honeycombe of St. Ouen and Deputy T.A. Coles of St. Helier South, from whom apologies had been received.

Deputy S.G. Luce of Grouville and St. Martin, Acting Chair
 Connétable M. O'D. Troy of St. Clement
 Connétable K.C. Lewis of St. Saviour
 Deputy M. R. Le Hagarat of St. Helier North
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy A. F. Curtis of St. Clement

In attendance -

G. Duffel, Principal Planner
 C. Jones, Senior Planner
 L. Davies, Planner
 R. Hampson, Planner
 A. Elliott, Trainee Planner
 A. Ilangovan, Trainee Planner
 G. Vasselin, Planner
 K. Ambrassa, Trainee Planner
 J. Gibbins, Trainee Planner
 T. Ingle, Principal Historic Environment Officer
 K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat, States Greffe (Item Nos. A7 - A14 only)
 K. Slack, Secretariat Officer, Specialist Secretariat, States Greffe (Item Nos. A1 - A3 only)
 A. Goodyear, Secretariat Officer, Specialist Secretariat, States Greffe (Item Nos. A4 - A6 only)
 H. Roche, Specialist Secretariat, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (Item Nos. A1 - A3 only)

Note: The Minutes of this meeting comprise Part A only

Minutes. A1. The Minutes of the meeting held on 10th November 2022, were taken as read and were confirmed.

Broadfields
 Vinery, Les
 Chanolles de
 Six Rues, St.
 Lawrence:
 proposed
 demolition and
 redevelopment

A2. The Committee received a report in connexion with an application which proposed the demolition of some existing glasshouses and ancillary structures and the return of the of the land to agriculture at Broadfields Vinery, Les Chanolles de Six Rues, St. Lawrence. It was also proposed to construct a 3 bedroom dwelling to the northwest of the site with various landscaping alterations. The Committee had visited the application site on 15th November 2022.

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

5th Meeting
17.11.2022

of existing
greenhouses.

P/2021/1968

determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and the Water Pollution Safeguard Area and that Policies SP1, 2, 3, 6, PL5, GD1, GD4, GD6, ERE1, ERE6, NE1, NE2, HE1, TT1, TT2 and TT4 of the 2022 Bridging Island Plan were relevant to the application.

The Committee noted that the application site related to a parcel of land located on the southern side of La Rue des Varvots and that the site was within an area designated as Green Zone. It contained 4 glasshouses which had not been used since 2008, and were in very poor condition, with high levels of damage to the wood structure. It was noted that whilst the site did not contain any Listed buildings, the Grade 3 Listed Retreat Farm was situated to the north of the site and there were Grade 3 and 4 Listed farmhouses to the south.

The Committee was apprised of the planning history of the site, which included pre-application advice sought in November 2021, under the auspices of the 2011 Island Plan, which related to the demolition of the glasshouses and the construction of 2 new dwellings with the return of the land to agriculture. The pre-application advice had indicated that 2 dwellings could not be supported but that a reduction to a single dwelling, with all of the necessary environmental and landscape gains, might be acceptable.

The Committee was advised that the application proposed the demolition and clearing of the 4 existing glasshouses and the single storey boiler house and oil tank structures in the east of the site. The Committee noted that the majority of the glasshouses' footprint would be converted to arable agricultural land and a 3 bedroom, 2 storey dwelling house was proposed in the northwest area of the site. The house would have a garage and an additional 3 on-site parking spaces, one of which would be for visitor parking. Private external amenity space, comprising a *circa* 250 square metre garden area including green space, domestic planting beds and an additional kitchen planter area near the garage was further proposed. The house would be finished partly in timber cladding, part render, with a pitched roof to a maximum ridge height of approximately 8.3 metres and the roof would feature zinc-clad dormers and rainwater goods. It was acknowledged that the proposed house would exceed the relevant internal space standards, would have considerable good quality external amenity space and would achieve an acceptable standard of accommodation for future occupiers.

The Committee noted that application was recommended for refusal on the basis that it would result in the construction of a new dwelling outside the Built-Up Area, which was contrary to the Spatial Strategy of the 2022 Bridging Island Plan. Insufficient information had been submitted to demonstrate that the proposed development satisfied the requirements of Policy ERE6. Moreover, it had not been demonstrated that this employment site had been adequately marketed for alternative employment uses.

The Committee noted that 7 representations had been received in connexion with the application; 3 in support and 4 were against the proposal.

The Committee heard from Mr. [REDACTED] Riva Architects, who highlighted the derelict state of the glass houses on the application site, which were considered to be unsafe. They had been used from the 1960s to the 1990s but had since been redundant. Accordingly, his client, [REDACTED] wished to remove them as they posed a health and safety risk and mindful that their removal would cost approximately [REDACTED] the construction of the new dwelling on the site would

offset this cost. This seemed the most appropriate way to proceed, based on the pre-application advice that had been received. The proposed new home was relatively small and would use the existing access and services. Its footprint would be 127 square metres, which equated to 3.4 per cent of the area covered by the glass houses. Their removal would significantly enhance the agricultural character of the site and improve the biodiversity in the area.

Mr. [REDACTED] the applicant, reiterated the currently unsafe nature of the site. He informed the Committee that he had found empty wine bottles, which was indicative that people were gathering in the area and he had concerns from a health and safety perspective. The site was currently unusable, so he wished to return the significant majority to agricultural use and he had received expressions of interest from a neighbouring farmer in respect thereof. He did not have access to the funds to remove the glasshouses, without the offset from the proposed new dwelling, so the alternative would be to leave them derelict, or to pass the site on to a professional developer. He had already spent [REDACTED] on the proposal and, if approved, the intention was to retain the property and initially to lease it out. He had received positive pre-application advice from Planning Officers and, until one week before the current meeting, the officer report on the gov.je website had recommended the application for approval.

The Committee heard from Ms. [REDACTED] of KE Planning, who indicated that her client was entitled to consistency in decision making. She made reference to a successful application to demolish glass houses and associated structures and construct a 4 bedroom residential dwelling, which had been approved [REDACTED] on 8th July 2022, under delegated authority (P/2022/0184 referred). In that case, the glass houses had arguably been in a better condition and the proposed dwelling had taken up a greater percentage of the site. Moreover, there had been no requirement from the Land Controls section of the Natural Environment Team that it should be marketed. Both schemes were similar in that they remediated unusable land and reinstated it to agricultural use. The current proposal would reinstate 87.6 per cent to agriculture, with the remaining 9 per cent (factoring in the dwelling of 3.4 per cent) forming part of the domestic curtilage. Ms. [REDACTED] informed the Committee that the officer report had not referenced the bus refuge that the applicant would install to the northwest of the site, which was a significant and exceptional enhancement, mindful of the junction between La Rue des Varvots and La Rue de la Frontière, where the bus stop was sited.

She argued that the application was not contrary to the Bridging Island Plan. It conformed with Policy SP1 in that it related to previously developed land and the creation of the bus refuge contributed towards active travel. The return of land to agricultural use was in accordance with Policy SP6 and whilst there was a presumption against new dwellings outside the Built-up Area, it was possible for exceptions to be made. The aforementioned development [REDACTED] had been approved without a bus refuge having formed part of the application and she drew the attention of the Committee to Article 19 of the Planning and Building (Jersey) Law 2002, which required all material consideration to be taken into account in the determination of an application for planning permission. She indicated that there had been recent, in principle, support from Ministers for the potential use of former glass house sites for housing and, in the round, believed the application to accord with the Bridging Island Plan and to justify approval.

Connétable D.W. Mezbourian of St. Lawrence informed the Committee that she had been contacted by the applicant over the weekend of 12th/13th November as the proposal had, until very recently, been recommended for approval, but the

Department's position had now changed. When she had read the officer report, it gave the impression that the Department was supportive of the application and it was only on the last page that refusal had been recommended, which she termed 'confusing'. In its consultation response, the Transport Section of the Infrastructure, Housing and Environment Department made reference to the egress onto Les Chanolles des Six Rues but did not object to the application. In the officer report, mention was made of the tensions between the various policies contained within the Bridging Island Plan but, in the view of the Connétable, the positives outweighed the few negatives. There was a 'conflict' in the Plan between the Built-up Area and the Green Zone, but the officer report was clear that, if approved, the application would have minimal adverse impact on the Green Zone. The application would also not impact the neighbouring Listed buildings.

The Connétable indicated that the members of the Comité des Connétables were working in tandem with the Minister for Housing and Communities to identify sites within their Parishes that had the potential to yield more homes and derelict glass house sites would form part of that review. The application site was ideal for clearance and the construction of one dwelling – albeit fewer than the 2 initially sought – would contribute towards those much needed homes. It would also return much of the land to agricultural use and would result in asbestos being cleared from the site. A neighbour wished to farm the land if it was returned to agricultural use and if the application was not approved, the glass houses would continue to deteriorate and remain visually at odds with the beautiful countryside.

Mrs G. Duffel, Principal Planner, informed the Committee that policy ERE6 (derelict and redundant glass houses) was a challenging policy. There was scope for redevelopment and reference was made therein to exceptional circumstances, so it was necessary to consider other policies within the Bridging Island Plan.

All members of the Committee indicated that they had found this application to be difficult. It was the opportunity to clear asbestos and some derelict, dilapidated and clearly dangerous glass from the site. Nobody would wish to rent the land as it was currently and the proposed dwelling – which was noted to be of a high quality – would not be sited on the footprint of the extant glass houses. It was positive that a neighbouring farmer would be interested in renting the agricultural land and it was accepted that the proposal would not attract significant profit. However, the applicant's expenditure to-date on the proposal was not a consideration for the Committee and nor was any emerging policy that Ministers might have hinted at.

Some members were frustrated by the number of dilapidated and dangerous sites that were in existence in the Island at a time when there was a need for homes. It was acknowledged that the site was in the Green Zone, but there were a number of other properties in the vicinity and it was not an isolated location. The presence of well-established trees growing through the dilapidated glass houses was tangible evidence that the site had not been used for employment for many years. There were clear environmental benefits from the proposed removal of the derelict glass houses and it was positive to see land being returned to agricultural use.

The Committee noted the personal view of Deputy A. Curtis of St. Clement, expressed dissatisfaction at the way in which the Department interpreted the marketing of land and the lack of detail and genuine intent with respect thereto in the current application. This had the potential to create a false precedent and could result in applications being presented to the Committee which had not been adequately marketed for alternative employment uses. If due diligence was not undertaken and sufficient information provided to explain the rationale, those with malign intent could take advantage thereof. The member felt that the application

site should have been marketed and had concerns that the Department had previously recommended the site for approval.

In response to concerns raised, Ms. [REDACTED] informed the Committee that her client had approached the Land Controls section with regard to the application and had been informed that there was no need for marketing to be undertaken. Mrs Duffel reminded the Committee that the decision around marketing rested, instead, with the Development Control Team.

Having discussed the foregoing, the Committee decided to grant permission, contrary to the officer recommendation, subject to the removal of permitted development rights. It was noted that the application would be re-presented for formal decision confirmation at the next scheduled meeting.

Field No.
1065, La Rue
du Bechet, St.
John: proposed
change of use.
(RETROPECT
IVE).

A3. The Committee received a report in connexion with an application which sought retrospective planning permission for the change of use of a 385 square metre area of agricultural land to facilitate its use as a fenced dog exercise and training area. The Committee had visited the site on 15th November 2022.

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

P/2022/0259

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and the Water Pollution Safeguard Area and that Policies SP1, 2, 3, PL5, GD1, 6, NE1, 2, HE1, ERE1, 2, TT1, 2, 4 and WER5, 6, 7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the proposed use had commenced without planning permission in July 2020, and that multiple structures had been erected on the site to be used in connexion with dog training activities, with the main structure being *circa* 2 metres in height and built from wood to provide a ramp and climbing space for dog training. In addition, a 1.1 metre wire fence had been installed around the site, with gated access.

The development was relatively minor in terms of its visual impact and was not profoundly at odds with the agricultural character of the area. However, the proposal would result in an unacceptable loss of agricultural land, which was not justified and was contrary to Policies ERE1 and ERE2 of the 2022 Bridging Island Plan. The proposal was not necessitated by the site location and represented an inappropriate diversification of the rural economy. Moreover, the applicant had not submitted a business plan. The absence of any details that could demonstrate safe access and egress to and from the site or sufficient car parking spaces was contrary to Policies TT1 and 4 of the Bridging Island Plan. The Committee was informed that details on the submitted plans were inaccurate and part of the proposed development was sited outside the 'red line' outline on the location plan. Also, the hedges that the applicant proposed to plant were not shown on the plans, so were presumed outside the boundaries of the site. Accordingly, the application was recommended for refusal.

It was noted that a total of 30 representations had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] from MS Planning on behalf of the applicant. He indicated that the applicant had wished to address the Committee in person but was unable to be present [REDACTED] Mr. [REDACTED] clarified, on her behalf, that when she was working she arrived on site between 9.00

and 10.00 a.m. with around 8 to 12 dogs and remained there for approximately one hour. She drove the dogs back and collected some more, returning to site for an hour between 12.00 and 1.00 p.m. This process was repeated at approximately 2.30 p.m. As a consequence, she was on site for approximately 3 hours per day – although not every day - interspersed with breaks.

The key policy was ERE1 (Protection of agricultural land) and Mr. [REDACTED] reminded the Committee that it was the loss of high quality land that posed a long term threat to the viability of the agricultural industry. However, the application site was not high quality agricultural land – but was scrub land sited between the existing track and the pond - and constituted a fraction of Field No. 1065. Moreover, its use for dog training would not adversely impact the viability of the field, or the wider agricultural industry. Mr. [REDACTED] drew the attention of the Committee to the view, which had been expressed by the Jersey Royal Company, that the application area remained wet for the majority of the year, thereby rendering it uncultivable for conventional crops. In his opinion, the Department's recommendation that the application should be refused and the rationale did not match the stated aim of protecting high quality agricultural land.

He acknowledged that the Bridging Island Plan adopted a precautionary approach, but referenced Policy ERE2, which referenced the facilitation of appropriate diversification to ensure a sustainable rural economy and allowed for initiatives to provide for specific community needs. He suggested that dog training allied with this, as evidenced by its popularity and the well-established premise that dogs required exercise in order to remain happy and healthy. He referenced planning application P/2020/1520, which had been approved by the Committee, as previously constituted, on 1st April 2021, and included the construction of livery stables and dog kennels in Field No. 487 in St. Martin, which had been productive, agricultural, land. In that application, it had been determined that the proposed development would assist in meeting the business plan and smallholder targets set by Land Controls and help support and diversify the local agricultural industry.

Mr. [REDACTED] made reference the many letters that had been sent to the Department signalling support for the application and indicated that it would be unrealistic to establish this type of venture in the Built-up Area, as it would be likely to adversely impact neighbours. The structures and equipment that were associated with the business could be easily removed if the demand for dog training waned and the land could be returned to its former scrub land state. He informed the Committee that there had been no detriment caused since the business had been in operation.

It was noted that the application included an extant gravel path and Mr. [REDACTED] suggested that this was in order to formalise its existence. With respect to the business having been operational for in excess of 2 years, without planning approval, he indicated that he was unable to explain this in the absence of the applicant, [REDACTED]

The Committee noted the view of Deputy M.R. Le Hegarat of St. Helier North, that dog training was a growing business across the Island, which would not be appropriate for the Built-up Area, as it could be disruptive for neighbours and increase traffic. She had no concerns with respect to the application site being used for that purpose, as it was not currently in agricultural use and constituted only a small fraction of the whole field. However, she suggested that parking on the site should be restricted to the applicant's vehicle only and she was not in favour of the gravel pathway. It was not helpful that the application was for retrospective approval, but she acknowledged the need for such a facility and indicated that she could support the application. Connétable M.O'D. Troy of St. Clement was also

supportive on the balance of need and noted that day care for dogs had become part of the way in which Islanders were able to work. Other members of the Committee raised concerns around the access and egress to and from the site, the car parking, the lack of background papers to support the use of the particular site and the retrospective nature of the application. The inaccuracy of the submitted plans was also a cause for concern, as was the lack of cohesion between the dog training and the surrounding agricultural business and anecdotal evidence that some dogs had escaped from the pen.

Having considered the application, the majority of the members of the Committee endorsed the officer recommendation to reject the application. If the applicant wished to appeal the decision, it was noted that the Committee would only consider an application for a time limited period (this to would need to be included in the application description and could not be achieved by the imposition of a planning condition), after which the land would need to be returned to its previous state. Clarification would need to be provided with respect to the car parking and an operational statement submitted. The creation of a formal driveway was not supported and accurate plans and details of appropriate landscaping would be required.

Greencourt,
Green Street,
St Helier:
proposed
construction of
a 4 storey
apartment
block and 2
semi-detached
3 bedroom
residential
units.

P/2021/1297

A4. The Committee received a report in connexion with an application which proposed the restoration and refurbishment of the Listed Building known as Greencourt, Green Street, St. Helier and the construction of a 4 storey apartment block in the north-eastern area of the site comprising 9 residential units and a roof terrace. It was further proposed to construct a pair of 2 storey semi-detached 3 bedroom houses in the southern part of the site with associated parking and landscaping. The Committee had visited the site on 15th November 2022.

Deputy T.A. Coles of St. Helier South did not participate in the determination of this application.

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 (Primary Centre - Town of St. Helier), was on the Eastern Cycle Route Network and contained a Grade 3 Listed Building. Policies SP2, 3, 4, 5, PL1, GD1, 3, 4, 6, 10, NE1, HE1, 2, H1, 2, 4, ME1, TT1, 2, 3, 4 and WER1, 6, 7 of the 2022 Bridging Island Plan were relevant.

The Committee noted that this was an amended proposal further to 2 previous unsuccessful planning applications for the redevelopment of the site (application references P/2016/0794 and P/2019/1589 refer).

The Committee was advised that Greencourt was an important Listed Building dating from the 1930s which sat within a large plot of land, in a densely developed residential area. The majority of the site was vacant and undeveloped and the house itself was in an uninhabitable condition. The application proposed the repair and refurbishment of the existing Listed Building, which would restore it to a habitable state. In the rear garden 11 additional residential units were proposed, which would include 2 semi-detached dwellings at the southern end of the site, and a 4 storey apartment block containing 9 units at the northern end. The scheme proposed to maintain much of the existing landscaping within the site, with added new planting.

The Committee was advised that the additional units were presented as being necessary to fund the refurbishment of the Listed Building, as well as making 'best use' of a Built-Up Area site. The Committee noted that the 2022 Bridging Island Plan supported an increase in development yields across the Built-Up Area, particularly so in the Primary Centre of St Helier. The Committee noted that the

Department was comfortable with the overall scale and design of the proposal when considered within the general townscape context, which included the large-scale development on the neighbouring Limes site, and the architectural design of the new buildings was considered to be appropriate. Vehicular access for the new units would be via the site to the north, which would utilise an access onto Green Street already designed to cope with the substantial volume of vehicle movements associated with The Limes and Willow Court.

A total of 12 representations had been received in connexion with the application and these had been included within the Committee's agenda packs.

The Committee heard from Ms. [REDACTED] who requested that photographs be circulated to the Committee which she had submitted on 4th November 2022. It was confirmed that the Committee had received the photographs as a late representation. Ms. [REDACTED] questioned how close the 2 proposed semi-detached houses in the garden of Greencourt would be to No. 8 Greenwood Terrace and further expressed concern with regard to the impact of possible overlooking should the foliage be removed as No. 8 Greenwood Terrace had bay windows.

The Committee considered photographs which had been taken from the roof of No. 8 Greenwood Terrace. The case officer noted that he had calculated a distance of 7.68 metres from the corner of 8 Greenwood Terrace to the corner of the proposed new buildings and drew the Committee's attention to the Landscape Site Plan for the development, which included the retention of much of the foliage on the boundary. The Committee considered the floor plans of the proposed building and noted the location of window openings. It was noted that the bathroom window on the first floor would be obscure glazed, and that any overlooking from the remaining first-floor window would be interrupted by the corner of the Greenwood Terrace building.

The Committee heard from Mr. [REDACTED] of MAC Architecture, who advised that much consideration had gone into the treatment of the southern boundary of the site and the landscaping scheme. Further to discussions regarding possible overlooking to No. 8 Greenwood Terrace, he advised that there would be no objection to obscuring the bathroom window. Mr. [REDACTED] considered the site to be unique and the extant proposal provided a balance between restoration and the provision of accommodation. The existing house would be refurbished prior to the commencement of the remaining development. The development would provide a mixed range of one, 2 and 4 bedroom properties. It would respect the Listed Building so that views of Greencourt would be maintained. The houses adjacent to Greencourt would be 2 storey high and would be subservient to Greencourt and other properties. Access to the new unit would be through the north of the site from an existing private road. There would be planting, trees and green space and parking would be concealed from view. During development of the proposal, the number of proposed houses had been reduced, the apartment block had been moved and the driveway relocated. Windows looked north and south to protect the privacy of the neighbours. The scheme included a large amenity space, stores and bike sheds, in line with the policy tests of SPG6 and a safe walking route to Green Street would be provided. In conclusion, the proposed development would provide a range of accommodation in an area designated for new dwellings and Mr. [REDACTED] welcomed the Department's recommendation to approve the scheme.

The Department heard from Mr. [REDACTED], owner and developer of the site. [REDACTED]

Work on the application had been ongoing for 2 years and the quantum of development proposed was required to fund the restoration of Greencourt. A bill of quantities had been supplied which showed the build cost of the development. Mr. [REDACTED] advised that he would personally oversee the redevelopment of Greencourt and the newbuild site. He advised that Greencourt had been vacant for 7 to 8 years and he had witnessed the deterioration of the property over the past 2 years. He noted that some of the objections to the proposed scheme related to the demolition of Greencourt but this was not intended and had arisen as a result of confusion with a previous application. An engineer's report had been obtained which showed that the building could be saved and restored, which was the intention.

The Committee heard from Mr. [REDACTED] of MS Planning who stated that the development focused on safeguarding the architecture of Mr. [REDACTED] while providing amenity space, landscaping and a range of housing types, including family homes. The Historic Environment Team had not objected to the proposed development and the preservation of Greencourt and the use of the land for the development of new homes accorded with Policy PL1 of the Bridging Island Plan. The location was highly sustainable, in accordance with the provisions of Policies SP1 and SP2. The height of the apartment building was lower than the height of many buildings fronting Green Street, it would not be visually prominent and its scale was considered appropriate in relation to the Listed Building. The proposed density of 85 dwellings per acre was between low and medium and was in accordance with the provisions of Policy H2. The amenity provision was good and its impact on neighbouring properties was also considered reasonable. The new development had been moved away from the site boundaries, all units met, or exceeded the provisions of SPG6 and included obscure glazing on balconies as well as parking for visitors and residents. With regard to Greenwood Terrace, it was noted that revisions to the scheme had included moving the development away from southern boundary of the site, a reduction in size and scale and the retention of planting. This, and the removal of a proposed bedroom window, meant that no unreasonable overlooking would arise and there would be no impact on any neighbouring amenity. The proposal included one, 2 and 3 bedroom homes and apartments and was considered to accord with the provisions of Policy H4.

The Committee heard from Mr. [REDACTED] speaking on behalf of La Société Jersiaise, who advised that the Société felt that a good compromise had been met between competing issues in respect of the proposed development. Whilst it was pleasing that the house would be saved if the application were approved, its decay had been troubling and it was in poor condition due to the difficulty in finding the right scheme for the site. The Société wished to commend those involved in progressing the scheme as a difficult compromise had been achieved on the site.

The Committee expressed the view that more action could have been taken to prevent the spread of dry rot in the Listed Building whilst redevelopment proposals were being formulated. Concern was also expressed that the western wall of the proposed apartment block was not subservient to the Listed Building and lacked design detail.

Having considered the application, the Committee, with the exception of Deputy A.F. Curtis of St. Clement, who believed that the application was contrary to Policy GD4, decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of additional conditions that:

- a) the first-floor bathroom window of the property nearest to No. 8 Greenwood terrace was obscure glazed; and,

5th Meeting
17.11.2022

- b) the architect for the scheme would work with the Department to include design features to soften the western wall of the apartment block to break up its visual mass.

Field No.
1585, Le
Chemin du
Moulin, St.
Ouen:
proposed
change of use
of part of
Field/ siting of
yurts.

P/2022/0136

A5. The Committee received a report in connexion with the proposed construction of 5 tourist accommodation yurts with various temporary ancillary support trailers, from 1st April to 30th September annually, on part of Field No. 1585, Le Chemin du Moulin, St. Ouen, with a temporary change of use of land from Class D Agriculture to Class F Tourism. It was further proposed to create an ecological habitat area with associated landscaping on part of the Field. The Committee had visited the application site on 15th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Protected Coastal Area and the Coastal National Park. Policies SP2, 3, 4, 5, 6, PL5, GD1, EV1 and NE1, 2, 3 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site measured *circa* 4.3 vergées in area and was accessed via a hoggin track from Le Mont Matthieu. The Committee noted that this was an open field surrounded by other fields, which were highly visible in views across the plain of St Ouen's Bay, with pockets of housing *circa* 100 metres away to the north and south but was otherwise an area of open and undeveloped countryside. The applicant had previously asserted that the field was historically non-agricultural and that this had been confirmed by the relevant authority.

The application proposed the change of use of Field No. 1585 and the erection of a number of yurts and associated facilities, which would provide temporary and seasonal holiday accommodation over the summer months. A total of 4 individual sleeping yurts were proposed, together with associated communal facilities. All of the structures would be non-permanent and would be able to be removed from the site with relative ease.

The Department noted that there was support within the Bridging Island Plan for rural diversification, and for the development of new tourism accommodation in certain circumstances. It was acknowledged that the site had not been actively farmed for many decades and therefore there would not be any loss of good quality agricultural land. It was, however, noted that the application site was in an exposed and remote rural location within the Coastal National Park and Protected Coastal Area and, and, as such, it was considered that the development of a campsite in this area would be harmful to the landscape and seascape character.

A total of 34 representations had been received in connexion with the application and these had been included within the Committee's agenda packs.

The Committee heard from Mr. [REDACTED] who considered that the majority of residents in St. Ouen's Bay were sympathetic to eco-friendly opportunities and were used to tourism activities taking place in the area. While there was support for Eco Tourism, Mr. [REDACTED] considered that the current application was not appropriate as it involved the use of a green field site which was surrounded by other green fields. Mr. [REDACTED] recognised that a number of applications were made each year for various temporary events to take place in the Bay, some of which were given consent, others were not. There would always be situations where people and organisations, such as the Scouts, might camp in the area, but this was accepted as it was informal and temporary. While the application under consideration was described as temporary, it was noted that yurts would be erected throughout the

summer making it a permanent fixture every summer. Mr. [REDACTED] was concerned about noise and disturbance from the proposed use and the implications for policing. He was of the view that the application needed to be considered in the context of it being a commercial venture.

The Committee heard from Mr. [REDACTED] who [REDACTED] objected to several issues arising with regard to the application. He noted that the application majored on ecology and the environment but considered that the provision of a line of mobile trailers in the field during the summer would not be aesthetically pleasing. Mr. [REDACTED] was of the view that further consideration needed to be given to parking as this was limited to 12 hours in a 24 hour period in the Bay. Accordingly, persons staying at the site would need to park a significant distance away or move their cars daily. He considered that the site may be able to accommodate 20 people, and this would require more than one trailer for showers and toilets, as well as water tanks. He concluded that the experience proposed was not 'off-grid' as suggested as the site required electricity, heating, hot and cold running water, and cooking facilities. He felt that the infrastructure required would be highly visible in the National Park.

The Committee heard from Mr. [REDACTED] of Jersey Organic Yurts. Mr. [REDACTED] apprised the Committee of his background and how his desire to address challenging environmental issues, including climate change and air pollution, had led to the application. [REDACTED]

He wished to provide comfortable accommodation which did not impact on the environment and provide guests with an opportunity to learn from the experience of sustainable living and lessening their impact on the environment. Mr. [REDACTED] advised that he and his colleague, Ms. [REDACTED] continued to explore solutions aimed at reducing impact on the environment and the proposed yurts would provide them with an opportunity to share their experiences. It would enable visitors to the site to experience nature and consider ways in which they could change how they lived.

The Committee heard from Mr. [REDACTED] of Origin Architecture Studio. Mr. Dennis noted that 48 public comments had been received, 24 of which were in favour and 24 of which were against the application. It was noted that 182 'likes' had been received in respect of a Facebook post from Jersey Organic Yurts relating to the application and Mr. [REDACTED] felt that there was a clear interest in the ethos behind the proposals. Several matters needed to be carefully balanced. The Department had provided a comprehensive review of the support for rural diversification and had considered that the plans would not result in the loss of good quality agricultural land, nor would they be harmful as all structures would be non-permanent and easy to remove. The structures would not be highly visible within the flat area of the bay and it was not felt that transient yurts would constitute permanent harm. The proposals had regard to Policies SP1, SP2 and SP4, in that they promoted conservation of an area of natural beauty and provided an opportunity for people to obtain a greater understanding and enjoyment of the Coastal National Park. There was an interest in green tourism and connecting with the landscape and it was thought that the public benefit would be direct and more evident as the drive towards carbon neutrality grew. The application accorded with Policy CI9 as it promoted the use of open space to encourage healthy lifestyles. It presented a balance in that it would promote opportunities to enjoy the landscape whilst recognising the need to respect it and to educate. Mr. [REDACTED] urged the Committee to make a value judgement in respect of a new initiative which would have no long-term environmental impact and would enhance biodiversity and education. It was noted that if permission was granted, the permit could be time-limited to 5 years if the

5th Meeting
17.11.2022

Committee felt this was appropriate.

The Committee heard from Ms. [REDACTED] of Jersey Organic Yurts. Ms. [REDACTED] advised that Jersey Organic Yurts was a small company that provided yurts for weddings and events. Whilst most people were familiar with the large white wedding yurts, the application proposed yurts which would blend in with the environment. Ms. [REDACTED] advised that any ancillary trailers would be camouflaged and in response concerns about noise, she stated that the proposed yurts would provide a base for hiking, cycling, yoga and surf retreats on a small scale. In this context, the applicant company had partnered with small local businesses who were supportive of their endeavours. The proposal would be executed on a temporary basis and Ms. [REDACTED] invited advised that the applicant company was open to any suggestions or recommendations which any recommendations which would lead to approval of the application. In response to a question from the Committee, Ms. [REDACTED] advised that Jersey Organic Yurts did not own Field 1585 but the owner was content for it to be for as long as the applicant company wished. She explained that the land [REDACTED] had never been used for agriculture.

Having considered the application, and whilst expressing support for the concept of providing temporary holiday accommodation to encourage green tourism initiatives, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report.

L'Abri,
Cowdray
Drive, St.
Brelade:
proposed porch
extension and
2 storey
extension.

A6. The Committee received a report in connexion with an application which proposed the construction of a 2 storey extension to the east elevation, continuing with a wraparound extension to the north and west elevation, at the dwelling known as L'Abri, Cowdray Drive, St. Brelade. The Committee had visited the application site on 15th November 2022.

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

P/2022/0802

The Committee noted that the proposal was fully compliant with the aforementioned policies and provided improved family housing within the Built-Up Area of an appropriate size and the design would improve the appearance of the dwelling significantly. Adequate car parking and garden amenity space would also be available, with the impact on neighbouring properties being very limited in terms of overbearing and overlooking.

A total of 5 representations had been received in connexion with the application and these had been included within the Committee's agenda packs.

The Committee heard from Mrs. [REDACTED] of KE Planning, who represented a neighbour [REDACTED]. It was noted that the neighbour wished to request that the proposed obscure glazing facing south and the privacy screen be retained in perpetuity. The case officer advised that a condition to this effect was proposed, should the application be approved.

The Committee heard from Mr. [REDACTED] of PF&A who advised that the intention was to match the extension to the style of the adjoining property. The applicant had engaged with the neighbour to understand their requirements and mitigate any concerns and Mr. [REDACTED] understood that the objection had now been withdrawn. In response to a question from the Committee, Mr. [REDACTED] advised that the boundary wall would be rendered and painted white to match the existing building.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions detailed within the Department report and on the basis of an additional condition that the obscure glazing and privacy screen be retained in perpetuity.

Maitland House, La Grande Route de St. Clement, St. Clement: proposed demolition of extension and outbuildings/ construction of new extension/dwellings/new access.

P/2022/0343

A7. The Committee received a report in connexion with an application which proposed the demolition of an existing extension and outbuildings and the construction of a new extension to the north elevation of 2 existing dwellings at Maitland House, La Grande Route de St. Clement, St. Clement. It was also proposed to construct 3 x 3 bedroom dwellings with associated car parking and landscaping and form a new access onto La Rue du Presbytere and close the existing access onto La Grande Route de St. Clement. The Committee had visited the application site on 15th November 2022.

Connétable M. O'D. Troy of St. Clement and Deputy A. Curtis of St. Clement did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies SP1, 2, 3, 4, 5, H1, H2, H3, H4, PL3, GD1, 3, 5 and 6, ME1, NE1, TT1, 2 and 4, WER1 and 2 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application proposed the construction of 3 detached 3 bedroom dwellings, alongside the refurbishment of the existing main dwelling and attached dower cottage to provide a 4 bedroom dwelling and a smaller 2 bedroom dwelling, providing a total of 5 family homes. The scheme also proposed the removal of various domestic outbuildings to the north-east of the site, the removal of extensions to the rear of the existing dwelling and the construction of an extension to the north elevation. The existing sub-standard access to the south of the site along La Grande Route de St. Clement would be extinguished in favour of a new access to the north of the site on La Rue du Presbytere. 11 car parking spaces, external storage sheds for electric bicycle parking with electric charging points and further visitor cycle parking were also proposed.

The Bridging Island Plan focused on development within the Built-up Area and sought to make the most efficient use of land and the application accorded with those objectives. The application site was in a sustainable location within close proximity to a good bus route and primary and secondary schools. The proposal optimised green infrastructure within the development, whilst making provision for all modes of transport in a way that prioritised and supported active travel choices. The proposed development provided appropriate housing types and tenures and accorded with the principles of Policies H1- H4, providing a mix of 2, 3 and 4 bed family homes, which would positively contribute to meeting the housing needs of the community, within the Built-Up Area, demonstrating optimum efficiency in the use of land considering the constraints of the site, plot size and the required minimum space standards. With due consideration of relevant planning matters, the scale of the development and its design were considered acceptable for this site and in respect of the requirements of Policies PL3, GD1 and GD6. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a Planning Obligations Agreement (POA) to secure a financial contribution towards the delivery of a pedestrian improvement scheme at the junction of La Grande Route de St. Clement and La Rue du Presbytere. If a suitable POA could not be agreed within 6 months of the date of the decision, the application would be re-

presented to the Committee.

The Committee noted that a total of 7 letters of representation had been received in connexion with the application and that the scheme had been amended to address the concerns expressed.

The Committee heard from Mr. [REDACTED] Architect, who advised that the scheme would provide much needed family homes in a highly sustainable location in the Built-Up Area, in accordance with the relevant policy context and the draft Supplementary Planning Guidance on density levels. Alongside the proposed new dwellings, the existing main dwelling and attached dower cottage would be refurbished and the scheme would result in a 14 per cent increase in the built footprint. Design cues had been taken from the principal dwelling, which was not a Listed Building, but had architectural character and the proposals met or exceeded all standards. The proposed new dwellings would be set back to follow the established building line and the roof ridge line would be lower than that of the principal dwelling. The scheme had been revised to address concerns and the Committee noted the details of the amendments which had been made together with the highway safety improvements arising from the creation of a new access to the north of the site. 11 car parking spaces, external storage sheds for electric bicycle parking with electric charging points and further visitor cycle parking were also proposed together with landscaping improvements, nesting boxes and bat tubes.

Having considered the application, the Committee endorsed the recommendation to grant permission, subject to the imposition of certain conditions detailed within the Department report.

Chi Chi
Boutique, La
Neuve Route,
St. Aubin, St.
Brelade:
proposed
demolition and
redevelopment.

P/2022/0219

A8. The Committee received a report in connexion with an application which proposed the demolition of an existing retail unit known as Chi Chi Boutique, La Neuve Route, St. Brelade and its replacement with a new 2 storey structure with a retail unit on the ground floor and a one bedroom residential unit on the first floor. The Committee had visited the application site on 15th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was in the Tourist Destination Area of St. Aubin. Policies SP1, 2, 3, 4, 6, PL3, GD1, 5 and 6, NE3, ER3, H1, 2, 3 and 4, TT1, 2 and 4, ME1, WER1, 2, 6 and 7 of the 2022 Bridging Island Plan were relevant. Planning Policy Notes No. 6 - minimum specification for new housing developments (PPN6) and 3 – parking guidelines (PPN3) were also highlighted.

The Committee noted that the application site currently housed a single storey retail unit with a courtyard to the west and access onto La Neuve Route. There were 2 and 3 storey residential units to the west. The application proposed a contemporary 2 storey building which would complement the surrounding buildings and would not be dominant in the street scene. The proposed development was considered to contribute positively to the character of the area, with good architectural features and large light openings to the ground floor retail unit, which would add to the vibrancy of St Aubin.

The site lay within the Built-up Area in a Local Centre, where development was supported where it contributed to maintaining and enhancing sustainable local communities, which included the development of small retail and residential units. The scheme was considered to accord with Policies SP1, SP2, SP3, SP4, SP6, PL3, GD5, ERE3, H1, H2, H3, H4 of the 2022 Bridging Island Plan and the development would not unreasonably harm the amenities of occupants and neighbouring users by virtue of overbearing impact or overlooking and would not affect the level of privacy

and sunlight to buildings and land that owners might expect to enjoy. On advice from the Department the design had been amended to reduce the large modern glazed openings at first floor level and the balustrade materials. The scheme achieved the lifetime home standards and the size, design and overall finish of the extension were considered acceptable. The application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

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

The Committee heard from Mr. [REDACTED] explained that the sole access [REDACTED] was less than one foot away from the proposed refuse store and he noted that this access door had not been shown on the submitted plans. Mr. [REDACTED] understood that the refuse store would serve several properties and he asked that it be relocated away from the access to Beach Cottage as it would have a detrimental effect on [REDACTED] enjoyment of [REDACTED] property. He also believed that a Juliette balcony and window on the proposed new residential unit would look into [REDACTED] room and [REDACTED] room.

The Committee heard from Mr. [REDACTED] representing Mrs. [REDACTED] Mrs. [REDACTED] was concerned about the scale and mass of the proposed development and the intensification of use of the site. In addition, concerns regarding pedestrian and highway safety were raised and Mr. [REDACTED] did not believe that these issues had been addressed in the Department's assessment of the application. He pointed out the practical difficulties which might arise in terms of the use of the on-site access, with a distance of only 3 metres between the parking area and the restaurant to the south, which could result in cars driving over a pedestrian access. Visibility beyond the patio area was poor and the potential existed for pedestrians to step out into the path of vehicles and for vehicles to reverse into the road. Mr. [REDACTED] added that the proposed cycle store was considered to be sub-standard and that overlooking would arise from the additional window and balcony, as evidenced by the use of opaque glass. Concerns also existed with regard to cooking odours and Mr. [REDACTED] noted an objection from the Environmental Health Department. Whilst the roof lights would be fixed shut other windows below could be opened. It was unacceptable to site the refuse area next to other residential properties and the potential for refuse bins blocking the entrance to [REDACTED] property was noted. Finally, Mr. [REDACTED] reminded the Committee that the application site was located in a high risk flood area and he did not believe that the information submitted addressed this, as envisaged by the relevant policy context.

The Committee heard from Mr. [REDACTED], who advised that [REDACTED] he objected to the application. He informed the Committee that he also represented Mr. and Mrs. [REDACTED] who also objected to the application. Mr. and Mrs. [REDACTED] were concerned about the increased footprint, height and length of the proposed development. They did not believe that the proposed development was appropriate in this context and felt that it would be visually dominant, out of character and would have a significant impact. It was understood that a carpentry workshop used by Mr. [REDACTED] relied on natural light and it was alleged that the proposed development would block out light to the workshop. Similar concerns were expressed in relation to the garden area of Hauteville and Mr. and Mrs. [REDACTED] feared that rainwater from the proposed development would make [REDACTED] garden damp and without adequate sunlight it would also be dark. The impact of the pitched roof appeared to have been ignored in the assessment of the application and overlooking was also cited (the Committee was informed that the proposed balcony would look onto 'Airbnb' accommodation). Mr.

and Mrs. [REDACTED] highlighted the issue of noise in St. Aubin in the evening and pointed out that the proposed residential unit would be affected by this. Whilst they were not opposed to development in the area [REDACTED]

The Committee heard from Mr. [REDACTED] of Godel Architects, representing the applicant. Mr. [REDACTED] reminded the Committee that 23 individual policy considerations had been taken into account in the assessment of the application. Whilst the existing building was not Listed and St. Aubin had not yet been designated a conservation area, the setting had specifically been taken into account and significant revisions to the design had been made. Whilst the objections were noted, 11 letters of support had also been received. Turning to the representations heard by the Committee at the meeting, Mr. [REDACTED] confirmed that the refuse store could be relocated away from Beach Cottage and that there was plenty of space within the rear patio courtyard area for this. Mr. [REDACTED] went on to address the points raised by Mr. [REDACTED] on behalf of Mrs. [REDACTED] and noted that mutual overlooking existed at present. [REDACTED]

[REDACTED] It had been concluded that the objections had been overstated and Mr. [REDACTED] expressed the view that this was also the case in respect of the application under consideration. He added that there had been no objections from the highway authority and that both cycle parking and storage could take a variety of different forms. In response to comments regarding cooking odours, it was understood that the Environmental Health Department was now satisfied with the proposal, following revisions to the scheme. A flood risk statement had been submitted and accepted and it was noted that the electric points on the ground floor would be positioned higher on the walls. With regard to the broader issue of flood risk, Mr. [REDACTED] suggested that the Government should consider the provision of improved flood risk defences. Turning to Mr. [REDACTED]'s representations on behalf of Mr. and Mrs. [REDACTED] it was noted that the increase in the footprint would only be 8.4 per cent. The submitted drawings detailed the design improvements which meant that the scheme would sit well within the context of St. Aubin. Mapping had also been undertaken in respect of the impact on natural light and the carpentry workshop referred to by Mr. [REDACTED] only had roof lights, which would be unaffected by the proposed development. There would be no impact on the amenity space of the property to the north-west and drainage and surface water assessments had been undertaken. In response to questions, Mr. [REDACTED] confirmed that the finish would match that of Seagull House, the driveway would be resurfaced and that a sustainable drainage system was proposed.

Having considered the application, the Committee, with the exception of Deputy A. Curtis of St. Clement, who did not believe that sufficient information had been submitted to allow a proper assessment of the application (specifically elevations showing relationships with neighbouring properties), decided to grant permission, subject to the imposition of certain conditions detailed within the Department report.

Clifton Care Home,
Bagatelle Lane, St. Saviour:
proposed demolition of extension/
construction of new extensions/out

A9. The Committee received a report in connexion with an application which proposed the demolition of an existing extension to the east of Clifton Care Home, Bagatelle Lane, St. Saviour and the construction of a ground floor garden pavilion extension linked to the east elevation. It was also proposed to construct a first floor infill extension to the north elevation, a 2 storey extension to the south-east of the site, a ground floor extension to the west wing and a second storey addition over the existing building. The scheme also proposed the replacement of the existing outbuildings to the north and south-east of site, together with various internal alterations and landscaping improvements. The Committee had visited the application site on 15th November 2022.

buildings.

P/2022/0590

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Green Backdrop Zone and was on the Eastern Cycle Route Corridor. Clifton was also a Grade 4 Listed Building. Policies SP1, 2, 3, 4, 5, PL1, GD1, 6, 8, NE1, HE1, HE2, ER3, H1, 2, 3 and 4, TT1, 2, WER 6 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application proposed a series of extensions and alterations to expand an existing care home in the Built-Up Area. Changes had been made to the scheme throughout the life of the application in response to concerns raised. The design and materials of the extensions were in keeping with existing extensions on the site and were not considered to be harmful to the character of the area, the Listed Building or its setting. Consequently, it was recommended that permission be granted, subject to the imposition of certain conditions detailed within the Department report and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure a financial contribution towards transport improvements in the area. If a suitable POA could not be agreed with 6 months the application would be re-presented to the Committee.

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

The Committee heard from Mr. [REDACTED] representing neighbours. Mr. [REDACTED] advised the Committee that he had been involved in the formulation of an historic scheme for an extension to the building approximately 20 years previously and was familiar with the constraints of the site. Mr. [REDACTED] noted the revisions which had been made to the scheme but advised that overlooking from 2 windows on an extension remained an issue. He added that the first floor extension would have an impact on the Listed Building. The Department report also referred to the property as being in St. Helier when it was in fact in St. Saviour.

The Committee heard from Mr. [REDACTED] who advised that [REDACTED] property would be affected by the extension of the ground floor [REDACTED] room and the first floor extension, [REDACTED]

The Committee heard from Mr. [REDACTED] who repeated that the application site was in St. Saviour and not St. Helier, as stated in the Department report. He also raised concerns regarding traffic intensification and the impact on pedestrian safety in an area where there were a number of schools. This was particularly relevant in the context of construction traffic associated with the proposed development.

The Committee heard from Mr. [REDACTED] representing the applicant, who discussed the aging population, the increased demand for elderly care and the requirements of the Jersey Care Commission (which were a driver for the scheme and necessitated significant investment in facilities). With regard to the concerns of neighbours in Easton Close, Mr. [REDACTED] argued that No. 1 was a sufficient distance away from the application site so as not to suffer any unreasonable harm from the development. He also pointed out that the application site was lower than a property to the east, meaning that only the roof of the development would be visible over an existing wall. The second storey extension had been pulled back and the first floor windows facing the property known as Ville Franche would be obscure glazed. Services would be accommodated with an acoustic enclosure with the effect that levels would be below background noise levels. The scheme had been revised to give the historic frontage breathing space.

The Committee heard from the Principal Historic Environment Officer, Ms. T. Ingle, who advised that whilst there had been concerns regarding the impact of the original

5th Meeting
17.11.2022

proposals on the Grade 4 Listed Building, these had been addressed by the revisions which had been made. Ms. Ingle lamented the loss of an original staircase but acknowledged that this had to be balanced against the wider requirements. Landscaping and refuse storage details had been requested.

Having considered the application, the Committee, with the exception of Deputy A. Howell of St. John, St. Lawrence and Trinity, who expressed concerns about the impact on the Listed Building and the impact on neighbours, decided to 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, as detailed above. The Committee also directed that an additional condition be attached to the permit requiring the first floor windows (serving a corridor and bedroom) on the extension to the front be obscure glazed.

The Topsy
Toad Town
House, No. 57
New Street, St.
Helier:
proposed
change of use
to residential
accommodat-
ion.

A10. The Committee received a report in connexion with an application which proposed the change of use of The Topsy Toad Town House, No. 57 New Street, St. Helier, to facilitate the creation of residential accommodation. The Committee had visited the application site on 15th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was in a Regeneration Zone. No. 57 New Street was also a Grade 4 Listed Building. Policies SP1, 2, 3, 4, 5, 6, PL1, GD1, 2, 3, 5, 6, 7, 10, NE1, HE1, ME1, CI8, H1, 2, 4, TT1, 2, 3, 4, WER 1, 6, 7 and UI3 of the 2022 Bridging Island Plan were relevant.

P/2020/1726

The Committee was advised that Nos. 57-59 New Street (The Topsy Toad Town House) had originally been used by Vautier Wine Store and Warehouse (established 1830), before being redeveloped in 1934 to form a single uniform building designed by local architect, Mr. A.B. Grayson. The Topsy Toad had brewed beer and sold it on site between 1994 - 1997 before brewing was relocated to the UK. Since that time the property had been used as a public house and music venue, with a number of tenants in occupation over the years.

The application proposed the retention of the Grade 4 Listed façade and the creation of 18 x one bedroom apartments and 2 x 2 bedroom apartments.

The Committee noted that the site was located within the Built-Up Area of St. Helier in close proximity to a range of services. The proposed redevelopment represented a more efficient use of the site and a residential development would contribute to the housing stock. The scheme would have a positive impact on the character and appearance of the area and it met the overall objectives of the Bridging Island Plan in relation to delivering housing in the most appropriate places. It was noted that the Historic Environment Team (HET) objected to the application on the grounds of the impact on the Grade 4 Listed Building, the setting of adjoining Listed Buildings, the scale of the development and the impact on the street scene. However, given that the existing interior structures on the site were of no particular architectural or historic merit, with the exception of the original building façade (which was to be retained), the removal of the interior to facilitate new development was supported. The site was located within Character Area 8 of the St Helier Urban Character Appraisal. In this location, the criterion for new development indicated that building massing should generally be up to 4, or exceptionally 4.5 storeys high and that blank side elevations should be minimised. The development had been significantly reduced in height to accord with the criterion (4 storeys were proposed) and the flank walls of the development would not be viewed in the street scene given the existence of adjoining buildings. Consequently, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report

and on the basis of the entering into of a Planning Obligation Agreement (POA) to secure a financial contribution towards sustainable transport initiatives and the provision of an extended widened footpath on Craig Street. In the event that a suitable POA could not be agreed within 3 months of the date of approval, the application would be re-presented to the Committee.

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

The Committee noted that whilst an objection submitted by the Historic Environment Team had been included within the agenda pack, Ms. T. Ingle, Principal Historic Environment Officer also wished to make representations to the Committee. Ms. Ingle advised that the Historic Environment Team fundamentally objected to the entire removal of the interior of this Art Deco style building, albeit that this was not protected by the Grade 4 Listing. She asked the Committee to consider whether the retention of the façade alone was the correct approach and whether the scheme enhanced the architectural character of the building. She referenced the bulk of the new mansard roof, which was considered to be imposing and visually assertive and the poor quality amenity space. In concluding, she suggested that a review of the design approach could deliver homes in a more architecturally sensitive manner.

The Committee heard from Mr. [REDACTED] who asked the Committee to give due weight to the representations of the Historic Environment Team and highlighted the significance of the architecture of Mr. [REDACTED]

The Committee heard from Mr. [REDACTED] who referenced comments from the Jersey Architecture Commission (JAC) which indicated that an earlier opportunity to assess the application would have been welcomed. Mr. [REDACTED] believed that the overall assessment of the townscape impact of the proposals was inadequate and that the scheme underestimated the architectural value of the building. New Street was considered to be the second most important street in the town centre with a wide range of historic buildings of good quality. The Art Deco Play House theatre site, which had been constructed within 2 years of the Grayson building, faced the application site, the latter being a dominant corner feature. Residential accommodation had been created on The Play House site and a new floor had been added which was set back and which worked well and did not disrupt the townscape. The Grayson building was 'almost cruelly horizontal' in Mr. [REDACTED]'s view and adding a vertical element was considered problematic. Whilst the need for housing was recognised, protecting the environment was equally important and any damage could not be undone. Mr. [REDACTED] believed that the policy bias should lean towards the protection of heritage assets and he stated that approval of the application could set an undesirable precedent and lead to significant townscape damage. He asked the Committee to consider whether the application enhanced the quality of the Listed Building and its surroundings.

The case officer advised the Committee that the JAC had been involved at a very early stage and that the scheme had been through a number of iterations. There was an awareness of the importance of Grayson's architecture and the need to preserve and enhance Listed Buildings and their settings was also recognised. It was not considered that the proposed development would be 'read' from the street because of the proposed set back and there would be no damage to the historic façade, which would be enhanced.

The Committee heard from Mrs. [REDACTED] and Messrs. [REDACTED] and [REDACTED] representing the application. Mr. [REDACTED] advised that the site had been marketed for over 2 years without success. While the building remained empty the

condition further deteriorated.

Mr. [REDACTED] advised that it was understood that whilst Grayson had designed the facade, he was not responsible for the interior. He went on to discuss the various iterations of the scheme and the revisions which had been made, which included a significant reduction in the scale of the development. The scheme retained the facade and included the replacement of existing unsympathetic modern windows with crissall style windows to replicate those shown on the original Grayson drawings. Mr. [REDACTED] added that the René Lalique style entrance doors were not original. It was noted that the third floor would be set back by 3.7 metres and would not be read from street level. This set back would allow for the creation of private amenity areas. Whilst the 3 ground floor apartments would not benefit from private amenity space they were 'oversized' with higher ceilings to give volume and a greater sense of space. The scheme included 7 car parking spaces, the creation of a car sharing scheme and storage space for 60 bicycles.

Mrs. [REDACTED] addressed the Committee, advising that the interior of the existing building had been heavily modified over time to suit the various uses. She referenced the Listing Schedule, which focussed on the façade, and noted that this would be retained. The proposed development accorded with the strategic policy context and the site was located in close proximity to the town centre and other amenities. The density levels proposed were in line with draft Supplementary Planning Guidance and a careful design process had been followed. Whilst HET did not support the application, a holistic assessment against all relevant policies had been undertaken and was detailed in the Department report. 20 new homes would be provided in a sustainable location and the scheme included amenity space for the majority of apartments whilst retaining the heritage asset.

The Committee was unable to reach a majority decision, with Deputies S.G. Luce of Grouville and St. Martin, Acting Chair, M. R. Le Hégarat of St. Helier North and Connétable M. O'D. Troy of St. Clement endorsing the recommendation to grant permission. The remaining members, Connétable K.C. Lewis of St. Saviour and Deputies A. Howell of St. John, St. Lawrence and Trinity and A. F. Curtis of St. Clement felt unable to support the application on the basis that it was contrary to Policies HE1, GD6 and SP3. Members expressed concerns regarding the impact on the character of the area, the design and scale of the extensions and the design quality. Deputy Curtis suggested that consideration could be given to utilising the space at the front of the building for small retail units. However, this was a personal view and not the view of the Committee as a whole.

In accordance with agreed procedures where a vote was tied, the application was determined in the negative and was refused for the reasons set out above.

Pinetrees, La
Rue de
Samares, St.
Clement:
proposed
conversion and
extension of
garage to
create
residential
unit.

A11. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which proposed the conversion and extension of a garage at the property known as Pinetrees, La Rue de Samares, St. Clement to facilitate the creation of a 2 bedroom residential unit. The Committee had visited the application site on 15th November 2022.

Connétable M. O'D. Troy and Deputy A. Curtis, both of St. Clement, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor.

P/2021/1842

Policies SP1, 2, 3, 4, 5, 7, PL3, GD1, 6, NE1, NE2, H1, 4, ME1, TT1, 2, 4, WER 6, 7 and UI3 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site comprised a garage located on the eastern side of La Rue de Samares. The application proposed a 2 storey L-shaped residential building comprising 2 bedrooms on the site of the existing garage (walls to be retained) and extending into the garden area within Shirbarry House. Access to the new property would be off La Rue de Samares and a garden area would be provided to the north-east of the site behind Jasmine Cottage.

The Committee noted that, having assessed the scheme, the Department was of the view that the design lacked quality and consequently the amenities of both the potential occupiers of the new house and existing properties would be compromised by the proposal, which was also considered to represent overdevelopment. The lack of cycle parking, biodiversity enhancements, an energy strategy and waste management details further highlighted the deficiencies in detail and approach. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, H1, ME3, NE3 and TT2 of the Bridging Island Plan. It was recommended that the Committee maintain refusal of the application.

4 letters of representation had been received in connexion with the application and the Parish of St. Clement did not support the proposals.

The Committee heard from Ms. [REDACTED], who [REDACTED] [REDACTED] was concerned about loss of light to [REDACTED] garden and conservatory and the overbearing impact of the development.

The Committee heard from Ms. [REDACTED] who [REDACTED] [REDACTED] expressed the view that the proposed development was out of character with the area and she too was concerned about loss of light to [REDACTED] garden and overlooking from the proposed development. She highlighted existing difficulties with car parking and felt that the proposed development would only exacerbate the problem, giving rise to highway and pedestrian safety issues. She also raised the issue of water from the east elevation of the proposed development draining onto [REDACTED] property. Finally, Ms. [REDACTED] expressed concerns regarding disruption during the construction period if permission was granted.

The Committee heard from Mr. [REDACTED] who considered the application site to be ideal for the construction of a new dwelling and he noted that the Department report accepted the principle of a new dwelling in this location. The design of the dwelling was driven by the constraints of the site, with the height being kept to a minimum. Ample parking (2 spaces and a 4 car garage (Ms. [REDACTED] interjected questioning whether the garage was capable of accommodating 4 vehicles)) and amenity space had been provided and there had been considerable support for the scheme. Whilst the application had been assessed against the Bridging Island Plan Policies, it had been submitted during the life of the 2011 Island Plan. Mr. [REDACTED] stated that, save for 'a small loss of evening sunlight' he did not believe that the proposed development would result in any significant loss of light to neighbouring dwellings due to their position in relation to the application site. The Parish Roads Committee had raised no concerns regarding the access arrangements (this point was refuted by Ms. [REDACTED]) and the proposed development would result in reduced vehicle movements.

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

5th Meeting
17.11.2022

Pasadena, Le
Mont Les
Vaux, St.
Brelade (land
to the east):
proposed
dwelling.

P/2021/1770

A12. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which proposed the construction of a 2 storey dwelling on a cotil to the east of the property known as Pasadena, Le Mont Les Vaux, St. Brelade. The Committee had visited the application site on 15th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone in the Tourist Destination Area of St. Aubin. Policies GD1, 6, NE1, 2, 3, WER6 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that the application site comprised an area of land which formed part of the residential curtilage of the property known as Pasadena. The land in question was situated towards the bottom of a steeply wooded hill and was sited above the ground level of a neighbouring property. It was noted that a number of trees had recently been removed from the site.

The Committee was advised that the application proposed the construction of 2 storey detached dwelling within the excavated garden of Pasadena. Some re-profiling of the land with excavation and demolition works would be required to facilitate the construction of a platform upon which to construct the proposed new dwelling. Access to the property would be via stairs built into the slope and a retaining wall at the northern edge of Chaseville Court. The application had been refused on the grounds of the Green Zone location of the site and on the basis that the proposed development was not in keeping with the established pattern of development in the area, thus undermining the local character. The scheme failed to provide off street parking and was not supported by a detailed ecological survey. In addition, the submitted drainage information was inadequate in that it did not demonstrate that there was sufficient capacity to cope with the proposed development. It was recommended that the Committee maintain refusal of the application.

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

The Committee heard from Mr. [REDACTED] who objected to the application and referenced written representations submitted on 6th January and 14th April 2022. Mr. [REDACTED] advised that he was an 'owner in common' of an area of land associated with Chaseville Court, which Pasadena enjoyed a right of access over. The nature of the proposals suggested a use for development purposes which was entirely inconsistent with the current right of way granted over this land. Mr. [REDACTED] had been pleased to see that the Bridging Island Plan strengthened the presumption against development in the Green Zone and he noted that the original refusal of the application relied upon the clear presumption against development in the Green Zone. Any deviation from this policy position would set a most undesirable precedent and would undermine decisions taken in relation to other applications for development in the immediate vicinity (as detailed in the written representation submitted by Mr. [REDACTED]). Mr. [REDACTED] also stated that the construction of an extension to Pasadena had restricted access to the proposed development site and increased reliance on the use of common areas. The proposed new dwelling would not have dedicated car parking and demand for parking in the area outstripped supply.

The Committee heard from the applicant, Ms. [REDACTED] and her agent, Mr. [REDACTED] of Origin Architecture. Ms. [REDACTED]

[REDACTED] stated that the property incorporated the application site,

for which she had been unable to secure indemnity insurance because of the trees on the land. Consequently, she had arranged for these trees to be felled in order to remove any risk and the land was maintained on an annual basis. She went on to state that a tree from an area of higher ground had since fallen and large boulders had smashed into an existing wall weakening the structure. Ms. [REDACTED] informed the Committee of a concrete foundation at the top of the site, suggesting that there had once been a structure there. Turning to the proposed new dwelling, Ms. [REDACTED] advised that it was intended [REDACTED] of providing family support. [REDACTED] She went on to detail pre-application discussions with a planning officer, the outcome of which had encouraged her to submit the application. Ms. [REDACTED] went on to explain that the site had been assessed against site suitability analysis criteria for housing as part of the draft Bridging Island Plan housing land availability assessment in April 2021, and had achieved 'a green score for 3 out of 4 categories. The proposed new dwelling would be sympathetic to the landscape and Ms. [REDACTED] advised that she was open to further discussions in relation to the decision. She informed the Committee that she had commissioned drainage and ecological assessments at significant cost and this information did not appear to have been considered. With regard to the provision of car parking, the Committee noted that 2 cars could be accommodated within the curtilage of Pasadena. In concluding, Ms. [REDACTED] confirmed that the correct level of access had been maintained.

Mr. [REDACTED] addressed the Committee, raising some procedural issues in the first instance. He advised that drainage and ecological assessments had been sent to the Department and uploaded to the portal on 10th March 2022. However, the application had been refused on 11th March 2022, and there had been no response to a query asking why these documents had not been considered in the assessment of the application. It was also unclear whether the Committee had received the assessments as part of the request for reconsideration and it was noted that these submissions addressed issues which had been raised. Mr. [REDACTED] noted that the application had originally been submitted during the life of the 2011 Island Plan and had ultimately been assessed against the policies of the Bridging Island Plan. Whilst it was accepted that this redundant site was in the Green Zone, it was on the periphery of the Built-Up Area of St. Aubin, being within a short walk of local amenities, close to bus stops and green transportation routes. The proposed dwelling would not be visible from the public realm, there would be little impact on protected species or natural habitats and the site had no special landscape or seascape character. Turning to Policy GD1, it was noted that the proposed dwelling had been designed to mitigate overlooking and there would be no loss of privacy or impact on daylight. With regard to Policy GD6, the proposed design and materials reflected the character of the area and took cues from an adjacent terrace and the diverse context of St. Aubin. There would be no impact on the Green Backdrop Zone. A drainage assessment which had been provided concluded that there was sufficient capacity within the existing infrastructure to support the proposed development. Finally, Mr. [REDACTED] stated that this was the embodiment of a sustainable site and the scheme accorded with Policy TT4.

In response to the issues of process which had been raised, the Acting Chair advised that it was normal practice for applications to be assessed on the basis of the information submitted at the outset. It was possible that the documents referred to might have been received too late in the process. Consequently, the Committee's review of the application was based on the original information and did not include the additional documents.

Having considered the application, the Committee unanimously endorsed the

5th Meeting
17.11.2022

recommendation to refuse permission for the reasons outlined above. In doing so the Committee highlighted the Green Zone Policy context and the clear presumption against development. The point was also made that applications were assessed against the relevant policy criteria and personal circumstances could not be taken into account. The importance of appropriate professional advice in the context of managing expectations was also highlighted.

No. 33 Queen
Street, St.
Helier:
proposed
installation of
awnings.

A13. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which proposed the installation of retractable awnings at No. 33 Queen Street, St. Helier. The Committee had visited the application site on 15th November 2022.

Deputy A. Curtis of St. Clement did not participate in the determination of this application

P/2022/0749

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Core Retail Area of the Built-Up Area and was on the Eastern Cycle Route Corridor. Policies GD1, 6, HE1, ER1, PL1 and SP4 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that this Grade 4 Listed Building was located on Queen Street within the Town Centre of St. Helier. Policy HE1 stated that, 'all proposals should seek to improve the significance of Listed Buildings and Places'. The proposal sought to install 2 retractable awnings to the west and south elevations. The Committee noted the planning history of the application site, which included a previous application for 2 larger awnings to the west and south elevations, which had ultimately been withdrawn. The Historic Environment Team (HET) had objected to the application on the basis that the awnings constituted a modern addition to the principal façade of an important and prominent corner building. HET had also questioned the necessity for an awning and concern had been expressed that approval would set an undesirable precedent which would be harmful to the historic setting of the town. The awnings were considered to be incongruous with the character of the building and the visual impact was considered harmful to the landscape and historic character, contrary to Policies SP4, GD6, and HE1 of the Island Plan. The Committee's attention was drawn to comments in the submitted historic impact statement to the effect that many Listed Buildings (including No. 33 Queen Street) had awnings in the past and at present. However, HET was of the view that the context was different with the buildings referred to having 'shopfronts'.

The application had been refused on the grounds that it was contrary to Policies, HE1, SP4, and GD6 of the 2022 Island Plan and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. [REDACTED] representing the applicant. Mr. [REDACTED] did not believe that the awning would be visible as it would be concealed behind a render band when retracted. He added that he had been unable to find a single application where permission had been refused for an awning on a Listed Building in the last 5 years. Furthermore, the current form of the existing building was not original, and this was especially true of the ground floor shop front. Historic photographs of the original building (and other buildings) with canopies had been submitted and Mr. [REDACTED] noted the prevalence of such features in the past. He listed a number of buildings which currently had retractable canopies, to include Boots the Chemist, Thompsons Estates, The Blue Note, Hettich the jeweller, the Soleil Levant, Gallichan the jeweller, The Cock and Bottle, some which were located on corner sites. In concluding, he urged the Committee to support businesses

and approve the application.

The Committee heard from Connétable A.S. Crowcroft of St. Helier, representing the applicant. The Connétable asked the Committee to view images of the existing shop front and stated that it was clear that the original had been destroyed. He had been delighted to learn that the applicant wished to invest in the building and felt that the decision to refuse permission for the retractable awning was unjustified and unfair. He pointed out that there was an awning over an alfresco area on a building directly opposite the application site and he believed that if the applicant pursued an appeal he would be successful.

The Committee heard from the Principal Historic Environment Officer, who advised that consideration had to be given to the impact of each proposal. This was a prominent corner building with no shop frontage and the proposed awning would have a significant visual impact. No details of how the awning would be retracted had been received. Whilst precedent could be considered, each application had to be considered on its own merits.

Having considered the application, the Committee unanimously approved the application on the basis that it was convinced that there would be no impact on the Listed Building. Having noted that its decision was contrary to the Department recommendation, it was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

No. 3
Ravenswood
Villas, Green
Street, St.
Helier:
proposed
second floor
balcony.

P/2022/0701

A14. The Committee received a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which proposed the construction of a second floor balcony to the north elevation of No. 3 Ravenswood Villas, Green Street, St. Helier. The Committee had visited the application site on 15th November 2022.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area and was on the Eastern Cycle Route Corridor. No. 3 Ravenswood was a Grade 3 Listed Building. Policies GD1, 6, HE1, 2, H1 and SP4 of the 2022 Bridging Island Plan were relevant.

The Committee was advised that permission had previously been granted for the replacement of an existing rear dormer and considerable effort had been made to minimise the loss of historic fabric. The current proposal sought to add a new external amenity space with a cantilever balcony and the Historic Environment Team (HET) had objected to the application on the grounds that the introduction of a balcony would have a detrimental impact on the character of the roofscape, the rear facade and the setting of the host and other Listed buildings in the terrace and approval would set an undesirable precedent. HET had concluded that even with revised materials or designs the objection and concern regarding the proposal could not be overcome. The Department was also concerned about the potential for overlooking from the proposed balcony and the introduction of a balcony in this context was not in keeping. Therefore, the application had been refused on the grounds that it was contrary to Policies HE1, SP4, GD6 and GD1 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal.

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

The Committee heard from Mr. [REDACTED] of Origin Architecture, who stated that whilst the frontage of the property was afforded protection in the Listing Schedule, the rear elevation had been significantly altered. The proposed balcony would provide external amenity space and would not result in any greater level of

5th Meeting
17.11.2022

overlooking than the existing dormer and Juliette balcony. Mr. [REDACTED] added that the application site was in the Built-Up Area where some level of overlooking was inevitable. He stated that the application was in accordance with Policies GD1 and GD6 and the scale of the proposed development was modest and would not have a detrimental impact on the setting of the Listed Building. A surface water drainage connection existed.

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