

Planning Committee

(19th Meeting)

7th December 2023Part A (Non-Exempt)

All members were present with the exception of, Connétable D. W. Mezbourian of St. Lawrence and Deputies A. F. Curtis of St. Clement and S.G. Luce of Grouville and St. Martin, Vice Chair, from whom apologies had been received.

Connétable P. B. Le Sueur of Trinity, Chair
 Connétable K.C. Lewis of St. Saviour
 Connétable M. O'D. Troy of St. Clement
 Deputy M. R. Le Hegarat of St. Helier North
 Deputy T.A. Coles of St. Helier South (present from item A7)
 Deputy A. Howell of St. John, St. Lawrence and Trinity

In attendance –

C. Jones, Planning Applications Manager
 J. Durbin, Planner
 L. Davies, Planner
 A. Elliott, Trainee Planner
 S. Sellors, Planner
 J. Gibbins, Trainee Planner
 T. Venter, Planner
 S. de Gouveia, Planner
 K. Slack, Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1 – A8)
 K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A9 – A13)

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

Minutes. A1. The Minutes of the meeting held on 12th October 2023, were taken as read and were confirmed.

Champs Verts (former garden of), La Rue Militaire, St. Ouen: A2. The Committee, with reference to its Minute No. A5 of 12th October 2023, considered a report in connexion with an application which proposed the construction of a new dwelling with associated garage and landscaping to the south of the property known as Champs Verts, La Rue Militaire, St. Ouen. The Committee had visited the application site on 10th October 2023.

proposed new dwelling.

██████████ of St. Ouen did not participate in the determination of this application.

P/2023/0170

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the reasons set out in the

Department report.

Tiree,
Longfield
Avenue, La
Route des
Genets, St.
Brelade:
proposed
balcony/loft
conversion/
dormer
window.

P/2022/1698

A3. The Committee, with reference to its Minute No. A6 of 12th October 2023, considered a report in connexion with an application which proposed various works at the property known as Tiree, Longfield Avenue, La Route des Genets, St. Brelade, to include a new balcony to the south elevation, a loft conversion and a new dormer window to the south, various fenestration alterations to the north and south elevations, together with internal alterations. The Committee had visited the application site on 10th October 2023.

The Committee recalled that it had been minded to refuse permission, contrary to the Department's recommendation. Consequently, the application had been re-presented for formal decision confirmation and to set out the specific reasons for refusal.

The Committee confirmed refusal of the application for the reasons set out in the Department report.

Field No.525B,
La Rue du
Coin Varin, St.
Peter:
proposed
replacement of
telecommuni-
cations
equipment.

S/2023/0603

A4. The Committee considered a report in connexion with an application which proposed the replacement of telecommunications equipment, to include a pole, 3 antennae, 2 cabinets and associated paraphernalia, together with the installation of wooden fencing to the north of Field No. 525B, La Rue du Coin Varin, St. Peter. The Committee had visited the site on 10th October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and Policies GD1, GD6, ME3, PL5, NE3 and UI4 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the proposed works did not involve the relocation of any existing satellite masts. The proposed changes were not considered to be visually harmful in this context, with additional screening being provided by landscaping. Furthermore, the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Consequently, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

The Committee recalled that it had heard from those individuals speaking against the application but had deferred consideration of the same at its meeting on 12th October 2023, pending the receipt of further information from EH. It was noted that whilst the Department had raised no objection to the application, a condition had been proposed, which would require the measurement of the radio frequency of the mast to ensure that it did not breach guidelines. The Department was satisfied that this condition would alleviate health-related concerns. The Committee noted that EH had advised that current evidence suggested that refusal of applications for mobile base stations on health grounds was unreasonable. Furthermore, such proposals had to be assessed against the policies of the 2022 Bridging Island Plan and were supported by Policy UI4 and would be subject to International Commission on Non-Ionising Radiation Protection (ICNIRP) certification as a requirement of both licensing and the grant of planning permission. The Committee noted that the recommendation for approval remained.

13 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who advised the Committee that

conditions were applied to all applications of this nature. Pre-commissioning details had indicated that the estimated Electro-Magnetic (EM) level of the mast was below the ICNIRP Radio Frequency Public Exposure Guidelines. Upon installation and commissioning, the EM levels would need to be measured in order to confirm that the Guidelines had not been exceeded and a certificate to this effect provided by the applicant. [REDACTED] added that evidence, including studies from Cancer Research UK, had reported no significant concerns with regard to radiation effects on health. This was an emerging field of research with continuous studies and evidence on the subject coming to the fore.

The Committee was addressed by [REDACTED] who noted that, with regard to the original application, there had been a wide area in which the mast could have been placed, but its current situation, directly opposite a residential dwelling, had little natural screening as it had not been possible to undertake planting of sufficiently large trees on the bank to conceal the mast. The public consultation had taken place during the Covid pandemic and concerned residents had been unaware of the process that would be followed which [REDACTED] felt should be made clearer with future consultations. He added that the mast was visually intrusive for a number of residents in the area and, irrespective of scientific evidence, those people had health concerns, which was detrimental to their wellbeing and mental health. [REDACTED] stated that consideration should be given to the introduction of a legal minimum distance between masts and properties within residential areas.

The Committee heard from [REDACTED] services in the Island, which included a requirement to abide by ICNIRP regulations. [REDACTED] that JT undertook an annual audit of masts in order to ensure compliance.

The Committee heard from the applicant's agent, [REDACTED] of Waddington Architects, who noted that the application was part of JT's programme to replace and modernise telecommunication masts Island-wide, which formed an essential part of the critical infrastructure, as evidenced during Storm Cairán in November 2023, where the masts had continued to operate and had been utilised by the emergency services. The current masts had been approved in November 2020 and had undergone due process at that time, including compliance with a condition to protect existing trees. Tests had been carried out during April 2021, once the masts had been installed, which evidenced 0.3 per cent of ICNIRP readings, significantly below the maximum permitted value. Second tests had been undertaken on the application mast following concerns raised by residents. Readings had been taken in residential driveways and in Field No.525B, where higher readings had been recorded than nearer the properties, indicating that as the distance from the mast increased, so a drop in levels occurred. The testing results were made available to the public on the Jersey Competition Regulatory Authority website and [REDACTED] reiterated that all new masts in the Island were required to comply with ICNIRP authorised standards as outlined in the 2022 Bridging Island Plan.

The Committee was informed that the current application was to replace a 'like for like' mahogany brown mast. As a condition of approval, the surrounding fence would be painted green. 63 small trees had been planted to form a hedge as natural screening for the fence, which were expected to grow to one or 2 metres high and it was proposed that 3 Holm Oak trees would be planted at 2 metres high in order to screen the mast from view. [REDACTED] added that the tree planting and maintenance of the same could be added as a condition, if the Committee was minded to approve the application.

After due consideration, the Committee approved the application, subject to the

imposition of the conditions set out in the Department report and including the aforementioned landscape maintenance, with the exception of Connétable K.C. Lewis of St. Saviour and Deputy A. Howell of St. John, St. Lawrence and Trinity, who expressed concerns regarding the proximity of the mast to nearby properties.

Field No.
1017A, La Rue
de la
Guilleaumerie,
Trinity:
proposed
replacement of
telecommunic-
ations
equipment.

A5. The Committee considered a report in connexion with an application which proposed the replacement of telecommunications equipment, to include a pole, 3 antennae, 2 cabinets and associated paraphernalia, together with the installation of wooden fencing to the south east of Field No. 1017A, La Rue de la Guilleaumerie, Trinity. The Committee had visited the site on 10th October 2023.

Connétable P.B. Le Sueur of Trinity and Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application. Deputy M. R. Le Hegarat of St. Helier North acted as Chair for the duration of this item.

S/2023/0625

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and Policies GD1, GD6, ME3, PL5, NE3 and UI4 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the proposed works did not involve the relocation of any existing satellite masts. The proposed changes were not considered to be visually harmful in this context, with additional screening being provided by landscaping. Furthermore, the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Consequently, having regard to the requirements of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

The Committee recalled that it had deferred consideration of the above application at its meeting on 12th October 2023, pending the receipt of further information from EH. It was noted that whilst EH had raised no objection to the application, a condition had been suggested which would require the measurement of the radio frequency of the mast to ensure that it did not breach guidelines. The Department was satisfied that this condition would alleviate health related concerns. The Committee noted that EH had advised that current evidence suggested that refusal of applications for mobile base stations on health grounds was unreasonable. Furthermore, such proposals had to be assessed against the policies of the 2022 Bridging Island Plan and were supported by Policy UI4 and would be subject to International Commission on Non-Ionising Radiation Protection certification as a requirement of both licencing and the grant of planning permission. The Committee noted that the recommendation for approval remained.

9 representations had been received in connexion with the application.

The Committee recalled that, in connexion with Minute No. A4 of the current meeting, it had heard from [REDACTED] who had advised the Committee that conditions were applied to all applications of this nature. Pre-commissioning details had indicated that the estimated Electro-Magnetic (EM) level of the proposed masts were below International Commission on Non-Ionizing Radiation Protection (ICNIRP) Radio Frequency Public Exposure Guidelines. Upon installation and commissioning, the EM levels would need to be measured in order to confirm that the Guidelines had not been exceeded and a certificate to this effect provided by the applicant. Evidence, including studies from Cancer Research UK, had reported no significant concerns with regard to radiation effects on health.

The Committee heard from [REDACTED] who stated that JT had a licence to provide technical communications services in the Island, which included a requirement to abide by regulations from ICNIRP. [REDACTED] that JT undertook an annual audit of masts in order to ensure compliance.

The Committee heard from the applicant's agent, [REDACTED] of Waddington Architects, who noted that the application proposed to replace the existing mast, which was situated 116 metres from the road on the fringe of Field No. 1017A, with trees as a backdrop. The replacement mast would be situated one metre further away from the nearest residents and would be the same height as the current mast. The existing fence would also be replaced as a condition of approval. [REDACTED] noted that the replacement mast would facilitate continuity of service and whilst the option of mast sharing with another telecommunications service provider, which had a mast in the same field, had been explored, it had been decided that 2 smaller masts would be more visually aesthetic than increasing the height of the existing mast to enable both service providers to operate thereon. [REDACTED] added that a condition of approval with regard to ICNIRP readings would be welcomed by JT.

The Committee unanimously endorsed the recommendation to grant permission, subject to the imposition of the conditions set out in the officer report.

Field No.
1065, Rue de
Bechet, St.
John: change
of use of part
of field to form
dog training
enclosure
(RETRO-
SPECTIVE).

P/2023/0657

A6. The Committee, with reference to its Minute No. A3 of 17th November 2022, considered a report in connexion with a retrospective application which proposed the partial change of use of part of Field No. 1065, Rue de Bechet, St. John to facilitate its use as a dog training enclosure. The Committee had visited the site on 31st October 2023.

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

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and Policies SP1 – SP3, SP5, SP6, PL5, GD1, GD6, NE1, NE3, ERE1, ERE2, TT1, TT2, WER2 and WER5 of the 2022 Bridging Island Plan were relevant.

The Committee noted the planning history of the site, which included the refusal of a previous application for a similar scheme on the grounds that it was contrary to Policies ERE1, ERE2, TT1, TT4 of the 2022 Bridging Island Plan.

The Committee was advised that the Department was satisfied that the applicant had addressed the previous reasons for refusal and approval was recommended, subject to the imposition of certain conditions detailed within the Department report. These conditions related to the hours of operation and the use of the site and aimed to ensure that the proposal did not result in unreasonable harm. Whilst it was acknowledged that certain restrictions existed within the Green Zone in relation to development proposals, the 2022 Bridging Island Plan also positively supported the diversification of the Island's rural economy, as set out in policy ERE2, subject to the impact on the landscape character. In this particular case, there was no objection to the proposed change of use.

A total of 23 representations had been received in connexion with the application and the Committee had received copies of the same.

The Committee heard from the applicant's agent, [REDACTED] of MS Planning,

who noted that the applicant had responded positively to the recommendations of the Committee. Saturday dog 'play days' and the formation of an access track had been removed from the application. Moreover, it was accepted that permission for the change of use would be temporary (3 years) and landscape planting of 160 native species whips, to limit the visual aspect of the proposal and contribute to the character of the Green Zone, had been added. [REDACTED] added that the application had addressed concerns by reducing the concentration of use by removing public access to the site and now focussed on the core needs of dogs. The application adhered to Policies ERE1 and ERE2 of the 2022 Bridging Island Plan and no viable agricultural land would be lost. The Jersey Royal Company had confirmed that the site was sodden and uncultivable for most of the year.

[REDACTED] advised that there had been no objections from the Natural Environment Team, Operational Services (drainage), the Infrastructure and Environment Department (transport), the Parish of St. John or Environmental Health ('EH') in respect of noise, waste or disturbance. EH had recommended a condition of approval be added which restricted the number of dogs which would be on site at any time and the days and times that the site could be used. [REDACTED] noted that the applicant was content for conditions to be attached to any approval, which permitted a maximum of 12 dogs on site at any one time and restricted the hours and days of operation to between 9am and 4pm Monday to Saturday. The Committee was informed that the previously proposed 'play day' on Saturday had been removed from the proposal. [REDACTED] added that the application provided a service to the community, as it was evidenced that dogs required training and exercise to remain healthy and contented, and that the application had received wide support from the public.

Having considered the application, the Committee unanimously approved the application, subject to the imposition of the conditions detailed in the Department report.

Comilla, St.
Sampson's
Avenue, St.
Brelade:
proposed first
floor
extension/new
dwelling.

A7. The Committee considered a report in connexion with an application which proposed the construction of a first floor extension with various internal and external alterations to include the replacement of fenestration. The construction of a 3 bedroom dwelling to the north of the site with associated parking and landscaping was also proposed, together with the creation of vehicular access onto St. Sampson's Avenue. The Committee had visited the application site on 31st October 2023.

P/2023/0657

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area (Secondary Centre: Les Quennevais, Red Houses and La Moye) and the Water Pollution Safeguard Area. Policies SP2, SP3, PL2, GD1, GD6, NE1, H1, H2, H3, ME1, TT1, TT2, TT4, WER6 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee noted that it was proposed to remodel and extend the existing dwelling on the site and construct a new dwelling in the garden area alongside. Both dwellings would comply with the Department's required residential standards for new dwellings, including the garden, amenity areas and parking provision. The Department was comfortable with the general design and appearance of the development, and its impact on the character of the area. The concerns raised with regard to neighbour impact had been acknowledged and, under the Policy test GD1 of the 2022 Bridging Island Plan, the scheme was not considered to cause unreasonable harm to neighbouring amenities. The wider requirements of the 2022 Bridging Island Plan and the applicant's reasonable expectations of developing their site in the Built-Up Area were relevant. The travel and transport implications of the scheme were considered to be acceptable, including the establishment of an

additional opening onto St. Sampson's Avenue and a minor intensification in the use of the site. The Department recommended approval of the application for the reasons set out above.

A total of 10 representations had been received in connexion with the application.

The Committee heard from [REDACTED]

[REDACTED]
the scheme would result in a loss of privacy, as [REDACTED]
[REDACTED]

He expressed concerns with regard to parking, as the initial planning submission had stated that there would be no loss of on road parking, but the proposed new entrance for the second property would result in the removal of 2 parking spaces in an already saturated Avenue, impacting other residents. [REDACTED] added that he was not opposed to the development of the area, but construction of the west elevation would detrimentally impact the neighbouring facilities. He indicated that, notwithstanding that the neighbours to the west were located nearer to the application site than those to the east, the windows in the proposed development had been designed to reduce the impact on neighbours to the east, with little consideration for those to the west.

[REDACTED] addressed the Committee and expressed concerns with regard to loss of privacy. [REDACTED]
[REDACTED]

[REDACTED] It was accepted that the overlooking window was an *en suite* bathroom so the occupants would be unlikely to look out, but the perception of loss of privacy would exist.

The Committee heard from the applicant's agents, [REDACTED] of MAC Architectural Services Limited. [REDACTED] advised the Committee that pre-application advice had been sought which had been to retain the existing property and construct a new dwelling on the site. He stated that the 2022 Bridging Island Plan had designated Les Quennevais as Jersey's second urban centre and new density standards had been set out for the area in the 'Density - Supplementary Planning Guidance', which cited a range of 40 to 80 dwellings per hectare. The application site was 0.055 hectares which was currently significantly under-utilised and had the capacity to accommodate between 2 and 4 dwellings. The dimensions of the 2 proposed dormer bungalows would exceed internal and external space standards and the gardens would be 15 per cent larger than required. [REDACTED] added that views from the west elevation of the application site were of the road and issues with overlooking had been mitigated by designing windows to a certain size, with the middle of the 3 windows being obscured as it was a bathroom. [REDACTED] requested that the Committee did not consider the loss of parking spaces in order to create access to the application site when making its decision, as on road parking in the area was not encouraged. The proposed scheme included 3 parking spaces, which aligned with the minimum required parking standards.

Having considered the application, the Committee decided to endorse the recommendation to grant permission, subject to the imposition of the conditions outlined in the Department report and, in doing so, Connétable P. B. Le Sueur of Trinity, Chair, requested that the Department provided the Committee with a clear indication that internal and external space standards had been met by way of a schedule for future applications of this nature.

Le Chalet
(garden of), La
Route de

A8. The Committee, with reference to its Minute No. A2 of 18th May 2023, considered a report in connexion with an application which proposed the construction of a new 5 bedroom dwelling with associated landscaping in the garden

Noirmont, St.
Brelade:
proposed new
dwelling.

P/2023/ 0784

of the property known as Le Chalet, La Route de Noirmont, St. Brelade. The Committee had visited the site on 31st October 2023.

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 and that Policies SP2, 3 and 4, PL4, GD1, GD6, NE1, NE2, H1, H3, ME1, TT1, TT2 and WER1 and 7 of the 2022 Bridging Island Plan were relevant.

The Committee recalled that it had rejected 2 previous applications for a new dwelling on the site, in October 2022 and May 2023, on the grounds of its impact upon neighbouring properties and landscape. In response to the Committee's concerns, the applicant had repositioned the dwelling further to the south away from the neighbouring boundary and reduced the height of the development on the site.

The Committee recalled that the site was an open and undeveloped area of land in a residential area. Under the provisions of the 2022 Bridging Island Plan, new residential development was generally permitted within the Built-Up Area. The proposal was for a single, detached, 2 storey, 5 bedroom, pitched-roof dwelling located towards the centre of the site, with principal elevations facing south across the new terrace and garden area. The new unit would meet the Department's required residential standards and included a good sized garden with terraced areas. It was noted that the Department was comfortable with the design and appearance of the development, and its impact on the general character of the area. With regard to its scale, the development would sit at a similar, or lower height within the landscape compared to surrounding buildings.

On the basis of the amendments to the scheme, it was considered that the applicant had responded positively to the Committee's previous concerns. The relocation of the dwelling would result in a different relationship with the neighbouring properties and the Committee noted the concerns which had been raised in this regard. The Department was, however, satisfied with the impact on the neighbouring amenities and did not believe that the proposed development would result in unreasonable harm. Travel and transport implications arising from the proposed development were also considered to be acceptable. In conclusion, the Department was of the view that the scheme was in accordance with the relevant policy context and was recommending approval, subject to the imposition of certain conditions detailed within the Department report.

A total of 10 letters of representation had been received.

The Committee heard from [REDACTED] of MS Planning on behalf of the [REDACTED]. He noted that the application was the third attempt to gain permission for a dwelling on the site. [REDACTED] stated that the issues remained consistent across all 3 applications, with the impact on neighbouring amenities and character of the scheme both being areas for concern. There was a large space in the curtilage, but [REDACTED] felt that the proposed dwelling remained too close to the boundary, despite a marginal movement in its location. It was accepted that the site levels had been lowered to accommodate mass into the area, but this required excavation and there were attendant issues with disposing of the waste. [REDACTED] added that whilst some adjustments had been made, more consideration was required in order to align with policies GD1 and GD6 of the 2022 Bridging Island Plan.

[REDACTED] addressed the Committee and stated that, whilst he understood the requirement for development to provide additional housing, the application site was in a rural setting, only just in the Built-Up Area and surrounded by the Green Zone and Coastal National Park. The proposed development would be situated in an

elevated position over La Rue de Haut to the south, which was a Green Lane, popular with walkers and tourists. He noted that the area was already subject to major development, and cited scale, mass and dominance as reasons for objecting to the proposed scheme.

The Committee heard from [REDACTED] and suggested that the application site was effectively 'land locked' as, in order to get to the nearest main road from the application site, Route de Noirmont, vehicles were required to travel along a low, 11 foot wide private road, located between 2 steep stone walls. He noted that when the first application for the site had been submitted, the Highway Authorities had stated that the entrance to that road was inadequate for Heavy Goods Vehicles ('HGV'). [REDACTED] expressed concern that each HGV that would be required to construct the proposed dwelling and remove waste from site would have to reverse down the 150 metre, 11 foot wide road.

[REDACTED] but the Committee stated that it was unable to consider private matters and that the practicalities of construction was not a material consideration, although the access difficulties had been noted. Following a question from [REDACTED] with regard to the Highway Authorities [REDACTED] Planner, advised that they had declined an opportunity to comment on the current application.

The Committee heard from the applicant's agent, [REDACTED] of J. Design Limited, Architectural and Design Consultants, who noted that, since the previous refusals in October 2022 and May 2023, the applicant had responded positively to the recommendations of the Committee and public comments. The application had been amended to reduce the size and mass of the new dwelling, which had also been moved further away from the east boundary, where there were no proposed windows. It had been accepted by the Committee that impact on the neighbour to the north boundary had been overcome in the May 2023 application, and the first floor windows had been obscured to further mitigate this impact. The ridge had been reduced by one metre and the roof windows would have a sill height of 2.34 metres, which made overlooking of neighbouring properties impossible. A privacy screen on the balcony would mitigate overlooking from this aspect of the scheme. [REDACTED] added that the concerns with regard to the access road had been noted, but a traffic analysis had been undertaken during the second application which had resulted in objections being withdrawn.

The Committee heard from the applicant, [REDACTED] advised that the application site was appropriate for development as it was situated in the Built-Up Area. He made reference to the design amendments of the scheme which had been made after the first and second planning permission refusals, following comments from the Committee and neighbours. [REDACTED] noted that the lowering of the proposed dwelling on the site was costly but would reduce the overall height of the development, which would align with recommendations. [REDACTED] reference to the planning permission gained on appeal by a [REDACTED] and noted that the main reasons for refusal on the second application were cited as concerns with landscaping and the impact on the Green Zone, therefore a design mitigation statement had been included in the application, and the detailed landscape design included a thick barrier of hedgerow. Trial holes would be constructed in order to avoid dumping excavation soil at the La Collette waste facility.

[REDACTED]



Having considered the application, the Committee, with the exception of Connétable M. O'D. Troy of St. Clement, and Deputy M.R. Le Hegarat of St. Helier North, decided to refuse permission, contrary to the Department's recommendation. Whilst the Committee expressed appreciation for the modifications that had been made, it considered that the revised proposal did not address the disproportionate size of the dwelling, lack of garage, and storage space.

As the Committee's decision was contrary to the Department's recommendation, the application would be re-presented at the next scheduled meeting for formal decision confirmation and to set out in detail the reasons for refusal.

Field No. 644,
(off Rue au
Blancq),
Grouville:
proposed
demolition and
redevelopment.

P/2021/1536

A9. The Committee, with reference to Minute No. A2 of 31st March 2021, of the Committee as previously constituted, considered a report in connexion with an application which proposed the clearance of structures associated with the Belle Fleurs Nursery site, La Rue au Blancq, Grouville, to include an agricultural shed, green house, commercial polytunnels and the garden centre shop (with residential unit above). The scheme proposed the construction of 2 new dwellings and the change of use of an area of land to the northwest of the site from commercial to agricultural. The Committee had visited the site on 31st October 2023.

A site plan, drawings and 3 dimensional model were displayed. The Committee noted that the application site was located in the Green Zone and was on the Eastern Cycle Route Corridor. Policies SP1, 2, 3, 4, 5, 6, 7, PL5, ERE1, 6, HE1, 2, 4, 9, NE3, GD1, 5, 6, TT2, 4 and WER1 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to Planning Policy Notes No. 6 - Supplementary Planning Guidance (SPG) in relation to car parking standards (1988), minimum specifications for new housing developments (2009) and housing outside the Built-Up Area (2023). Draft SPG relating to residential space standards and car parking space standards were also considered relevant.

The Committee noted the extensive planning history of the site, to include the refusal of a previous, similar application in 2021 (application P/2020/1152 refers) on the grounds that it was contrary to Policies GD1, NE1, NE2, NE3, NE4, NE7, ERE1 and ERE7 of the 2011 Island Plan.

The Committee was advised that, whilst the Bridging Island Plan sought to focus development within the Built-Up Area, the Plan also aimed to make the most efficient use of land. The proposed development would utilise previously developed land and would provide new residential accommodation. The scale and design of the development was considered acceptable in this context and in accordance with the relevant policies of the Bridging Island Plan. A marketing exercise had established redundancy and the scheme included the restoration of an agricultural field to the northwest, which would be enclosed by hedges and banques, and would result in improvements to the landscape character. Whilst the policy related comments of the Place and Spatial Planning Team in relation to the application were noted, the Committee was advised that these did not appear to differentiate between the rear of the site, where all structures were to be removed and the land returned to agriculture and the roadside element, which was currently within commercial use and where the 2 new dwellings were proposed. The Environmental Land Control Section had also confirmed that agricultural restrictions applied only to the southwest of Field No. 644, with a commercial use being permitted on the remainder of the field. Planning permission had been granted in 1998 for the change of use of the southeast of the site to facilitate the commercial use and the subsequent removal of a condition of the permit had allowed for the erection of polytunnels on part of the northwest of

the site for the specific use of the garden centre. As such the majority of the site was in commercial and not agricultural use.

The Committee noted that the current scheme differed from the previously refused application in that it proposed the return to agriculture of the land to the northwest of the site, a reduction in the size of the proposed dwellings, an amended design approach and the relocation of the proposed dwellings, together with enhanced landscaping proposals. The proposal would result in an 80 per cent reduction in built footprint. Consequently, the application was considered to accord with Policies ERE1 and ERE6 and aligned with the aims of the preamble to Policy PL5, which supported the redevelopment of employment buildings and residential sites where demonstrable environmental gains could be delivered and the scale, massing, height and design of the proposed development were considered appropriate. The application was recommended for approval, subject to the imposition of certain conditions detailed within the Department report.

A total of 17 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who objected to the application on the basis that he believed redundancy had not been proven. [REDACTED] added that, if approved, the scheme would result in the loss of a unique small commercial/agricultural site in the countryside with a good quality building, which had recently been upgraded. [REDACTED] believed that the policies of the Bridging Island Plan should support those who wished to work in agriculture and commerce and retaining sites like this was essential.

The Committee heard from [REDACTED] who also stated that he was not convinced that redundancy had been proven as he [REDACTED]. He went on to state that he did not believe the proposals accorded with the relevant SPG and advised that no freehold price had been provided for the site. [REDACTED]

[REDACTED] Department with regard to removing a Corpus Fundi condition attached to a dwelling on the site. [REDACTED]

[REDACTED] Despite the fact that his interest in the site was well known and the SPG empowered the Minister for the Environment to contact interested parties, no such contact had been made. [REDACTED]

[REDACTED] and he acknowledged that a purely agricultural sale price was unlikely to be appropriate. [REDACTED] had also offered to share the details of his [REDACTED]

[REDACTED] the latter being crucial to the application of the SPG, and he was disappointed that the Department had not contacted him in this regard. He did not believe that the case for demolition had been made and pointed to the construction of the building and the fact that it included a modern extension. He also referenced the recent adoption of a proposition by the States which would increase the level of revenue expenditure for agriculture and fisheries and suggested that this indicated support for these industries. [REDACTED]

[REDACTED] went on to reference concerns regarding the provision of advice on the interpretation of the policies of the Bridging Island Plan. He also drew attention to the provisions of the Planning and Building (Jersey) Law 2002 in the context of the grant of planning permission. Finally, he asked whether Connétable M. O'D. Troy of St. Clement intended to participate in the determination of the application given that he had previously expressed support for the proposals in writing. The Connétable confirmed his intention to participate in the determination of the application and the Chair confirmed that, on the basis that the Connétable did not consider there to be any conflict of interest, he was content with the Connétable's decision. Deputy

██████████ stated that he hoped the Connétable would act with impartiality.

In response to the comments of ██████████ the case officer confirmed that the application had been assessed against the relevant SPG. She added that only 10 per cent of the land use was classed as agricultural.

The Committee heard from the applicant's agents, ██████████ Godel Architects and ██████████ of Maillard and Company ██████████ began by reading from a pre-prepared statement from ██████████ Grouville and St. Martin, which indicated support for the scheme. ██████████ had participated in the determination of the application which had been refused in 2021, and was satisfied that the scheme under consideration addressed the previous reasons for refusal. The Deputy was also content with the marketing exercise which had been undertaken and concluded that the application accorded with the relevant policies of the Bridging Island Plan.

██████████ addressed members, outlining the details of the marketing exercise which had been undertaken by Buckley and Company. He advised that at no time had an offer been received from ██████████ and the existence of the corpus fundi condition was not viewed as a barrier to the same. ██████████ added that it was understood that ██████████ the sale/rental price of the site to be too high, albeit that valuations for the various elements were considered to reflect market conditions at the time. Finally, it was noted that the site marketed had remained unchanged throughout the marketing period.

██████████ addressed the Committee, advising that the scheme overcame the previous reasons for refusal. He believed that comments made by ██████████ in relation to the previous scheme had raised doubts in the Committee's mind with regard to the validity of the marketing exercise. ██████████ ██████████ make a viable offer for the site but, despite his comments, this had not materialised and he had continually provided reasons as to why he should not make an offer – this had been a recurring theme. Only 10 per cent of the site was classed as purely agricultural which meant that ██████████ agricultural proposals would require planning permission. ██████████ did not believe that it was the Department's responsibility to engage with ██████████ on the viability of his proposals and suggested that the correct process involved the submission of a pre-application request. The marketing exercise had shown that there were no interested parties and that there was no ongoing employment use for the site. Both marketing exercises had been carried out in accordance with the SPG. Prior to the requirement for marketing exercises, the Plan had included a clause which stated that if the continued use of a site was considered to be inappropriate this would be taken into account in the planning process. It was recognised that the garden centre use had caused significant issues with traffic along the narrow access road. An alternative commercial use would result in the same issues and this was referenced in the Department report. ██████████ refuted the points made by ██████████ in relation to the demolition of the existing buildings and advised that he had addressed this issue in his written representation.

The Chair pointed out that whilst ██████████ had addressed the issues raised by ██████████ there had been little focus on the merits of the scheme. ██████████ responded by advising the scale and design of the proposed development were considered appropriate by the Department. The scheme complied with the spirit of the Bridging Island Plan and would result in visual improvements and the restitution of the landscape character, with half of the site being restored to agriculture.

The Committee endorsed the recommendation to grant permission, subject to the imposition of the conditions set out in the Department report. In doing so the Committee made it clear that it was entirely satisfied with the marketing exercise

and that the case for demolition had been made. Deputy T.A. Coles of St. Helier South, requested that his dissent from the Committee's decision be recorded on the basis of concerns regarding the transparency of the marketing exercise and the absence of a waste management plan.

Les Homets,
La Grande
Route des
Sablons,
Grouville:
proposed
demolition and
redevelopment.

P/2023/0530

A10. The Committee, with reference to Minute No. A1 of 20th May 2022, of the Committee as previously constituted considered a report which proposed the demolition of a 2 storey dwelling at Les Homets, La Grande Route des Sablons, Grouville and its replacement with 2 new dwellings. The Committee had visited the site on 31st October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Built-Up Area of the Shoreline Zone and was on the Eastern Cycle Route Corridor. Policies SP1, 2, 3, 4, 7, PL3, GD1, GD5, GD6, NE1, HE1, H1, 2, 3, 4, ME1, TT1, TT2, TT4, WER6, WER7 and UI3 of the 2022 Bridging Island Plan were relevant to the application. The Committee's attention was also drawn to relevant Supplementary Planning Guidance (SPG), as follows: SPG3 – parking standards for new development – 1988, SPG6 – a minimum specification for new housing developments – 2009, density standards, draft SPG in relation to residential space and parking standards and the Jersey Integrated Landscape and Seascape Character Assessment (JILSCA).

The Committee recalled that, contrary to the Department's recommendation, a previous application for the redevelopment of the site had been refused on the grounds of overdevelopment, contrary to Policies SP3, SP4, SP5, GD6 and NE3. The scheme had also been considered prejudicial to highway safety, contrary to Policies SP7 and GD6.

The Committee noted that, in broad terms, the Bridging Island Plan Policies supported the principle of redeveloping the site for residential use. Policy support was not unconditional, and consideration had also been given to detailed operational policies and SPG in relation to the scale of development that would be acceptable on the site. The planning history of the site also had to be taken into account and, in particular, recent decisions. Having assessed the application, the Department was of the view that the application under consideration addressed the previous reasons for refusal. The number of units had been reduced to 2 and the vehicle access improved with a better turning area and appropriate visibility splays. Consequently, the Department was again recommending approval, subject to the imposition of certain conditions detailed within the Department report.

A total of 22 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who believed that the scheme would encroach on public land behind the sea wall. He referenced the Foreshore Policy and noted with disappointment that, in the majority of cases, the policy objectives were not being met and that the policy was not considered in the assessment of planning applications. The failure to consider the policy was all the more surprising as the Department represented the [REDACTED] believed that the policy required property purchasers to contact the Department to verify the position in relation to the foreshore and to inform Jersey Property Holdings when they encountered a land issue relating to the public foreshore. This did not appear to have happened in this case and [REDACTED] asked the Committee as the regulator to consider whether a decision could safely be made.

The Committee heard from [REDACTED], who was pleased with the outcome of discussions with the applicant's agent in relation to the obscure

expressed reservations about the cladding which was to be used and stated that the submitted drawings did not appear to present a reasonable representation of how the dwellings would appear. The Connétable concluded that the scheme did not appear to meet the tests set out in Policies SP3 and 4 and GD6 of the Bridging Island Plan.

Ahead of other members expressing views on the scheme, [REDACTED] interjected advising that an expensive 3 dimensional virtual model which had been commissioned had not been displayed and he understood this was due to technological difficulties experienced by the Department. Consequently, the Committee agreed to defer consideration of the application pending the resolution of the issues which had prevented members from viewing the model. The Committee noted that this should also provide an opportunity to hear from Jersey Property Holdings on the foreshore encroachment matter and to understand more about the relocation of the bus stop and ensure that a road safety audit had been undertaken.

Hameau
d'Orge, La
Rue de la
Robeline St.
Ouen:
proposed
change of use/
conversion of
habitable
accommodat-
ion to self-
catering.
(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 the change of use/conversion of a detached ancillary structure at Hameau d'Orge, La Rue de la Robeline St. Ouen to facilitate the creation of self-catering visitor accommodation. The Committee had visited the site on 31st October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Protected Coastal Area. Policies SP2, 4, 5, 6, PL5, GD1, H1, EV1, TT2 and 4 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to Supplementary Planning Guidance (SPG): Planning Policy Note No. 6 – minimum specification for new housing developments (2009) and the draft Residential Space Standards (2023).

P/2023/0332

The Committee was advised that the application sought permission for the change of use of ancillary accommodation to the north-west of the site to provide tourist accommodation for short term holiday lets. There would be no physical alterations to the structure.

The application had been refused on the grounds that the proposed tourism use would intensify the use of the building and its infrastructure in an unsustainable location, outside of the Built-Up and Tourist Destination Areas and within the Protected Coastal Area, contrary to Policies SP1, 2, PL5 and EV1 of the 2022 Bridging Island Plan. It was recommended that the Committee maintain refusal of the application.

On a related matter, it was noted that work was underway to develop SPG in relation to short-term holiday lets and consideration was being given to potential changes to the General Development Order to exempt certain types of holiday accommodation from the requirement to obtain planning permission. Although this work had not yet been completed, the draft SPG signalled the direction of travel.

4 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who objected to the application. He referenced the planning history of the site and, in particular, the extension of the double garage structure and queried the description of the same as 'ancillary accommodation'. He referenced hand-written notes on documentation pertaining to a 2011 permit, which appeared to indicate opposition to the use of this structure as habitable accommodation. He also highlighted the increased visibility of the structure since the recent loss of trees as a result of Storm Ciaran. [REDACTED]

expressed concerns about the impact of the development in the context of traffic intensification, visual impact and noise associated with the proposed use.

The Committee heard from the applicant, [REDACTED] who advised that the building had originally be used as a double garage and permission had subsequently been granted for its extension and refurbishment to facilitate its use as guest accommodation/a gym/home cinema/art studio. Permission was now being sought for the change of use/conversion of the structure (to include the installation of a kitchen area) to facilitate the creation of self-catering visitor accommodation. No external changes were proposed. [REDACTED] highlighted approved development in the immediate vicinity, to include the creation of 6 new visitor accommodation units [REDACTED] Nearby, permission had also been granted for a 50 seat restaurant (La Cidrie) at La Robeline Cider.

[REDACTED] interjected advising that the Bridging Island Plan supported development at his Grade 2 Listed property. Furthermore, the dog training field would only operate between 10 am and 2 pm. He saw no comparison [REDACTED] that which was proposed on the application site.

The Committee, with the exception of Deputy T.A. Coles of St. Helier South, was minded to support the application, contrary to the Department recommendation, on the basis that the scheme was considered to comply with Policies PL5, ERE2 and NE3 of the Bridging Island Plan. It was noted that the application would be re-presented at the next scheduled meeting for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

Maison Bel au
Vent, La Rue
du Bel au
Vent, St.
Lawrence:
proposed link
extension to
east elevation
(RFR).

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 the construction of a single storey flat roof link extension to the east elevation of the property known as Maison Bel au Vent, La Rue du Bel au Vent, St. Lawrence. The Committee had visited the site on 31st October 2023.

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

P/2023/0562

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and that Policies GD1, GD6, NE1 and NE3 of the 2022 Bridging Island Plan were relevant.

The Committee noted that the application proposed the construction of a single storey extension to the east of the host dwelling, linking it with an existing pool house and garage. The application had been refused on the basis that the proposed extension would create a substantial projection from the east elevation and was not viewed as being subservient to the main house. The design, scale and position of the proposed extension was also considered to result in the overdevelopment of the site, which would be harmful to the character of the Green Zone and the wider setting. As such, the application failed to satisfy the requirements of Policies NE3 and H9. Whilst the contemporary nature of the existing dwelling was noted, the introduction of additional development of this nature in the countryside was not considered appropriate in this instance and there were particular concerns regarding the extensive use of glazing within the proposed extension. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicant's agent, [REDACTED] MS Planning, who advised that [REDACTED] the application was supported by policy as the proposed extension would be subservient to the main house in size and scale. [REDACTED]

outlined the nature of the proposals and advised that a light weight, recessive structure was proposed on an area of hard landscaping and that the scheme included new planting along the boundary. [REDACTED] explained that, if permission was granted, the applicant was willing to relinquish a planning permit which had been issued in 2021. The scheme under consideration was considered to be less prominent than the approved scheme, the extension would be situated in a more secluded location and would not erode the character of the area.

The case officer advised that whilst he understood that there was a mechanism for rescinding extant permits, he had been unaware of the offer to relinquish the 2021 consent in favour of an approval for the application under consideration. [REDACTED] advised that this proposal had formed the basis of the request for reconsideration and had been set out in correspondence which had accompanied the application.

The Committee was minded to support the application, contrary to the Department recommendation, on the basis that the application was considered to accord with Policies GD6 and H9 and on the proviso that the previous consent was rescinded. It was noted that the application would be re-presented for formal decision confirmation and the approval of any conditions which were to be attached to the permit.

No. 2 Bonne
Nuit
Apartments,
Les Charrieres
de Bonne Nuit,
St. John:
proposed
replacement
balustrade.
(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 proposed the replacement of an existing timber balustrade with a new glass balustrade on the south-east and north-east elevations of No. 2 Bonne Nuit Apartments, Les Charrieres de Bonne Nuit, St. John. The Committee had visited that site on 31st October 2023.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Coastal National Park and that Policies GD1, GD6 and NE3 of the 2022 Bridging Island Plan were relevant.

P/2023/0393

The Committee noted that the application sought to regularise an existing terrace area which had been created to the north-west corner of the apartment block. The primary concern in relation to the proposal arose from the overbearing impact of the terrace on the neighbouring apartment (No.3) which was located below the level of the terrace associated with No. 2. The terrace was also positioned at a higher level than a recently constructed conservatory in the apartment below, giving rise to potential overlooking and loss of privacy to this property. Whilst a proposal to install privacy screens was noted, the use of the terrace could not be controlled, giving rise to noise and disturbance to ground floor properties in the apartment block. The creation of the terrace could also result in a loss of light to apartment No. 3, both internally and externally, with the addition of the privacy screen only exacerbating this. Whilst no concerns existed regarding the design of the terrace, the impact on privacy, loss of light and potential noise nuisance failed to satisfy the tests set out in Policy GD1 of the Bridging Island Plan. Consequently, the application had been refused on this basis and it was recommended that the Committee maintain refusal.

On a related matter, it was noted that confirmation had been received that the site notice had been correctly displayed for the requisite period.

3 representations had been received in connexion with the application.

The Committee heard from [REDACTED] who referenced his written objection. He expressed concerns regarding loss of light and increased noise. [REDACTED]

[REDACTED] In concluding, he noted that although bifold doors had been installed by the applicant he had been unable to locate a corresponding application for this work.

The Committee heard from the applicant's agent, [REDACTED] of J. Design, who advised that as the terrace area was jointly owned it could be used by all residents at present. No. 2 was the only apartment that did not have amenity space and the Plan supported the provision of the same. The proposed development would provide a link via a small bridge which would pass over a narrow path to No. 3 below. This pathway received little sunlight and a sun path analysis demonstrated that the scheme would not affect sunlight or overshadow adjacent units and the screen would prevent over-looking. [REDACTED] concluded by stating that the scheme would not unreasonably affect [REDACTED]

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