

Planning Committee

(9th Meeting)

26th September 2024Part A (Non-Exempt)

All members were present, with the exception of Connétables M.O'D. Troy of St. Clement and D.W. Mezbourian of St. Lawrence, from whom apologies had been received.

Connétable P.B. Le Sueur of Trinity (Chair) (not present for item No. A2)
 Deputy A.F. Curtis of St. Clement (Vice Chair)
 Connétable R.A.K. Honeycombe of St. Ouen
 Connétable M. Labey of Grouville
 Connétable K.C. Lewis of St. Saviour (not present for item Nos. A2 and A7-10)
 Deputy S.M. Ahier of St. Helier North
 Deputy T.A. Coles of St. Helier South
 Deputy A. Howell of St. John, St. Lawrence and Trinity (not present for item Nos. A1-6)

In attendance –

M. Jones, Senior Planner
 W. Johnson, Senior Planner
 T. Venter, Planner
 L. Davies, Planner
 G. Vasselin, Planner
 S. de Gouveia, Planner
 L. Plumley, Senior Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A1–6)
 S. Nibbs, Senior Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A7–10)
 C. Tucker, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (item Nos. A7–10)

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

Minutes.	A1. The Minutes of the meeting held on 5th September 2024, were taken as read and were confirmed.
31 Jardin de Haut, La Rue de la Vallee, St. Mary: proposed change of use / construction of shed and extension of fence (RFR).	A2. The Committee, with reference to its Minute No. A10 of 5th September 2024, considered a report in connexion with an application which sought permission for the change of use of a communal garden to residential use at the property known as 31 Jardin de Haut, La Rue de la Vallee, St. Mary. The construction of a shed and the extension of a fence were also proposed. The Committee had visited the site on 3rd September 2024. The Committee recalled that it had been minded to grant 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 approval.

P/2024/0131 The Committee confirmed unconditional approval of the application for the reasons set out in the Department report.

Villa St.
Aubin,
La Rue au
Moestre,
St. Brelade:
proposed
replacement of
ground floor
window with
carport (RFR).

A3. The Committee, with reference to its Minute No. A8 of 5th September 2024, considered a report in connexion with an application which sought permission for the replacement of an existing ground floor window with a carport to create a single vehicular access to the west elevation of the property known as Villa St. Aubin, La Rue au Moestre, St. Brelade. The Committee had visited the site on 3rd September 2024.

The Committee recalled that it had been minded to grant 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 approval and conditions which were to be attached to the permit.

P/2024/0566 The Committee confirmed approval of the application for the reasons set out in the Department report and on the basis of the conditions detailed therein.

Villa Daemar
and Arnside,
Queen's Road,
St. Helier:
proposed
demolition and
redevelopment.

A4. The Committee considered a report in connexion with an application which sought permission for the proposed demolition and redevelopment of the property known as Villa Daemar, Queen's Road, St. Helier, to include undeveloped garden land serving both Villa Daemar and the neighbouring property known as Arnside, Queen's Road, St. Helier. The demolition of a detached garage serving Arnside was also proposed, along with associated landscaping. The Committee had visited the site on 24th September 2024.

P/2024/1357 Connétable P. B. Le Sueur of Trinity, Chair, was not present and Deputy A. F. Curtis of St. Clement acted as Chair for the duration of this item. Deputy S.M. Ahier of St. Helier North 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 Backdrop Zone of the Built-Up Area boundary, the Eastern Cycle Route Network and was an Inland Flooding Low Risk area. Policies SP1, SP2, SP3, SP4, SP5, SP7, PL1, GD1, GD3, GD5, GD6, GD8, GD10, NE1, H1, H2, H4, ME1, CI8, TT1, TT2, TT4, WER1, WER2, WER6, WER7 and UI3 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant Supplementary Planning Guidance (SPG) relating to Residential Space Standards 2023, Parking Standards 2023, Density Standards 2023, Disposal of Foul Sewage 2012, St. Helier Design Guide 2023, Jersey's Future Housing Needs 2023-2025, Access onto the Highway 2019, Planning Obligation Agreements 2017 and Percentage for Art 2008.

The Committee noted that pre-application advice had been provided (PA/2021/1410 refers), highlighting concerns regarding the proposed development of undeveloped garden land in the Green Backdrop Zone and advising against the same.

Permission was sought for the construction of 5 new dwellings (4 x 4 bedroom units and one x 3 bedroom unit), to include hard and soft landscaping, refuse and external storage, car parking and the alteration of an existing vehicular access. The property known as Arnside would remain intact but undeveloped garden land serving the property would be incorporated into the proposed development.

The Committee was advised that the proposals would have a detrimental impact on the Green Backdrop Zone and would be harmful to the landscape character, with no public benefit to outweigh the harm. The design and scale of the proposed development would detrimentally impact the character of the surrounding dwellings

and the wider area, as well as the neighbouring residential amenity due to loss of privacy. The proposals did not meet residential space standards and represented over development of the site. A lack of communal space for children to play was noted, along with poor living accommodation which would impact upon the health, well-being, residential amenity and quality of living of future occupants. In addition, car parking provision was sub-standard, cycle parking was insufficient, and the proposals failed to promote the use of sustainable modes of transport. Insufficient information had been provided in respect of the disposal of foul sewerage and minimal water conservation practices were proposed. Lastly, it was considered that the case for demolition and replacement of the existing dwelling on the site had not been made. Accordingly, the proposals were contrary to Policies SP1, SP2, SP3, SP7, GD1, GD5, GD6, GD8, H1, CI8, TT2, TT4, WER7 and UI3 of the 2022 Bridging Island Plan and the application was recommended for refusal.

6 representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED] Godel Architects, who addressed the reasons for refusal. [REDACTED] noted that development was encouraged in the Built-Up Area and the proposals would deliver new residential development with a minimal impact on the Green Backdrop Zone. The garden land serving the properties was domestic curtilage, thus benefiting from permitted development rights and so could not accurately be described as 'undeveloped land'. The design had been carefully considered and was both attractive and appropriate to the area. [REDACTED] stated that the Department's assessment with regard to the residential space standards was erroneous and confirmed that the proposals were compliant. In particular, there was no requirement for external and cycle storage to be separate and access to sunlight was adequate. Similarly, the floor to ceiling heights were acceptable at 2.4 metres high. The potential for overlooking was minimal and the owners of Arnside had not objected to the proposals. Whilst acknowledging that amenity space for certain units would principally comprise hardstanding, [REDACTED] noted that guidance in relation to the quantum of soft landscaping required was not prescriptive in this respect. Concerns regarding drainage had been satisfactorily resolved and space for children and play could be addressed via a condition. Concerns around car parking and circulation on site could be resolved and the proposed demolition was justified on the basis that the proposals represented a more sustainable use of the site, alongside aesthetic and practical benefits.

Turning to water conservation practices, [REDACTED] advised that the applicant had not been aware of the need for additional information to be submitted in this respect. In concluding, he contended that the reasons for refusal were either erroneous or refutable, as outlined above, and urged the Committee to overturn the Department recommendation.

Having considered the application, the Committee unanimously endorsed the recommendation to refuse permission for the reasons set out in the Department report. In doing so, Deputy A.F. Curtis of St. Clement, Acting Chair, commented on the need for clarity with regards to compliance with residential space standards, noting that the matter was disputed by the applicant.

The Town House public house and restaurant, No. 57 New Street, St. Helier: proposed change of use

A5. The Committee, with reference to Minute No. A3 of 8th December 2022, of the Committee as previously constituted, considered a report in connexion with an application which proposed the change of use of The Town House public house and restaurant, No. 57 New Street, St. Helier, to facilitate the creation of residential accommodation. The Committee had visited the site on 24th September 2024.

The Committee heard from [REDACTED], in connexion with the application, who advised of a request by the applicant for

to residential
accommodat-
ion.

P/2023/0442

consideration of the application to be deferred, on the basis of legal representations made by the applicant. The applicant required additional time to address matters outlined in the Department report, including items which were disputed and to seek expert technical advice. It was recommended that the Committee accede to the request and defer consideration of the application.

The Committee heard from the applicant's legal advisor, [REDACTED] of Steenson Nicholls, who noted that a request for deferral had been made during the week prior to the meeting, and this had been refused by the Department.

Having considered the request, the Committee decided to defer consideration of the application, as submitted, to allow the applicant additional time to address matters outlined in the Department report. It was noted that the application would be re-presented at a future meeting for consideration by the Committee.

New Aircraft
Hangar (site of
former Cargo
Centre), Jersey
Airport,
L'Avenue de
la Commune,
St. Peter:
proposed new
aircraft hangar.

P/2023/0903

A6. The Committee, with reference to Minute No. A3 of 15th March 2018, of the Committee as previously constituted, considered a report in connexion with an application which proposed the demolition of existing structures and the construction of a new aircraft hangar with associated Fixed-Base Operation (FBO) building at the premises known as the New Aircraft Hangar (site of the former Cargo Centre), Jersey Airport, L'Avenue de la Commune, St. Peter. Reconfiguration of the car parking arrangements and various landscape improvements were also proposed. The Committee had visited the site on 24th September 2024.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the operational area of Jersey Airport, the Built-Up Area and a water pollution safeguard area. Policies SP1, SP2, SP3, SP4, SP5, SP6, SP7, GD1, GD2, GD3, GD5, GD6, GD10, NE1, NE2, NE3, ME2, TT1, TT2, TT4, TT5, WER1, WER6 and WER7 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, including an application for the demolition of the cargo centre previously located on the site, and the construction of a new cargo centre nearby to the west (P/2013/1614 refers). The former cargo centre had been demolished in 2015 and more recently, the site had been used as a temporary drive-through Covid-19 testing facility.

The Committee further noted that the application site was an open area of hardstanding of around 2.24 hectares in size which included a redundant 2-storey commercial building. The proposed new aircraft hangar would have a floor area of approximately 5,880 square metres and provide storage and maintenance facilities for private aircraft. The associated FBO building would comprise around 1,270 square metres of floor area, spread over 3 storeys to provide office and administration accommodation, staff and customer facilities, plantroom areas and security facilities for airside access. The proposed development would measure around 17.5 metres at its highest point. A Planning Obligation Agreement (POA) was proposed to secure a financial contribution of £158,000 towards the enhancement of off-site cycle and walking infrastructure in the vicinity of the site and a Percentage for Art (PFA) contribution, which would consist of restoration and tree planting at nearby Val de La Mare reservoir and an associated art landscape installation in the entrance / arrival area of the new facility.

The Committee was advised that the proposed development was considered appropriate and that new development within operational areas of the Island's ports was supported by the provisions of the 2022 Bridging Island Plan. The Department was comfortable with the proposed design, a sweeping, curved form reminiscent of an aerofoil, which had been praised by the Jersey Architecture Commission (JAC), and which also included landscaping proposals. Consequently, the application was

recommended for approval, subject to the imposition of the conditions detailed within the Department report and the entering into of a suitable POA, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended), to secure the aforementioned financial contribution. In the event that agreement could not be reached within a timeframe specified by the Department, the Department would be authorised to refuse the application.

All representations received in connexion with the application had been included within the Committee's agenda pack, including a number of late submissions.

The Committee heard from [REDACTED], [REDACTED], in connexion with the proposed PFA contribution. Whilst he had no objection to the proposed development *per se*, [REDACTED] questioned the contextual relevance of the artwork that was proposed, noting that it would consist primarily of landscape improvements at Val de La Mare reservoir, which was some distance from the application site, and an art landscape installation on the site itself, which would not be readily visible from the public realm. He highlighted the opportunity to provide a truly relevant and visible piece of public art and suggested that the PFA contribution be directed towards the restoration and public display of Jersey's historic De Havilland Heron, a former Jersey Airlines aircraft, which would provide a link to the Island's aviation history and represent a more appropriate use of the funds.

The Committee heard from [REDACTED], [REDACTED], Gama Aviation, on behalf of the applicant. He outlined the applicant company's history and commitment to the Island, noting that Gama Aviation had taken responsibility for the provision of air ambulance services to the Government of Jersey in 2020. The proposed development would result in a modern, high-quality gateway into and out of the Island and a much-improved experience for patients, visitors and local residents. The proposed design was intended to cement Jersey's position as a vital destination and environmental considerations had been taken into account, with best practices integrated into the scheme. Consideration had been given to future advances in aircraft design and technology, including the development of sustainable fuels, electric and hydrogen powered aircraft. The proposals would reduce the need for so-called 'positioning' flights, by allowing local residents to store private aircraft in Jersey as opposed to overseas. The proposed development would also support the creation of high-value, skilled employment opportunities locally and contribute to Jersey's sustainability goals. In concluding, [REDACTED] urged the Committee to recognise the benefits of the proposals to the Island and support the application.

The applicant's architect, [REDACTED] 3DReid, addressed the Committee and outlined the architectural brief for the site, noting that the design had been inspired by traditional fluid aeronautical forms and relevant local reference points. The proposals had been refined following engagement with the JAC and a simple palette of materials was proposed, with a singular form roof over both structures. The proposed development was energy efficient, and the existing landscape buffer would be retained and enhanced, with damage from Storm Ciarán being remediated. In concluding, [REDACTED] highlighted positive comments made by the JAC in connexion with the proposed design and urged the Committee to approve the application.

The Committee heard from the applicant's agent, [REDACTED] MS Planning, who explained that the potential for roof-mounted solar panels was being considered (subject to planning permission) along with associated glint and glare impacts. The proposed PFA contribution had been developed following feedback from the JAC, was considered appropriate and complied with the relevant SPG. Notwithstanding

this, [REDACTED] indicated that consideration could be given to alternative approaches if members held strong views on the matter. Reference was made to previous applications for aircraft hangars in the vicinity and [REDACTED] noted that such structures were a familiar feature given the operational nature of the area. The proposed development had been carefully positioned to ensure efficient operations and he highlighted the need for the proposed FBO building in this connexion. The design was distinctive and represented a significant opportunity to improve an important gateway to the Island and support the diversification of employment opportunities. He urged the Committee to support the application.

The Committee discussed the PFA proposals and members expressed some reservations in this connexion, noting that the application site was some distance from Val de La Mare reservoir, where the proposed landscape improvements, which accounted for the majority of the PFA contribution, would be undertaken. It was confirmed that the art landscape installation on the site itself would be located in the outside entrance courtyard of the proposed FBO building.

In response to questions from the Committee, the following was confirmed –

- the proposed development would provide acoustic screening and lead to a reduction in aircraft noise;
- the application was supported by Ports of Jersey (the owner of the site);
- the installation of roof-mounted solar panels at a later date was technically feasible;
- the existing fence line around the boundary of the site would remain the same; and,
- the facility would be operational only during the hours of operation of Jersey Airport, with the exception of air ambulance/emergency flights.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the conditions outlined in the Department report and on the basis of the entering into of a POA, as detailed above. In doing so, the Committee requested that a revised PFA proposal be brought back to the Committee for approval at a later date, having noted concerns in relation to the same.

Field Nos.
655 and 656,
La Route de
Beaumont,
St. Peter:
proposed
construction of
42 affordable
houses.

P/2024/0413

A7. The Committee considered a report in connexion with an application which sought permission for the construction of 42 homes on Field Nos. 655 and 656, La Route de Beaumont, St. Peter. The Committee had visited the site on 24th September 2024.

A site plan and drawings were displayed. The Committee noted that the application site was situated on an Affordable housing site, which was subject to the following constraints under Policy H5 - airport noise zone 3, water pollution safeguard area and was adjacent to various Listed buildings. Policies SP1, SP2, SP3, SP4, SP5, SP7, PL3, GD1, GD2, GD3, GD6, GD10, NE1, NE2, NE3, HE1, HE5, H1, H2, H3, H4, H5, CI8, ME1, TT1, TT2, TT3, TT4, WER1, WER6, WER7, WER10 and UI3 of the 2022 Bridging Island Plan were also relevant. Attention was also drawn to relevant draft Supplementary Planning Guidance (SPG) relating to the following development briefs: affordable housing sites 2023, Residential Space Standards 2023, Residential Parking Standards 2023, Density Standards Guidance 2023, and Planning Obligation Agreements 2017.

The Committee noted that permission had previously been granted for the construction of residential dwellings on the site of Manor Farm, immediately north of the proposed site (application P/2019/1544/revisions RP/2020/1433/RP/2021/1315 refer).

The Committee was advised that the proposed site comprised of 2 undeveloped

fields allocated for affordable housing in the 2022 Bridging Island Plan. Permission was sought for the construction of a mix of 7 x 2-bedroom, 23 x 3-bedroom and 12 x 4-bedroom homes with associated landscaping and car parking. To complement the housing provision, private and shared amenity space and a children's play area were proposed. It was noted that parking would be restricted to the west of the site and that vehicular access to the properties would only be available to emergency vehicles.

The Committee noted that the application proposed an affordable housing scheme broadly in line with the policy requirements of the 2022 Bridging Island Plan and relevant SPG. It was noted that the density of housing was appropriate and was supported by the Strategic Housing Unit. Further, the level of car parking provision was satisfactory. The application was supported by the Planning Department, subject to the imposition of certain conditions and the entering into of a Planning Obligation Agreement (POA). Whilst concerns had been raised by the Historic Environment Team in connexion with the scale and location of the proposed buildings and the impact on the rural character of the area, on balance it was considered that the need for affordable housing outweighed these concerns. The Committee noted that permitted development rights for the site would be removed and this had been accepted by the applicant.

Consequently, the application was recommended for approval, subject to the conditions outlined in the report, and the entering into of a suitable POA, pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended), to secure the following -

- improvements to drainage;
- a contribution of [REDACTED] towards upgrading the Number 9 bus service;
- a contribution of [REDACTED] to walking and cycling infrastructures;
- 55 per cent (23 dwelling units) to be sold to First Time Buyers;
- 45 per cent (19 dwelling units) to be transferred to an approved affordable housing provider for social rented accommodation, with an affordable housing provider to be secured prior to the commencement to the development;
- a landscape and ecology management plan to be submitted and maintained; and,
- the creation of a management plan, maintenance plan and residents forum for the maintenance of roads, footpaths, landscaping, shared open space, private open space in front of dwellings and other communal areas.

In the event that a suitable POA was not agreed within 6 months of the decision, the application would be returned to the Committee for further consideration.

All representations received in connexion with the application had been included within the Committee's agenda pack, including a number of late submissions.

The Committee heard from [REDACTED] of St. Peter in support of the application. The [REDACTED] advised that he was aware of the demand for 3 bedroom properties. The development aimed to enhance the village and to support its ageing population, by encouraging young families into the area. 3 other fields had been transferred to the Parish and would remain in agricultural use, maintaining the identity of the Green Zone. In conclusion, he urged the Committee to approve the application to provide essential accommodation for families in need of high-quality, affordable homes.

The Committee heard from the applicant's architect, [REDACTED] of HD Planning and Design Ltd, who noted that only a small number of objections had been received in connexion with the proposal due to the applicant's collaboration with both the

Department and public via a public consultation process. In outlining this process, he suggested that this approach could be used as a template for consultation on future applications. Consideration had also been given to the design of the proposal. It was noted that the proposed development exceeded both housing and car parking standards and public amenity requirements. With regard to design, [REDACTED] confirmed that the application aligned with the 2022 Bridging Island Plan, creating a strong sense of place and connecting residents with their community. Ecological aspects had been prioritised with the creation of nature corridors and a car-free environment encouraging sustainable travel, minimising noise and traffic pollution and increasing safety in the area. In conclusion, [REDACTED] clarified that the proposals respected the existing community, creating a space that enhanced the character of St. Peter, as well as providing much needed family homes. The proposed scheme was commended to the Committee as an example of a forward-looking solution to Jersey's current housing challenges.

The Committee heard from [REDACTED] of Andium Homes who reminded Members that the site had been approved for affordable homes and contracts had already been established to complete the scheme in a timely manner, with the aim of commencing work on site in February 2025. It was confirmed that, similar to Andium's previous developments at The Limes and Cyril Le Marquand Court, this proposal would achieve the highest standards of the award-winning social housing provider. The development sought to provide an extension to St. Peter's village, reviving the community with affordable housing options. [REDACTED] re-iterated the environmentally friendly aspects of the scheme, such as the car-free environment, open spaces, and provision for ecology throughout the development. Whilst the minor issues raised in response to the application were noted, he advised that the advantages of the development outweighed these concerns, and he respectfully requested the Committee approve the application.

In response to questions from the Committee, the following matters were confirmed:

- the large voids indicated on the top floor of the proposed 4-bedroom houses were included in the scheme to ensure that the designs complied with occupation policy. Whilst the Committee expressed concerns in connexion with the possibility of future tenants extending properties and increasing occupancy, it was advised that this would be ameliorated by the need for planning applications prior to such development in the future;
- UPVC windows in with triple glazing in a traditional style were proposed;
- natural boundaries would be constructed between properties via the use of hedges, the species of which were yet to be confirmed. This would be addressed in the landscaping requirements;
- ecological surveys to further support the development of wildlife in the area would be completed by October 2024, before being sent to the Department;
- retractable bollards were proposed for emergency access to the central housing area,
- the provision of car parking for people with disabilities was clarified and;
- the infrastructure for all car parking spaces would contain both active and passive electric charging stations.

Having considered the application, the Committee unanimously endorsed the Department's recommendation to grant permission, subject to the conditions detailed in the officer report.

La Vieille Rue
Grouville:
proposed
extension of
previously
approved
southern
extension
(RFR).

RP/2024/0570

reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the extension of previously approved southern extensions to the east of the property known as Le Jardin, La Vieille Rue, Grouville. The Committee had visited the site on 24th September 2024.

Connétable M. Labey of Grouville 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 SP3, SP4, SP5, GD1, GD6, NE1, NE3, H9, TT4, WER6 and WER7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant draft Supplementary Planning Guidance (SPG) relating to Landscape and Seascape Character adopted in October 2023, Residential Space Standards adopted in October 2023 and Parking and Space Standards adopted in October 2023.

The Committee noted the relevant planning history of the site, including an approved application to demolish a carport and conservatory and convert an existing garage to habitable accommodation via the construction of a single storey extension to the south elevation. The application also sought approval for the conversion of a 3 bedroom dwelling to provide a one bedroom and a 2 bedroom dwelling (application P/2024/0052 refers).

The Committee was advised that the application had been refused on the grounds that the cumulative impact of the proposed extension would disproportionately increase the floor area and footprint of the property and was not considered to contribute positively to the character of the area. Consequently, the proposal was contrary to Policies SP4, SP5, H9 and NE3 of the 2022 Bridging Island Plan, resulting in harm to the landscape character of the Green Zone.

It was recommended that the Committee maintain refusal of the application.

No representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED], [REDACTED] of MS Planning Limited who reminded the Committee that the application followed a previously approved scheme to provide additional floor space. Contrary to the commentary within the Department's report, [REDACTED] asserted that the extension was subservient to the main house and would not be dominant or obtrusive in its aspect when considered in context. In concluding, he noted that the application had received no objections and urged the Committee to grant permission.

The Committee heard from the applicant, [REDACTED], who echoed [REDACTED] comments and urged the Committee to approve the application in order to provide the additional space required by the family. If approved, the extension would facilitate the release of one social housing unit back to Andium Homes.

In response to the questions from the Committee, [REDACTED] confirmed that the use of the extension as an office or a bedroom should have no bearing on the proposal.

Having considered the application, the Committee decided to grant permission, contrary to the Department's recommendation, on the basis that the proposed extension was not disproportionate and was appropriate in this context.

As the Committee's decision was contrary to the Department's recommendation, it was noted that the application would be re-presented for formal decision confirmation and the approval of any additional conditions which were to be

attached to the permit.

Field No.
331A,
La Rue du
Muet,
St. John:
construction of
proposed
polytunnels,
log store and
hardstanding
(RETRO-
SPECTIVE)
(RFR).

P/2024/0406

A9. The Committee considered a report in connexion with a request for the reconsideration of a retrospective application which had been refused by the Department under delegated powers and which sought permission for the retrospective construction of 3 polytunnels, a log store and new hardstanding for vehicles at the property known as Field No. 331A, La Ruet du Muet, St. John. The Committee had visited the site on 24th September 2024.

Deputy A.F. Curtis of St. Clement, Vice Chair, did not participate in the determination of this application.

A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone within a Water Pollution Safeguard Area and policies SP1, SP2, SP3, SP4, SP5, PL5, GD1, GD6, H9, NE1, NE2, NE3, ERE1, ERE5, TT1 and WER5 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant draft Supplementary Planning Guidance (SPG) relating to Landscape and Seascape Character Guidance, adopted in October 2023.

The Committee was advised that, whilst the retrospective application was supported by the Department for the Economy, the application had been refused on the grounds that insufficient information had been received to justify approval. It was noted that the applicant had failed to demonstrate the need for the polytunnels and log store in relation to the viability of the small holding. Therefore, the development, along with the hardstanding and agricultural track, had resulted in visual harm and intrusion to the landscape character of the area contrary to Policies SP3, SP5, PL5, NE3 and ERE5 of the 2022 Bridging Island Plan.

Consequently, it was recommended that the Committee maintain the refusal of the application.

One representation had been received in connexion with the application.

The Committee heard from the applicant and owner of Lomah Farm, [REDACTED], who apologised for the retrospective nature of the application. The applicant advised that he had not been aware of the need for planning permission. As a first-generation market garden farmer, [REDACTED] aimed to enhance food security and provide fresh, locally grown produce for Islanders from the site. The Committee heard that since its establishment in 2022 as a market farm, the applicant company had provided produce to 7 restaurants and in 2024 had delivered 360 vegetable boxes to households across the Island. The business had continued to grow, with the further lease of two acres in close vicinity to the original application site. [REDACTED] asserted that the use of the polytunnels was essential to his operation, as these provided the ability to grow crops in all seasons as well as ensuring a suitable space for the washing and packing of produce. Further, it was noted that the creation of a hardstanding allowed deliveries to be made and provided an effective turning circle for larger vehicles accessing the farm. [REDACTED] provided the Committee with photographs of a recent large goods vehicle delivering supplies to the site to support this argument. He confirmed that the Department's recommendations would result in a loss of agricultural land and would negatively affect the business, which employed 2 part-time members of staff. The business also provided opportunities for 3 volunteers. In conclusion, [REDACTED] highlighted the need for businesses of this nature and urged the Committee to grant permission to help provide a more sustainable future for the Island and for the applicant company to remain an active participant in the rural economy.

The Committee heard from [REDACTED], who echoed [REDACTED] comments in connexion with the essential requirement for the hardstanding. As the owner of La Côte Distillery, [REDACTED] explained that the hardstanding ensured safe delivery of goods and waste and was a common feature of other farms on the Island. [REDACTED] reminded the Committee that the Bridging Island Plan Policies supported the growth of the rural economy and stated that the applicant company was an asset to the rural economy.

The Committee heard from [REDACTED], [REDACTED] of Riva Architects, who confirmed that [REDACTED] regretted the retrospective nature of the application and the unauthorised works which had been carried out on the site. The Committee acknowledged that [REDACTED] was the applicant and not the owner of the site itself and that he had made these temporary adjustments to meet the requirements of a market gardening business. [REDACTED] reminded the Committee that market gardening was a more intensive form of farming and thus the construction of polytunnels and hardstanding was fundamental to the success of the business. He further asserted that the polytunnels should be considered temporary structures. He too urged the Committee to support the application and demonstrate commitment to the industry and young famers.

In response to questions from the Committee, [REDACTED] confirmed that whilst the proposed polytunnels were fixed to the ground, they did not have concrete foundations.

Having considered the application, the Committee decided to grant permission, contrary to the Department's recommendation, on the basis that the need for this retrospective application had been clearly demonstrated. The Committee concluded that the application would not result in visual harm or have a detrimental impact on the landscape character of the area.

As the Committee's decision was contrary to the Department recommendation, it was noted that the application would be re-presented for formal decision confirmation and the approval of any additional conditions which were to be attached to the permit.

Darna,
La Rue de la
Marais a La
Cocque,
Grouville:
various works.
(RETRO-
SPECTIVE)

A10. The Committee, with reference to Minute No. A5 of 27th July 2017, of the Committee as previously constituted, 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 retrospective permission for various works at the property known as Darna, La Rue de la Marais a La Cocque, Grouville. The Committee had visited the site on 24th September 2024.

(RFR)

Connétable M. Labey of Grouville did not participate in the determination of this application.

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A site plan and drawings were displayed. The Committee noted that the application site was situated in the Green Zone and was on the Eastern Cycle Route Network. Policies SP2, SP3, SP4, SP5, PL5, GD1, GD2, GD6, NE1, NE3, E11, ERE1, TT1, TT2, TT4, WER6, MW2 and MW3 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant draft Supplementary Planning Guidance (SPG) relating to Landscape and Seascape Character Guidance (2023), Access onto Highway – Standards and Guidance (2019), Parking Guidelines (1988) and Protection of Employment Land (2012).

The Committee noted the extensive planning history of the site, including the most recent application (P/2017/0085) which had sought permission for the demolition of

2 dwellings and their replacement with 3 new 4-bedroom dwellings with associated car parking and landscaping. The application had also proposed the construction of an extension to a previously approved shed with various revisions.

The Committee noted that the retrospective application sought permission to regularise various planning irregularities as set out below:

- change of use of part of Fields Nos. 433 and 433A from agricultural to commercial use, to allow car parking and additional concrete hardstanding associated with the existing haulage and plant hire business;
- change of use of part of a Field No. 433A to widen the driveway and vehicular access along the western boundary to provide car parking associated with the existing business and to supersede previous landscaping schemes;
- retention of walls constructed along the vehicle access and installed gates;
- replacement of existing hoggin surface aggregate with concrete hardstanding;
- retention of earth bank and landscaping encroaching on Fields Nos. 433 and 433A along the rear of the modern shed and extended planting to the western boundary;
- retention of 2 commercial roller shutter doors inset along the western elevation of the modern shed;
- retention of a bundled diesel storage tank;
- change of use from commercial to residential to extend the gardens of the 3 dwellings forward of the modern shed;
- retention of an outbuilding in the extended garden of the property known as Sumbawa, for domestic storage purposes, and;
- retention of previously installed gated access serving the outbuilding.

The Committee was advised that the application had been refused on the grounds that the incremental intensification of a development of industrial use exacerbated the loss of agricultural land. The increased industrial use of the land had a significant harmful impact on the residential amenities of neighbouring properties. It was noted that the application did not demonstrate how surface water drainage would be dealt with, nor did it illustrate the availability of adequate drainage capacity. As such, the retrospective development was considered inappropriate an unjustified outside of the Built-Up Area. The overall incremental development of the application site appeared visually dominant and detracted from the character of the rural landscape setting, reducing the opportunity for biodiversity enhancement and protection. Consequently, it was recommended that the Committee maintain refusal of the application.

14 representations had been received in connexion with the application.

The Committee heard from [REDACTED], a resident of the Parish of Grouville, who opposed the retrospective application. He drew attention to the fact that numerous objections had been received in connexion with the site and suggested that the range of issues raised by members of the public should concern the Committee. Turning to the Department's report, he noted that comments were expected to have been received from the Parish of Grouville in connexion with the heavy traffic experienced due to the nature of activity on the site. In concluding, [REDACTED] expressed his frustration at the overdevelopment of the site, which had led to increased road safety issues and pollution in an otherwise scenic country area.

The Committee heard from [REDACTED], a member of the public, who strongly objected to the development. He expressed the view that retrospective applications made a mockery of the planning process and the statutory requirements. This was particularly pertinent in respect of unauthorised development in the Green Zone,

which was afforded the highest levels of protection. The industrial use of the site had a detrimental impact on the health and well-being of neighbours. ██████████ urged the Committee to endorse the recommendation to refuse the application.

The Committee heard from ██████████, a local resident who vehemently opposed the application due to its impact on neighbouring residents. He expressed frustration at the noise and pollution caused by the industrialisation of the site. ██████████ concurred with previous speakers and urged the Committee to consider the complaints submitted in relation to the use of the site, which dated back to 2019, as well as being mindful of the harmful impact on residents of the area.

The Committee heard from the applicant's agent, ██████████ Godel Architects who reminded the Committee that the application had been submitted in response to enforcement action by the Department. He explained that, for the most part, anomalies had arisen due to operational demands. Turning to specific elements of the refusal, ██████████ advised that waste management was not carried out on the site, nor was the use of the site considered to be 'industrial'. It was noted that some work had been undertaken to restore the field to the north of the site in consultation with the Department. However, ██████████ accepted that further work was required to fully comply with the conditions of the original permit. Describing the land in question as 'marginal' and noting that the site had previously been occupied by redundant glass houses, he further asserted that the proposals enhanced the biodiversity of the site and did not harm the aesthetic nature of the Green Zone. In connexion with comments regarding the loss of agricultural land, ██████████ contended that the land was not suitable for agricultural use and revised plans, submitted under the guidance of the Department, aimed to utilise this land more effectively. He confirmed that no drainage issues had arisen and suggested that the 'infringements' should be considered in context. ██████████ concluded by stating that the business should be enabled to evolve and adapt.

The Committee heard from the applicant, ██████████ of D.B. Cummins Jersey Limited, who extended apologies for the retrospective nature of the application. He clarified that the use of the site as a storage facility for vehicles was not industrial. In response to the Committee's further questions, ██████████ stated that the site had been cleared and disruption minimised. He added that the business had operated from the site for 37 years and wished to continue to do so. At the present time, the business employed 20 staff members.

In response to the questions from the Committee, the following matters were confirmed:

- the previously approved turning area for vehicles was not suitable and had led to the formation of an increased turning circle, which had extended onto a garden area;
- despite a convoluted process, the land had been restored to agricultural use. Further work was required to ensure compliance with the permit and, in particular, concerns regarding the poor state of the topsoil which had been noted by the Committee during the site visit and;
- the level of the field had not been raised.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department's report and requested that enforcement action be re-instigated by the Department.