

KML

PLANNING COMMITTEE

(13th Meeting)

2nd December 2021**PART A (Non-Exempt)**

All members were present, with the exception of Deputies R.E. Huelin of St. Peter, K.F. Morel of St. Lawrence and S.G. Luce of St. Martin, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity, Chair
 Deputy G.J. Truscott of St. Brelade, Vice Chair
 Connétable D.W. Mezbourian of St. Lawrence
 Connétable M. Troy of St. Clement
 Deputy J.M. Maçon of St. Saviour
 Deputy L.B.E. Ash of St. Clement
 Deputy M.R. Le Hegarat of St. Helier
 (from item No. A10 onwards)

In attendance -

G. Duffell, Principal Planner
 C. Jones, Senior Planner
 E. Stables, Senior Planner
 J. Gladwin, Senior Planner
 L. Davies, Planner
 J. Gibbons, Trainee Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe

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

Minutes.	A1. The Minutes of the meeting held on 18th November 2021, having been previously circulated, were taken as read and were confirmed.
No. 13 Duhamel Place (land to the rear of), St. Helier: proposed new dwelling. P/2021/1015	<p>A2. The Committee, with reference to its Minute No. A6 of 18th November 2021, considered a report in connexion with an application which sought permission for the construction of a 3 bedroom dwelling with car parking and amenity space to the rear of No. 13 Duhamel Place, St. Helier. The Committee had visited the application site on 16th November 2021.</p> <p>The Committee recalled that it had been minded to refuse the above application, contrary to the officer recommendation. For the purpose of formal decision confirmation, the application was re-presented and the reasons for refusal noted.</p>

The Committee confirmed its decision to refuse permission on the basis that the application was contrary to Policies GD1, GD7 and H6 of the 2011 Island Plan.

Flat No. 1, No.
14 Duhamel
Place, St.
Helier:
proposed first
floor
extension/
internal
alterations
(RFR)

A3. The Committee, with reference to its Minute No. A8 of 18th November 2021, considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for a first floor extension to the east elevation of Flat No. 1, No. 14 Duhamel Place, St. Helier, together with associated internal alterations. The Committee had visited the application site on 16th November 2021.

The Committee recalled that it had been minded to approve the above application, contrary to the officer recommendation. For the purpose of formal decision confirmation, the application was re-presented and the reasons for approval noted.

P/2021/0656

The Committee confirmed its decision to grant permission, subject to the imposition of certain conditions detailed within the Department report.

Tabor Cottage,
La Petite
Route des
Mielles, St.
Brelade:
proposed
demolition and
redevelopment.

A4. The Committee considered a report in connexion with an application which sought permission for the demolition of the existing dwelling known as Tabor Cottage, La Petite Route des Mielles, St. Brelade and its replacement with a new dwelling. It was also proposed to widen the vehicular access, alter the boundary walls to the south and east and erect a new boundary fence to the east. The Committee had visited the application site on 30th November 2021.

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

P/2021/0338

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone. Policies SP1 – SP4, SP6 and SP7, GD1, 6 and 7, NE1 – NE4, NE7, E1, EIW3, TT4 and 5, WM5, LWM1, 2 and 3 of the 2011 Island Plan were of particular relevance.

The Committee was advised that the proposal sought to demolish a Victorian 2 storey farmhouse and attached 2 storey workshop. The dwelling positively contributed to the landscape and the proposal was to replace the existing structures with a chalet style bungalow further to the north. Whilst the scheme would not result in an increase in occupancy, the application did not give rise to demonstrable environmental gains which would contribute to the repair and restoration of landscape character. The scheme would also change the use of the land as it proposed extending the domestic curtilage into the countryside, contrary to Policy NE7. The existing dwelling and workshop appeared to be capable of repair and refurbishment and the workshop could be converted to provide residential accommodation.

In conclusion, the proposal was considered to be contrary to Policies GD1 and SP2 as it failed to make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of development and to respond to climate change. The application failed to demonstrate how the scheme would minimise demolition and construction waste, contrary to policies GD1 and WM1. Whilst the design of the proposed dwelling was acceptable, the proposed landscaping was considered harsh and urban within this countryside location in the Green Zone. The scheme did not, therefore, comply with Policies SP7, GD1, GD7 and NE7 of the 2011 Island Plan and was recommended for refusal.

10 representations had been received in connexion with the application. The Committee was also advised that revised plans had been submitted which showed increased landscaping and a reduction in the amount of hard landscaping. Members had not had sight of these plans. Correspondence from M.S. Planning had also been received and this sought to address the issues raised by the Department.

12th Meeting
18.11.21

The Committee heard from Mrs. [REDACTED] Davies, who [REDACTED] understood that the property was not Listed. Mrs. Davies believed that the scheme would result in a significant visual improvement, given the dilapidated state of the structures.

The Committee heard from the applicant's agents, Messrs. [REDACTED] Nicholson of M.S. Planning and [REDACTED] Abraham of CAD Studio. Mr. Abraham advised that he was a Chartered Building Control Surveyor with experience in renovation works. He detailed the nature and extent of the works which would be required to repair and refurbish the structures, which were significant and costly. [REDACTED]

However, the revised plans proposed a reduction to 30 square metres.

Mr. Nicholson noted that Policy WM1 related to developments of 10 or more dwellings. There had been no objection from the Land Controls and Agricultural Development Section and 7 letters of support had been submitted in connexion with the application. The revised landscaping scheme aligned with the Countryside Character Appraisal, restored the field boundary, provided a habitat for birds and proposed additional tree planting. The development would secure a 34 per cent reduction in floorspace and a reduced ridge height. Mr. Nicholson advised that the existing shed had been used on a commercial basis for electrical repairs and such a use could potentially create a conflict with neighbouring residential uses. The application site was in a sustainable location close to amenities and on a good bus route. The Department considered the design to be acceptable and high quality materials were proposed.

Having considered the application, the Committee decided to grant permission, contrary to the Department's recommendation. In doing so the Committee directed that a condition be attached to the permit requiring the implementation of the revised landscaping scheme, which proposed, among other things, a reduction in the size of the patio area. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Connétable M. Troy of St. Clement abstained from participating in the determination of this application on the basis that the Committee had not viewed the interior of the existing buildings and he was, therefore, unable to satisfy himself that the arguments presented by the applicant's agents were valid.

FB playing fields, La Grande Route de St. Clement, St. Clement: proposed netting/fencing/rebound boards associated with 5-a-side football pitches.

A5. The Committee considered a report in connexion with an application which sought permission for the installation of netting, mesh fencing and rebound boards associated with the creation of 2 x 3G 5-a-side football pitches on the existing netball pitches at FB playing fields, La Grande Route de St. Clement, St. Clement. Artificial grass would also be laid and the existing floodlighting retained. The Committee had visited the site on 16th November 2021.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area, was a Protected Open Space and was on the Eastern Cycle Route Corridor. Policies SP1, 4, 6 and 7, GD1, 7 and 8, SCO3 and 4, TT2, 4 and 8 of the 2011 Island Plan were of particular relevance.

P/2020/0642

The Committee was advised that the proposed development accorded with Government strategic policies to enhancement sports facilities. In addition, the site was already used for sport and it was acknowledged that the existing hardstanding area could be used for football without the need for planning permission. However, the replacement of the hardstanding area with 2 new 3G pitches with netting, mesh fencing and rebound boards required planning permission.

It was proposed to operate the facility 7 days a week from 9.00 am to 9.00 pm and this was considered to represent an intensification of the use of the site. When judged against the impact on neighbouring amenities the proposed use was deemed to have an unacceptable detrimental impact in terms of noise and nuisance. Objections had been raised by the Environmental Health Department and it was noted that the application did not include a noise assessment. The intensification of use would also place an additional burden on the already over-used car parking facilities which served FB Fields and whilst the applicant intended to provide and promote sustainable active bicycle parking arrangements, together with a regime to control car parking, management of the same at busy times with competing uses was considered challenging.

Whilst it was acknowledged that the existing netball courts and floodlighting columns had not been used for some time and the proposals would introduce a new sports facility into the area (albeit private), the Department had concluded that this did not outweigh the concerns outlined above. Consequently, the application was recommended for refusal on the grounds that it was contrary to Policies GD1 and SCO4. Finally, it was noted that references to the terms of a restrictive covenant which applied to FB Fields were noted, but this was not a planning matter.

The application had generated 21 letters of objection and 89 letters of support.

The Committee heard from Mr. ■. Bowditch, Regulations Standards Manager (Housing and Nuisance), Environmental Health Department, who advised that the objection to the proposal was based on the intensification of use and the potential impact of the scheme on residents. Mr. Bowditch noted that the application did not include noise and lighting assessments.

The Committee heard from Mr. ■ Baker, ■■■■■■■■■■, who advised that he spoke on behalf of a number of residents. Mr. Baker referred to World Health Organisation and Sport England Guidelines on noise levels for uses such as that which was proposed. He noted that the proposed use would likely exceed the noise levels deemed acceptable under the aforementioned guidelines and advised the Committee that the application site was only 10.1 metres from ■■■■■■■■■■ window. He urged the Committee to refuse permission.

The Committee heard from Ms. ■ Cullinan, who represented those residents who were party to the restrictive covenant. She stated that, contrary to belief, the existing space was well used by the community and she had witnessed a variety of uses, all of which were low key and did not have a detrimental effect on residents. She believed that the application would result in a significant intensification of use and, whilst she understood the popularity of 5-a-side football, she did not believe that the application site was appropriate for this use given the proximity to residential development.

12th Meeting
18.11.21

The Committee heard from Ms. ■ Zambon, representing Jersey Property Holdings, who advised that the existence of restrictive covenants had become apparent early in the process. Concerns were expressed regarding the provision of car parking and the potential for the proposal to exacerbate existing pressures. Ms. Zambon understood that residents of housing developments in the vicinity also used the site for car parking. Access to the application site and the potential for damage to the surface of the athletics track (which was currently cleaned bi-annually at a cost of £8,000) was also highlighted. Noise and impact on neighbouring residential development and the absence of any mitigation measures were significant issues. Ms. Zambon also referenced World Health Organisation and Sport England Guidelines on noise levels for uses such as that which was proposed. The application did not include a noise impact assessment and the applicant had not consulted with neighbours. Ms. Zambon understood that a similar facility created at Strive Jersey had led to noise nuisance complaints from neighbours. She noted that the application proposed a commercial venture, as opposed to a community facility and explained that a masterplan was being developed for FB Fields for the benefit of Islanders. Furthermore, football was being supported through the provision of facilities on other sites in the Island. In concluding, Ms. Zambon advised that, irrespective of the outcome of the application, the Public of the Island (as landowner) would not enter into a lease arrangement with the applicant for all of the reasons set out above.

The Committee heard from Ms. ■ Orpen, representing Jersey Spartan Athletic Club. Ms. Orpen advised that the Club had rented facilities at FB Fields for over 20 years. She, too, highlighted problems in terms of demand for car parking on the site and was concerned that the proposed new use would present significant challenges in this respect. She repeated comments regarding access to the application site and the potential for damage to the delicate surface of the athletics track. She noted that the application did not include a 'warm-up' area for players and was concerned that the track might be used for this purpose. Ms. Orpen believed that the competing uses could present a challenge in terms of safety and safeguarding. She concluded by stating that the proposal had been developed outside of the masterplan for FB Fields.

The Committee heard from Mr. ■ Shaw, representing the Jersey Table Tennis Association, which had been established in 1923. Mr. Shaw provided the Committee with a most comprehensive history of the Association and its successes. He also outlined how an existing building at FB Fields was used by the Association for training and matches. He, too, was concerned about the provision of car parking and felt that the proposal would be detrimental to long standing users of the site.

The Committee heard from the applicant, Mr. [REDACTED] Scott, JS Fives, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] He believed that there was a desperate need for new 5-a-side facilities in the Island. The application site had been gifted to the public of the Island 60 years ago and had originally been the home of netball. However, that sport had relocated to Les Ormes. In 2014, a new surface, floodlights and other amenities had been installed and Mr. Scott stated that, since then, the site had not been used. However, members of the public could use the site for a fee 7 days a week from 9.00 am – 9.00 pm. He wished to see the site thrive again and his proposal aligned with Government policies for sport and Island Plan Policy SC03. His experience [REDACTED] [REDACTED] led him to conclude that there was very little difference in terms of the noise generated from netball and football matches. In fact, he was aware of the frequent use of whistles in netball matches. He expressed a willingness to discuss his proposals with residents and other users in an attempt to alleviate concerns and also stated that he was prepared to consider reviewing the proposed hours of use. The 5-a-side facility would be available for use by the public and schools in the area and there would be free community use slots. In concluding, he referred the Committee to the level of support received for the proposal, which included a petition containing 3,500 signatures.

The Committee heard from Mr. [REDACTED]. Kennedy, Chief Executive of the Jersey Football Association, who advised that a development plan had highlighted the need for additional 3-G pitches in the Island. He noted proposals for the creation of 3-G pitches in primary schools and believed that these should, in fact, be multi-use pitches. Mr. Kennedy also stated that the need for physical exercise had become even more apparent with the onset of the pandemic and the number of affiliated teams had increased by 34 per cent. Clubs could not accommodate any more players due to the lack of facilities in the Island. Whilst objectives for enhancing the sporting experience and inclusion existed, these could not be progressed without facilities and this posed a significant threat to the future of the sport.

The Committee heard from Senator S.W. Pallett, who advised that he had been disappointed to hear some of the comments made by objectors, with the exception of residents, for whom he had some sympathy. He noted that the site had not been used for some time and understood that residents had become used to this. He was particularly scathing about the comments made on behalf of Jersey Property Holdings, which he described as inaccurate and un evidenced. He asked the Committee to disregard these comments and suggested that parking on the site should be policed to prevent indiscriminate car parking. He added that there was a large car park at the entrance to FB Fields and suggested that users of the proposed facility could be compelled to park in this area. The applicant was amenable to reviewing the hours of operation and Senator Pallett believed that mitigation measures could be put in place to reduce the impact of the proposal on residents. He advised that he had visited a number of sites in the UK where various sports operated side-by-side in a harmonious manner so he found the comments made by other sporting groups disheartening.

12th Meeting
18.11.21

The Committee heard from Mr. [REDACTED]. Kinnaird of J.S. Livingston Architectural Services, who advised that the Department had requested that the description of the application be revised. For the purposes of clarity, he stated that the scheme proposed the installation of netting, mesh fencing and rebound boards associated with the creation of 2 x 3G 5-a-side football pitches on the existing netball pitches at an established sports facility, which was operational 7 days a week from 9.00 am – 9.00 pm. Mr. Kinnaird did not believe that the proposal would result in an intensification of use.

Having considered the application, the Committee unanimously refused permission for all of the reasons set out above. In doing so, the Chair noted that 2 tennis courts had been removed at Les Ormes and he suggested that these could have been re-purposed for sport.

Field No. 235,
La Ruelle, St.
Lawrence:
retention of
agricultural
track/installat-
ion of
shepherd hut
(RETRO-
SPECTIVE).

A6. The Committee considered a report in connexion with a retrospective application which sought permission for an agricultural track on Field No. 235, La Ruelle, St. Lawrence and the installation of a shepherd's hut for use as holiday accommodation. The Committee had visited the application site on 16th November 2021.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies SP1, 5 and 6, GD1, GD7, NE7, EVE1 and ERE1 of the 2011 Island Plan were of particular relevance.

P/2021/1239

The Committee noted that the above field was used for growing tea and the applicant's property was situated immediately alongside the field. A shepherd's hut had been positioned at the eastern end of the field and this was to be used as tourist accommodation. The hut was accessed via a newly-established track, which ran along the northern boundary of the field. These works had been undertaken without planning consent and retrospective permission was now being sought.

The Committee recalled that the Green Zone Policy presumed against all forms of development and the use of the land in the manner described did not fall within any of the possible exceptions to this presumption. It was claimed that the shepherd's hut had been specifically located in an area of land which was 'unworkable' and 'unproductive'. Whilst this might be the case, it did not follow that new accommodation could be created in this area and the permanent siting of such accommodation in this location amounted to a change of use of agricultural land to a tourism use, which was contrary to the Island Plan Spatial Strategy. Whilst the Department was content with the retention of the track for agricultural purposes (relating to the tea plantation), this element had been combined with the shepherd's hut proposal within a single application. Consequently, it was recommended that the Committee refuse permission on the grounds that the application was contrary to policy, as detailed above.

5 letters of objection and 15 letters of support had been received in connexion with the application.

The Committee heard from Mr. [REDACTED] Pirouet, [REDACTED]. [REDACTED] The field had always been used for agricultural purposes and Mr. Pirouet stated that the proposal was akin to creating a campsite on the field, without the necessary infrastructure.

The Committee heard from the applicant, Mr. ■. Bartlett, who advised that advice received from the Department in 2019, had indicated that permission was not required for the works. The shepherd's hut was not a permanent structure and could easily be moved but Mr. Bartlett emphasised that it was sited on an area of land which was unworkable. No car parking had been created as the shepherd's hut could easily be accessed on foot and no traffic intensification was foreseen as a result of the proposal. He confirmed that if parking was required this was available on the neighbouring site, which was in his ownership. If permission was granted, consideration would be given to the installation of a composting toilet and a shower. There had been no complaints from neighbours, the application was supported by Visit Jersey and the Land Controls and Agricultural Development Section had raised no objection. The applicant had worked hard to enhance biodiversity and hedge planting had been undertaken together with the establishment of foraging and commuting corridors. Mr. Bartlett referred to a number of other fields in the Island which were used for parking and storing vehicles and he urged the Committee to grant permission by supporting both agriculture and tourism. A refusal would act as a disincentive to any agriculturalist seeking to diversify.

The Committee heard from Mr. ■ Le Brun, who advised that he spoke in his capacity as a representative of the Jersey Royal Company, ■■■■■■■■■■ and a parish Roads Inspector. He informed the Committee that the land had previously been used for growing potatoes, but this had proved uneconomical. It was now used for growing tea and the creation of the access track was essential in this context. Mr. Le Brun was pleased to see agriculture and tourism coming together in this form and stated that the location of the site in the heart of the countryside was ideal. He did not envisage the proposal resulting in any intensification of traffic.

Having considered the application, the Committee, with the exception of Deputies G.J. Truscott of St. Brelade, Vice Chair and J.M. Maçon of St. Saviour, was minded to approve the application on the basis that the track was necessary for agricultural purposes and the installation of the shepherd's hut (which was not a permanent structure) in an unworkable part of the field had minimal landscape harm. The Committee recognised that its decision was contrary to the Department's recommendation and noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

Jardin de l'Est,
La Rue de la
Presse, St.
Peter:
proposed
conversion of
garage to yoga
studio/con-
struction of
stables.

A7. The Committee considered a report in connexion with an application which sought permission for the conversion of an existing garage for use as a yoga studio at the property known as Jardin de l'Est, La Rue de la Presse, St. Peter. It was also proposed to construct stables to the east of the site. The Committee had visited the application site on 30th November 2021.

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

P/2021/0583

The Committee was advised that the proposed development was not considered to meet the strict tests set out in Policy NE7. The application proposed the establishment of a commercial business and the Department was concerned that this would lead to an intensification of use in the Green Zone, which would be accessed via a sub-standard agricultural track. Given the relative seclusion of the site it was likely that clients would arrive by private car, contrary to the objectives of Policy GD1 in reducing dependence on car usage. Furthermore, the proposed stables would measure approximately 100 square metres and the Department believed that the introduction of this structure would cause undue landscape harm, contrary to Policy NE7. Consequently, the application was recommended for refusal.

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

The Committee heard from the applicant’s agent, Mr. [REDACTED] Dodd. Mr. Dodd advised that the applicant was unable to attend [REDACTED]. On her behalf Mr. Dodd read from a pre-prepared statement, [REDACTED].
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Dodd argued that the application was supported by Policy NE7 and he made reference to the policy preamble, which clearly stated that the key test was the capacity of the site and its context to accommodate development without serious harm to the landscape character. The position of the stables meant that views would be limited and the structures would be ancillary to the existing building. Mr. Dodd noted that the application was supported by the Land Controls and Agricultural Development Section and would support an equine business on agricultural land. It was noted that the applicant was also a qualified yoga teacher and therapist who wished to offer yoga classes and private therapy sessions [REDACTED]. The applicant also provided equine facilitated learning as an alternative to counselling. She would see between 5 – 10 clients each week so there would be no significant intensification of traffic. Mr Dodd urged the Committee to support this modest proposal.

In response to questions from a member regarding the conversion of the garage, Mr. Dodd advised that the most critical element of the scheme from the applicant’s perspective was the stabling. The Committee noted that the change of use of the garage to facilitate the creation of a yoga studio effectively introduced a commercial use in the countryside with the potential for this use to change in the future (unless a restrictive condition was attached). Mr. Dodd sought to clarify whether the main issues of contention related to the garage conversion or the stables. He stated that field shelters could be erected without planning consent and was reminded that these were open sided structures with no hardstanding being permitted. [REDACTED]
[REDACTED]

Having considered the application, the majority of members endorsed the officer recommendation to refuse permission. Consequently, the application was refused for the reasons set out above. It was noted that Connétable P.B. Le Sueur of Trinity, Chair and Deputy L.B.E. Ash of St. Clement would have supported the application, subject to the imposition of a condition restricting the commercial use to that which was proposed.

Hotel
Alhambra,
Roseville
Street, St.
Helier:
proposed staff
accommodat-
ion units.

A8. The Committee considered a report in connexion with an application which sought permission for the creation of 2 self-contained staff accommodation units at the rear of the Hotel Alhambra, Roseville Street, St. Helier. The Committee had visited the application site on 30th November 2021.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Built-Up Area and that Policies GD1, GD7, HE1, HE2, BE6, TT3 and EVE2 of the 2011 Island Plan were of particular relevance and that the Hotel Alhambra was a Grade 3 Listed Building.

P/2021/0733

The Committee noted that the application was acceptable in principle in that it satisfied the relevant policies. However, one fundamental aspect of the detail of the

scheme could not be overcome. The application sought to replace an existing window with a door and to replace 4 existing PVC windows with new PVC windows. As the Alhambra Hotel was a Grade 3 Listed Building, the Historic Environment Team objected to the installation of PVC windows on the basis that this was contrary to policies HE1 and HE2 of the 2011 Island Plan. Policy HE2 specifically required replacement windows which carefully replicated or restored the historic windows or doors in terms of materials, method of opening, proportions, dimensions, visual weight, decorative details and finish. The Department had been unable to secure the necessary amendments and the application was, therefore, recommended for refusal.

The Committee heard from the applicant's agent, Mr. ■ de Sousa of Page Architects and Mr. ■ Thacker of Christians Together in Jersey Housing Trust. Mr. de Sousa advised that fiscal stimulus funding had been secured for the project and a deadline set for spending the grant. This time pressure had led to an order being placed for the replacement windows. Mr. de Sousa understood that the Listing schedule focussed on the front elevation of the building and that the new windows would be installed in a later (1970's extension).

Mr. Thacker confirmed that the Trust had been eager to progress with the project and time pressures, coupled with other difficulties arising from the pandemic, had resulted in an order being placed. Mr. Thacker believed that the planning gain which would arise from installing timber windows was meagre when compared with the community benefit which would arise from the proposed development.

The Committee heard from Mr. ■ Hodge of the Shelter Trust, who outlined the manner in which the facility would be used and the significant demand for the service which would be provided.

Having considered the application, the Committee decided to grant permission, contrary to the Department's recommendation on the basis that the arguments relating to the impact on setting did not merit refusal. However, the Committee concluded that if at any point in the future the windows on the principal elevation were replaced, timber windows would be required.

Belmonte, Rue de la Corbiere, St. Brelade: proposed extension/alteration of vehicle access (RFR).

P/2021/0597

A9. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused under delegated powers and which sought permission for the demolition of an existing single storey extension at the property known as Belmonte, Rue de la Corbiere, St. Brelade and its replacement with a 2 storey extension to the east elevation. It was also proposed to amend the existing vehicular access. The Committee had visited the application site on 30th November 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy J.M. Maçon of St. Saviour were not present for this item. Deputy G.J. Truscott of St. Brelade, Vice Chair did not participate in the determination of this application and Connétable D.W. Mezbourian of St. Lawrence acted as Chair.

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

The Committee noted that the proposed extension would be approximately 7,000 millimetres high x 7,000 millimetres wide, at its gable end, but would be sunk by approximately 500 millimetres below the existing ridge line of the east elevation.

12th Meeting
18.11.21

The extension would replicate the fluctuating roof design of the existing host dwelling and would be approximately 5,500 millimetres wide at both its north and south elevations, allowing for the fitting of several new windows and doors.

The application had been refused on the grounds that the proposed extension would result in an unacceptable intensification of use, contrary to Policies GD1 and NE7. It was also considered that the proposed extension would have a detrimental impact on the landscape of the Green Zone and would not provide the required demonstrable environmental gains. As a consequence, the proposal failed to meet the strict tests set out in Policies GD1, GD7, BE6 and NE7 of the 2011 Island Plan and had been refused on this basis. It was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mr. ■. Slous and his agent, Mr. ■ Dodd. Mr. Dodd advised that the proposed extension would facilitate the creation of a single bedroom measuring 7.5 square metres and that the footprint of the extension would be similar to that of the existing extension. The design would also complement the existing building. The proposed development would result in a visual improvement over the existing situation as the application site was used for car parking at present. The scheme would also better delineate the residential units and a landscaping scheme was proposed for the eastern boundary to provide natural screening.

The Committee noted that the property had been sub-divided to provide 3 units (without planning permission), but that the proposed extension would provide additional space for 2 of those units.

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

Paternoster
Cottage, La
Rue Vegueur,
St. Ouen:
proposed
extensions
(RFR).

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed the extension of the first floor at the property known as Paternoster Cottage, La Rue Vegueur, St. Ouen. It was also proposed to construct a first floor extension to the east elevation and a veranda to the south elevation. The Committee had visited the application site on 30th November 2021.

P/2021/0533

Connétable P.B. Le Sueur of Trinity, Chair and Deputy J.M. Maçon of St. Saviour were not present for this item. Deputy G.J. Truscott of St. Brelade, Vice Chair, acted as chair for this item. Deputy M.R. Le Hegarat of St. Helier joined the Committee for the remainder of the meeting.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD1, GD7, BE6 and NR1 of the 2011 Island Plan were relevant to the application.

The Committee noted that the existing dwelling benefitted from a single storey extension which had been approved in 2011 and which was somewhat disjointed from the property, being located to the south-east and accessed via a ground floor link to the main building. The extension sat proud of the southern building line. The proposed works sought to enlarge this section of the house by constructing a further ground floor extension to the east elevation and a covered veranda at ground floor along the southern side. The existing roof would be replaced by a hipped roof with habitable space within the loft area. The proposed increase in floor area above the existing extension had the potential to lead to a significant increase in occupancy as the area would be capable of sub-division to provide more than one bedroom. In addition, the proposed accommodation would relate poorly to the existing property

on the ground floor and would be totally disconnected at first floor level. Together with the existing extension, the scheme challenged the form of the original dwelling and would appear as independent accommodation. Consequently, the application had been refused on the grounds that it was contrary to Policies GD1, GD7, BE6 and NE7 of the 2011 Island Plan. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant, Mr. ■ Harper and his agent, Mr. ■ Dyson of Dyson and Buesnel Architects. Mr. Harper advised that he wished to create a home office in an existing downstairs bedroom to the rear of the property and had no intention of using the proposed structure as a separate unit. In fact, the proposed extension could only be accessed via the main house.

Mr. Dyson advised that the location of the proposed extension was dictated by restrictive boundaries. It was intended to use an existing ground floor bedroom as an office so there would be no increase in occupancy. The proposed extension would not benefit from a dedicated amenity area or car parking and planning permission would be required to create a separate unit. In concluding, Mr. Dyson advised that, during the life of the application, the Department had required revisions to reduce the roof height and he asked why such a request had been made if the recommendation for refusal was intended.

Having considered the application, the Committee, with the exception of Deputies L.B.E. Ash of St. Clement and M.R. Le Hegarat of St. Helier, endorsed the recommendation to refuse permission for the reasons set out above.

Tantra, La Rue
du Couvent,
St. Ouen:
revised plans
(RFR).

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed revisions to the approved scheme at the property known as Tantra, La Rue du Couvent, St. Ouen. The Committee had visited the application site on 30th November 2021.

RC/2021/0511

Connétable P.B. Le Sueur of Trinity, Chair and Deputy J.M. Maçon of St. Saviour were not present for this item. Deputy G.J. Truscott of St. Brelade acted as Chair.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that Policies NE7, GD1 and GD7 of the 2011 Island Plan were relevant to the application.

The Committee noted that the application site was located in a prominent position at a road junction on raised ground in a rural location within the Green Zone. A previous retrospective application (reference P/2020/1675) had sought permission for 3 different heights of fencing (at heights ranging from 1.2 - 1.8 metres) which had been installed around the site. Although not normally acceptable, the Department had negotiated with the applicant to achieve a uniform low fence (measuring 1.2 metres) around the site, which was to be stained green. Having gained this retrospective permission, the applicant was now seeking to retain 8 of the panels at the northern end at a height of 1.5 metres. It was noted that the fencing sat on top of a roadside retaining wall, the height of which had been increased to 1-1.4 metres. If approved, the combined height of the wall and fence at the northern end of the site would be approximately 3 metres from the road level.

12th Meeting
18.11.21

The Committee was advised that the applicant believed that the additional height would afford a greater level of privacy, especially from horse riders passing the site. However, as the fencing on the western side of the site would be retained at the lower height, anyone passing the site on this side would have a view in. It was noted that this aspect offered a view out to sea.

The additional height of the fence was considered to be unjustified and excessive. Fencing of this nature was not typical in this area. Banks, hedges and granite walls were more typical and encouraged as traditional features (it was noted that the applicant had previously removed an existing hedge). Even at its lowest point the fence appeared alien and suburban in this context. Any further height would be damaging to the landscape character of the area and contrary to Policies NE7, GD1 and GD7. In addition, the Committee's attention was drawn to the new Integrated Landscape and Seascape Character Appraisal, which specifically stated that close boarded fencing should be avoided as a boundary treatment in this area of the Island (page 107 refers).

The application had been refused for all of the reasons set out above and it was recommended that the Committee maintain refusal.

The Committee heard from the applicant, Mr. ■. Tella and his agent, Mrs. ■ Steedman. Mr. Tella advised that the hedge had been removed as it was damaging a block wall. The applicants had replaced it with new planting and a fence and had not been aware of the requirement to seek planning consent for the fencing. The applicants were in the process of redeveloping the property and had experienced a lengthy appeals process.

Mrs. Steedman advised that the applicants had encountered difficulties in the planning process and the onset of the pandemic had resulted in delays and piecemeal applications. Whilst the closest neighbour to the east might see the higher section of the fence, she did not believe this would cause unreasonable harm. The raised fence panels would protect privacy in the amenity area of Tantra and would also provide increased privacy generally from other residential development. No objection had been raised by the Highway Authority.

Having considered the application, the Committee endorsed the recommendation for refusal for all of the reasons set out above.

Tralee, La
Route de la
Pulente, St.
Brelade:
revised plans
(RFR).

RP/2021/0157

A12. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which proposed revisions to the approved scheme at the property known as Tralee, La Route de la Pulente, St. Brelade. The Committee had visited the application site on 30th November 2021.

Connétable P.B. Le Sueur of Trinity, Chair and Deputy J.M. Maçon of St. Saviour were not present for this item. Deputy G.J. Truscott of St. Brelade, Vice Chair did not participate in the determination of this application and Connétable D.W. Mezbourian of St. Lawrence acted as Chair.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Coastal National Park and that Policies GD1 and TT13 of the 2011 Island Plan were relevant to the application.

The Committee noted that permission has previously been granted under application reference P/2020/0401 for the remodelling and extension of the existing dwelling. As part of the approved application, a new car parking area was to be established within the front garden of the property and this would connect with an existing private roadway to the north (which served 3 other dwellings), which exited onto La Route de la Pulente. The current application sought to establish an entirely new and separate vehicle access from the property directly on to the main road. The existing access would remain and would continue to be used by neighbouring properties. The Highway Authority had objected to the application on the grounds of highway safety; with specific regard to visibility. In the Department's view, the existing access arrangements were satisfactory.

The application had been refused on the grounds of highway safety and it was recommended that the Committee maintain refusal.

Having noted that no persons present wished to speak for or against the application, the Committee proceeded to determination. With the exception of Connétable M. Troy of St. Clement, the Committee refused permission for all of the reasons set out above.

Chez Nous, La Rue du Bel au Vent, St. Lawrence: proposed first floor accommodation/single storey extension (RFR).

A13. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the removal of the existing roof at the property known as Chez Nous, La Rue du Bel au Vent, St. Lawrence and the creation of first floor habitable accommodation. It was also proposed to construct a single storey extension to the ground floor east elevation. The Committee had visited the application site on 16th November 2021.

Connétable D.W. Mezbourian of St. Lawrence did not participate in the determination of this application and Connétable P.B. Le Sueur of Trinity, Chair and Deputy J.M. Maçon of St. Saviour were not present. Deputy G.J. Truscott of St. Brelade, Vice Chair acted as Chair.

P/2020/1817

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and Policies SP1, GD1, GD7, NE1, NE7 and LWM2 of the 2011 Island Plan were of particular relevance.

The Committee noted that Chez Nous was a detached, 4 bedroom, pitched-roof bungalow on a fairly generous plot in rural St. Lawrence. The property formed part of a cluster of residential and agricultural properties surrounded by open farmland. The application site was situated in the Green Zone, wherein there was a general presumption against all forms of development. Certain exceptions to this general presumption may be permissible, including alterations and extensions to existing dwellings. In this particular instance, the Department was concerned with the increase in the size of the property, which was believed to be excessive and disproportionate, taking into account the Green Zone location. Specifically, the building floor space would increase by 122 per cent (from 229 square metres to 508 square metres), whilst the height of the building would increase by 2 metres to accommodate an entirely new first floor level. Concerns also existed with regard to the proposed drainage arrangements due to a lack of or contradictory information (it was acknowledged that this was an issue which could be resolved).

The application had been refused on the grounds that it was contrary to Policies SP1 and NE7 and it was recommended that the Committee maintain refusal.

On a related matter, it was noted that the applicants had stated that they had received

12th Meeting
18.11.21

positive pre-application advice from the Department (in 2016, and more recently). Reference had also been made to other properties in the immediate vicinity where extensions had been permitted.

The Committee heard from the applicant, Mrs. ■ Parr and her agent, Mr. ■. Dubras of Architectural Design. Mr. Dubras outlined the applicant's aspirations for the property and expressed some frustration at the inconsistent advice received from various planning officers over an extended period.

Mrs. Parr advised that, of the 8 houses on the lane, hers was the only single storey dwelling. She had previously owned a property on the opposite side of the road and had been refused planning permission for the demolition and redevelopment of that property. Ultimately, she had sold the property and within one year the new owner had secured permission for the extension of the property to a much greater extent than the works which were being proposed at Chez Nous. Mrs. Parr confirmed that she was in the process of seeking a mains water connection. She had been unable to connect to the main foul sewer network as the owner of a neighbouring property would not permit access to his land to secure the same.

Having considered the application, the Committee, with the exception of Deputy G.J. Truscott of St. Brelade, Vice Chair, decided to grant permission, contrary to the officer recommendation on the grounds that the proposed development was not considered harmful, given the fact that all other properties in the immediate vicinity had been extended. Neither did the Committee consider the scheme to be harmful to the landscape character. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.

On a related matter, Mr. Dubras advised that he had not received confirmation of the agenda running order and had been unaware of the exact point in the meeting at which the application would be heard. It was confirmed that the Department did not specifically contact members of the public with this information, but the agenda was published on the website with allocated times.

La Solitude, La
Rue de la
Scelleterie, St.
Lawrence:
proposed
replacement
garage roof/
installation of
granite and
timber
cladding/
closure of
vehicular
access (RFR).

P/2021/0098

A14. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for a replacement garage roof at the property known as La Solitude, La Rue de la Scelleterie, St. Lawrence. It was also proposed to clad the garage with granite and timber and construct a new roadside wall to close off vehicular access to Rue de la Scelleterie. The Committee had visited the application site on 16th November 2021.

Deputy J.M. Maçon of St. Saviour and Connétable D.W. Mezbourian of St. Lawrence were not present for this item. Connétable M. Troy of St. Clement did not participate in the determination of this application. Connétable P.B. Le Sueur of Trinity, Chair rejoined the meeting.

A site plan and drawings were displayed. The Committee noted that the application site was located in the Green Zone and that La Solitude was a Grade 3 Listed Building. Policies NE7, HE1 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee noted that La Solitude was an 18th century farmhouse located on La Rue de la Scelleterie in the Green Zone. Policy NE7 set out a general presumption against all forms of development in the Green Zone, but included certain exceptions which could be considered acceptable, provided the development did not cause serious harm to landscape character. The scheme sought to replace the existing

garage roof with a pitched roof and to install granite and timber cladding. It was also proposed to construct a new roadside wall to close off the vehicular access onto La Rue de la Scelleterie. The Historic Environment Team (HET) had requested further information in relation to the proposal. The garage was not encompassed within the extent of the Listing so the proposal had been judged in terms of the impact on the wider setting and associated Listed Buildings. As it stood, the existing garage had no historic merit and negatively impacted the Listed Buildings and the wider setting. However, increasing the height of the garage by a further floor would create an overly assertive building that would dominate the setting and host buildings on the site. An external staircase was a further point of contention, adding to the size and mass of the building. The addition of the roadside wall would harden the rural landscape character and the country lane, contrary to Policy NE7 of the 2011 Island Plan. Furthermore, the existing single storey garage building was located directly adjacent to the roadside and the proposed addition of a new pitched roof first floor in this location, together with the external staircase would be visually intrusive in this context, causing serious harm to landscape character, contrary to Policies NE7, SP4 and HE1. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee was advised that the Historic Environment Team had suggested amendments to the scheme which would see the new roof constructed above the head of the garage door to deliver a small attic storage space, accessed via an internal staircase. These amendments were not supported by the applicant due to the loss of storage space which would arise.

The Committee heard from the applicant, Mr. ■■■ Vowden and his agent, Mr. ■■■ Collins of Mac Architectural Services. Mr. Collins advised that the scheme did not increase the footprint of the garage but replaced a flat roof with a pitched roof, which was more in keeping with the context. The height of the structure would be 1.5 metres lower than the principal dwelling so would not be overbearing. The existing building was an 'eyesore' and was damaging to the rural landscape character. The removal of an existing entrance would be beneficial to the roadside character and a low granite wall would allow for better planting. All of the properties to the north had granite roadside walls and there had been no objections to the application from neighbours.

Mr. Vowden outlined the work which had been carried out on the property to return it to its former glory. The property had been purchased with an extant permit for a scheme which the applicants had not considered to be sympathetic. The existing asbestos garage roof had blown off in a storm and was currently covered by tarpaulin. The applicants wished to close off the vehicular access onto La Rue de la Scelleterie for safety reasons. Mr. Vowden confirmed that he would be willing to reconsider the proposal for an external staircase, the Committee considered this to be problematic.

Having considered the application, the Committee, with the exception of Connétable P.B. Le Sueur of Trinity, Chair (who was concerned about the increased height) was minded to grant permission, subject to the removal of the external staircase and the submission of amended plans. The Committee believed that the scheme would result in a visual improvement. Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation.