

Planning Committee

(12th Meeting)

5th December 2024Part A (Non-Exempt)

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

Connétable P.B. Le Sueur of Trinity (Chair)
 Deputy A.F. Curtis of St. Clement (Vice Chair)
 Deputy S.M. Ahier of St. Helier North
 Deputy A. Howell of St. John, St. Lawrence and Trinity
 Deputy T.A. Coles of St. Helier South
 Connétable K.C. Lewis of St. Saviour
 Connétable M. Labey of Grouville

In attendance –

C. Jones, Planning Applications Manager
 W. Johnston, Senior Planner
 J. Gibbins, Trainee Planner
 L. Davies, Planner
 E. O' Brien, Trainee Planner
 G. Vasselin, Planner
 L. Plumley, Senior Secretariat Officer, Specialist Secretariat, States Greffe (items A1 – A8 only)
 S. Nibbs, Senior Secretariat Officer, Specialist Secretariat, States Greffe (items A9 – A12 only)
 C. Tucker, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (Items A1 – A8 only)
 E. Patterson, Assistant Secretariat Officer, Specialist Secretariat, States Greffe (items A9 – A12 only)

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

Minutes.

A1. The Minutes of the meeting held on 7th November 2024, were taken as read and were confirmed.

La Trigale,
 La Route de
 L'Eglise,
 St. Lawrence:
 proposed
 construction of
 cattery and
 retaining wall.
 (PART
 RETRO-
 SPECTIVE).

A2. The Committee, with reference to its Minute No. A7 of 7th November 2024, considered a report in connexion with a request for the reconsideration of an application which proposed the construction of an outbuilding comprising of 13 cattery boarding units and a concrete deck and retaining wall to the east of the property known as La Trigale, La Route de L'Eglise, St. Lawrence. The Committee had visited the site on 5th November 2024.

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.

P/2024/0673

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

Department report. However, the Committee recalled that members had also expressed concerns regarding the scale and mass of the proposed outbuilding and directed that the decision notice be amended to reflect the same.

Southern Telephone Exchange, La Route Orange, St. Brelade: proposed replacement of telecomm-unications equipment (RFR).

A3. The Committee, with reference to its Minute No. A10 of 7th November 2024, considered a report in connexion with a request for the reconsideration of an application which proposed the removal of one antenna and the installation of telecommunications equipment to the north-east corner of the Southern Telephone Exchange, La Route Orange, St. Brelade. The Committee had visited the site on 5th November 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.

S/2024/0580

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.

Field No. 1404, La Grande Route de St. Jean, Trinity: proposed construction of 16 new affordable dwellings.

A4. The Committee considered a report in connexion with an application which sought permission for the construction of 16 affordable homes with refuse and cycle storage and associated car parking, on Field No. 1404, La Grande Route de St. Jean, Trinity. New vehicular and pedestrian access points, landscape works, and public open space would also be created. The Committee had visited the site on 3rd December 2024.

Connétable P.B. Le Sueur of Trinity, Chair, and Deputy A. Howell of St. John, St. Lawrence and Trinity did not participate in the determination of this application.

P/2024/1065

A site plan, drawings, and a 3-dimensional model were displayed. The Committee noted that the application site was located in a Zoned Affordable Housing Site, a Water Pollution Safeguard Area, Sustainable Transport Zone 5 and within the vicinity of a Grade 2 Listed flint chipping area (reference JN0184). 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 and UI3 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant Supplementary Planning Guidance (SPG) as follows: Development Briefs – Affordable Housing Sites (2023), Residential Space Standards (2023), Residential Parking Standards (2023), Density Standards (2023), and Planning Obligation Agreements (2017).

The Committee noted that the application site had been designated for affordable housing in the 2022 Bridging Island Plan and was situated adjacent to Sion Village, in close proximity to a number of local services and amenities. A number of Listed Buildings, including Midland House (Grade 3), lay to the east and west. The Committee recalled that permission had been granted earlier in 2024, for the construction of 38 new affordable dwellings on nearby Field No. 1109, La Grande Route de St. Jean, St. John, which was also a Zoned Affordable Housing Site (Minute No. A2 of 16th May 2024 refers).

The Committee was informed that permission was sought for the construction of 3 x 2 bedroom, 11 x 3 bedroom, and 2 x 4 bedroom dwellings with associated landscaping and the formation of new vehicular and pedestrian access. It was also proposed to create an area of public open space at the centre of the site. The scheme comprised entirely of social rented housing which would be provided through Jersey Homes Trust (JHT), though flexibility would be retained to adjust the tenure split in the future, should this be deemed necessary or beneficial.

The Committee was advised that the proposals would deliver a good quality affordable housing scheme in line with the policy requirements of the 2022 Bridging Island Plan and relevant SPG. The mix and density of housing was considered appropriate and was supported by the Strategic Housing Unit. The proposed design aligned with the context of the area, and the private amenity space for each property and proposed car parking provision met the minimum requirements. Visual impacts would be managed to an acceptable degree and suitable mitigation measures were proposed with regard to ecological impacts. An area of public open space for the benefit of the wider community was proposed, along with a Percentage for Art (PFA) scheme. Community engagement had been undertaken and the proposals had been amended to ensure minimal impact upon the amenities of adjoining residential properties and business uses, including Bonny's Country Garden, a neighbouring horticultural business.

The Committee was informed that whilst the proposed access arrangements did not fully meet the required standards, the proposed design represented the best achievable solution for the site, given the site constraints. Various transport-related mitigations were proposed, including a raised table on La Grande Route de St. Jean, which would be delivered directly by the applicant via a private highways agreement with the Infrastructure and Environment Department.

The Committee noted that a Planning Obligation Agreement (POA) was proposed to secure the following –

- the transfer of 16 units of affordable housing to an Approved Housing Provider (JHT);
- a payment of [REDACTED] for improvements to pedestrian infrastructure or other active travel enhancements in the vicinity of the site / Sion village;
- a payment of [REDACTED] for bus service enhancements;
- a payment of [REDACTED] minus the costs of the proposed raised table for traffic calming works;
- a landscape and ecology management plan; and,
- a management plan.

The application was recommended for approval, subject to the imposition of certain conditions and the entering in to of a POA, as detailed within the Department report. 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. It was recommended, should the Committee be minded to grant permission, that one condition be amended to require the submission of an archaeological scheme of investigation for approval by the Department, prior to any demolition or development taking place.

All representations received in connexion with the application had been included within the Committee's agenda packs.

The Committee heard from [REDACTED], [REDACTED], Infrastructure and Environment (IE) Department, who noted that there was a single access route serving the site and 2 neighbouring dwellings. Due to land ownership limitations, a 5 metre wide carriageway with a 1.5 metre wide pedestrian footway could not be achieved along the full length of the proposed access route. Whilst this was achievable at the entrance to the site, the access route would subsequently narrow to a width of 3 metres. The proposals did not therefore fully comply with the standards outlined in the relevant SPG. There was also the potential for conflict to arise between vehicles using the proposed access route, due to the proximity and positioning of the car parking spaces serving the neighbouring dwellings. The

applicant had worked with the Department to identify and address the issues, though residual safety risks remained, due to tight junction geometry and the potential for large vehicles to overrun into the opposing carriageway when entering or exiting the site. [REDACTED] confirmed that the proposed design had been optimised to the best extent possible, given the site's constraints. In response to a question from the Committee, he also confirmed that the proposed visibility splays were compliant and that the location of the existing bus stops had been reviewed and were considered appropriate.

The Committee heard from [REDACTED] of the [REDACTED], who advised that the site was located in an area of known archaeological potential. Notably, archaeological excavation was being undertaken in nearby Field No. 1109, La Grande Route de St. Jean, St. John, as part of the aforementioned development of 38 affordable homes granted under P/2024/0050. With regard to the application site, further investigation was required, to include a field walk and investigative trenching. [REDACTED] noted that the proposed landscaping would mitigate the visual impact of the development on the setting of Midland House.

[REDACTED], of [REDACTED] addressed the Committee, noting that [REDACTED] was a well-established local family firm providing nursery plants to businesses and the public sector. 2 of the proposed dwellings would have gable ends located in close proximity to [REDACTED], which would result in the polytunnels used for horticultural operations being shaded. Any loss of daylight and sunlight would significantly affect the successful operation of the business. [REDACTED] noted that whilst the proposed boundary planting had been reduced to 2 metres in height following engagement with the applicant, a strip of land adjoining the site would be shaded and effectively would become unusable for growing purposes. He also expressed concern regarding the need to maintain the proposed boundary treatment and highlighted the operational nature of the business, noting that noise was generated by the activities undertaken on the premises. Noise was also produced by fans within the polytunnels, which ran overnight, and which were necessary to their operation. [REDACTED] was concerned about the potential impact of the noise on future occupiers of the proposed development and urged the Committee to reject the proposals.

In response to a question from the Committee, [REDACTED] confirmed that the fans were in operation from around 6pm each night. He advised that upgrading the equipment would require a significant financial investment.

The Committee heard from [REDACTED], in support of [REDACTED] and in her personal capacity as a resident of the area. As outlined in her written submission to the Committee, she had raised concerns regarding the impact of the proposals on [REDACTED], due to the loss of sunlight and daylight that would result. The height of the proposed boundary planting was also problematic and whilst it had been reduced from 3 metres to 2, horticultural operations at [REDACTED] would still be impacted. [REDACTED] found it concerning that the matter had only been addressed following her intervention. She noted that a review which had been undertaken to assess the impact of the proposals on levels of sunlight and daylight had not considered the impact on agricultural land specifically. [REDACTED] also highlighted the potential for friction to arise when residential uses were located next to working sites such as [REDACTED], with noise impacts being of particular concern. On a personal level, she noted that Sion Village did not benefit from the amenities typical of other villages in Jersey and increasingly had the feeling of becoming ribbon development. In concluding, she advised that insufficient community engagement had been undertaken, contrary to Policy GD2, and she urged the Committee to reject the proposals.

The Committee heard from [REDACTED], [REDACTED], who urged members to consider the need for well thought out, sustainable development. The proposals, whilst providing much needed housing, would continue a pattern of eroding life in Sion Village, due to the lack of local amenities and accessible travel routes. [REDACTED] noted that the access route into the site was sub-optimal and had not taken into account the needs of the emergency services as part of the design. Whilst the proposed development had been designed to be inclusive, such proposals were effectively meaningless if the surrounding area itself was not accessible. [REDACTED] reminded the Committee of the need to consider the proposed development within the wider context of the area and urged members to reject the scheme.

[REDACTED], [REDACTED], addressed the Committee and noted that Sion Village was located at the convergence of 3 Parish borders. A significant amount of development had taken place which was eroding the area's sense of community. Combined with a lack of local amenities, this had resulted in ribbon development and a sense of disconnect within the community. The pavements in Sion Village were narrow and unsafe, which did not encourage active travel and [REDACTED] was concerned that the area was increasingly becoming orphaned. She added that if development was to continue, consideration should be given to improving amenities for local residents.

The Committee heard from [REDACTED], [REDACTED] which was served by the proposed access route. [REDACTED] advised that her property would bear the brunt of the impact of the development in terms of traffic and expressed concern regarding the potential for road traffic collisions and the safety risks to children. She suggested that the proposed raised table should be completed prior to the development being occupied, in order to reduce vehicle speeds in the vicinity.

The Committee heard from [REDACTED], [REDACTED], [REDACTED] served by the proposed access route. [REDACTED] echoed the previous speaker's concerns regarding the impact of the proposals on road safety in the area. She noted that the proposed access route did not comply with the requirements of the relevant SPG and had not taken into account access by the emergency services. [REDACTED] urged the Committee to reject the proposals on the basis of the traffic and pedestrian safety impacts.

In response to a question from the Committee, it was confirmed that [REDACTED] and [REDACTED] each had the use of a garage, in addition to car parking spaces.

The applicant's agent, [REDACTED], addressed the Committee and outlined the planning history of the site, which had been included in the 2002 Island Plan as a reserve site for housing, prior to the existence of Fairways and Pentangle. The site had since been designated for the provision of affordable housing and benefited from good transport links and a shop nearby. Measures were proposed to address traffic and pedestrian safety concerns, and he noted that the proposed raised table would be delivered prior to the development being occupied. Extensive engagement had been undertaken and the proposals had been amended to address the concerns which had been raised. [REDACTED] advised that the scheme would deliver much needed, good quality affordable housing on a site which had been designated for this purpose and urged the Committee to support the proposals.

The Committee heard from the applicant's architect, [REDACTED], who noted that the site had long been earmarked for the provision of housing. The scheme had been carefully considered and designed in consultation with statutory consultees and the Department. Community engagement had also been undertaken, including with the owners of [REDACTED], and the boundaries of the

site had been subject to careful treatment to minimise the impact on neighbouring uses. A full natural light assessment and analysis had been undertaken and the impact was considered acceptable. Turning to the acoustic concerns, [REDACTED] advised that the applicant was prepared to contribute towards the cost of replacement fans and measures to attenuate the impacts. Confirmation of the same had been provided in writing to the owners of [REDACTED]. The proposed access route exhibited typical traffic behaviour and there was no record of road traffic incidents in the area. Additional road safety measures were proposed, and the owners of [REDACTED] and [REDACTED] had been consulted in this connexion. Following on from this, the pavement on the proposed access route had been relocated to minimise the impact on these properties. He noted that the scheme was supported by the Channel Islands Co-operative Society who operated the nearby shop. In concluding, [REDACTED] advised that the proposals would deliver high quality housing in a sustainable location by way of a characterful scheme that responded positively to the local context.

The Committee heard from [REDACTED] on behalf of the applicant. [REDACTED] advised that the proposals delivered the best possible access to the site. The scheme had been designed in close collaboration with the IE Department and allowed cars and large vehicles to enter and exit the site safely. It was acknowledged that whilst the required standards could not be met in full, the proposed design was compliant at the site entrance and the mitigation measures proposed would reduce safety risks. [REDACTED] confirmed that the proposed access route would narrow down to a width of 3.7 metres, which would promote safer access, with only one vehicle entering or exiting the site at a time. The proposed visibility splays were compliant, access for refuse vehicles would be improved by the proposals, and the residual safety risks were typical of a constrained network, as seen in many other areas on the Island. [REDACTED] was of the view that there was no justification for the refusal of the scheme on the grounds of highway safety.

The applicant, [REDACTED], addressed the Committee and thanked all those involved in the development of the proposals. He highlighted a lack of social housing which the application sought to address by delivering 16 new affordable homes and emphasised the collaborative approach that had been adopted. Extensive consultation had been undertaken and this would continue in order to minimise the impacts on neighbouring uses. [REDACTED] advised that the scheme would deliver significant benefits, including environmental gains and road safety improvements. The proposals accorded with the policies of the 2022 Bridging Island Plan, and he urged the Committee to grant permission.

In response to questions from the Committee, it was confirmed that the applicant was willing to contribute to the cost of replacement fans although a final agreement had not yet been reached between the parties in this respect. It was noted that this was not a material planning consideration. [REDACTED] outlined the rationale for the proposed housing tenure split, noting that a uniform tenure type was considered the most appropriate option for the site from a strategic and operational perspective. The Committee discussed the proposed access route into the site and concluded that the design of the same was unfortunately constrained by the characteristics of the site, this being the only available access route.

Having considered the application, the Committee expressed concerns in respect of the following: the loss of sunlight and daylight which would impact on neighbouring uses; the impact of the noise emanating from the fans in the polytunnels operated by [REDACTED] which would adversely affect the amenities, health, safety and environment of future occupants; and the proposed tenure split, which did not accord with the requirements of the 2022 Bridging Island Plan. Consequently, the

Committee decided to refuse the application on the basis that the proposals did not accord with Policies H1, H5, GD1, GD6, and SP6 of the 2022 Bridging Island Plan.

Having recognised that its decision was contrary to the Department's recommendation, the Committee noted that the application would be re-presented at the next scheduled meeting for formal decision making and to set out the reasons for refusal.

Mailmate
Limited,
Le Quai
Bisson,
St. Brelade:
proposed
demolition and
redevelopment.

A5. The Committee, with reference to Minute No. A15 of 11th January 2024, of the Committee as previously constituted, considered a report in connexion with an application which sought permission for the demolition of a light industrial unit and the construction of a 3 storey residential building comprising 3 x 2 bedroom units with associated car parking, amenity areas, refuse and cycle storage at the property known as Mailmate Limited, Le Quai Bisson, St. Brelade. New hard and soft landscaping and ecological enhancements were also proposed. The Committee had visited the site on 3rd December 2024.

P/2024/0728

A site plan, drawings, and a 3-dimensional model were displayed. The Committee noted that the application site was situated in a Tourist Destination Area in the Built-Up Area, in Sustainable Transport Zone 4 and was at medium risk of coastal flooding and low risk of inland flooding. The site was located in a sensitive heritage setting which included the following Listed Buildings: Old Mill House (Grade 4 Listed); Ker Marguerite (Grade 4); 4 Albert Place (Grade 4); the Wesleyan School House (Grade 3); and St. Aubin Methodist Church (Grade 3). Policies SP1, SP2, SP3, SP4, SP6, SP7, GD1, GD5, GD6, GD9, HE1, EI1, H1, H2, H3, TT1, TT2, TT4, WER1, WER2, WER6, WER7 of the 2022 Bridging Island Plan were relevant. Attention was also drawn to relevant Supplementary Planning Guidance (SPG) as follows: Protection of Employment Land (2012), Residential Space Standards (2023), Residential Parking Standards (2023).

The Committee noted the relevant planning history of the site, which included a previous application for the partial demolition of the site and the construction of 2 x 2-bedroom residential units with roof top amenity space and garage, which had been refused by the Committee, as previously constituted (application No. P/2022/0921 refers).

The Committee was informed that permission was sought for the redevelopment of a light industrial use building to facilitate residential use, which included the demolition of the existing building and a covered area to the rear. The proposed layout included a rear courtyard with 3 parking bays equipped with electric charging provision and a vehicle turntable. Each property would also benefit from rear terrace amenity space, external storage for 2 cycles, an external store and refuse storage area with a separate recycling storage area. The design included roof mounted solar panels on the southern pitch to allow for onsite renewable energy generation and biodiversity features in the form of roof level nesting boxes.

The Committee was advised that the site was located in the Built-Up Area, which was identified as a priority location for new housing. The case for demolition had been made and the proposed change from light industrial use was considered justifiable in this instance. The proposed design and internal and external layouts accorded with the Residential Parking and Space Standards SPG. The design was considered appropriate within the context of the local area and the scheme would deliver much needed housing with private amenity space, renewable energy, car and bicycle parking and landscaping. Consequently, the application was recommended for approval, subject to certain conditions, as detailed within the Department report.

14 representations had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED], who advised that the proposals had been amended to ensure that vehicles of all sizes could access the rear of the property. It was further clarified that vehicles currently parking at the site did so under an informal agreement and this arrangement would not continue.

In response to questions from the Committee it was confirmed that:

- the site was accessed via a private road, the ownership of which was unknown, and the Parish had no plans to adopt the road;
- no concerns had been identified regarding the presence of underground culverts or sewers on the site;
- a red brick façade was proposed, and a heritage architect had confirmed that the material was in keeping with the area and not alien to the local context; and,
- the height of the proposed development had been reduced by 2 metres to address the previous reason for refusal.

Having considered the application, the Committee unanimously decided to grant permission, subject to the imposition of the conditions set out in the Department report and directed that the conditions be amended to require the car turntable to be completed prior to the development being occupied.

Restaurant
(formerly
Nude Food
Dunes),
La Route de la
Pulente,
St. Brelade:
proposed
change of use
and external
alterations.

A6. The Committee, with reference to its Minute No. A4 of 16th May 2024, considered a report in connexion with an application which sought permission for the partial change of use and various external alterations to the restaurant premises known as Nude Food Dunes, La Route de la Pulente, St. Brelade. The Committee had visited the site on 3rd December 2024.

A site plan and drawings were displayed. The Committee noted that the application site was a Grade 3 Listed Place (Archaeological Site) located in the Protected Coastal Area and the Coastal National Park. Policies SP2, SP3, SP4, SP5, SP6, PL5, NE1, ER4, EV1, TT1, TT2 and WER7 of the 2022 Bridging Island Plan were relevant.

P/2024/0861

The relevant planning history of the site was noted, including a number of previously approved applications relating to the change of use of the premises from public toilets to a café (P/2015/1600 referred), and the construction of a refuse store, entrance canopy and a service duct (P/2022/0455 referred). An application comprising revised plans for the entrance canopy, proposed new signage and the installation of an extraction flue (this element being retrospective) had been refused by the Committee in May 2024 (P/2024/0137 referred).

The Committee was informed that permission was sought for the partial change of use of the premises from café/restaurant to a 2 bedroom unit of self-catering holiday accommodation. Various external alterations were also proposed, to include the removal of an extraction vent, a revised access ramp, new car parking and hard and soft landscaping. The majority of the building would be converted for use as self-catering holiday accommodation, with use of an existing southern terrace. The existing restaurant kitchen and northern terrace would be retained for commercial use, providing a scaled down café, or beach kiosk style establishment. The existing public toilets on the premises would also be retained.

The Committee was advised that the conversion of the existing building, which was located within the Protected Coastal Area, was not supported by the 2022 Bridging Island Plan or the Supplementary Planning Guidance on Holiday Lets (2024). The application failed to satisfy the requirements of Policies SP2, SP6, PL5 and EV1 of

the 2022 Bridging Island Plan. Redundancy of the existing daytime and evening economy use had not been adequately demonstrated, and the evidence provided suggested that there was a demand for the premises to remain in this use. Furthermore, the establishment of a new use which would be less widely available to the public, was not considered to be in the wider community interest, contrary to the requirements of Policy ER4. The application was accordingly recommended for refusal.

The application had generated a significant amount of public interest and all representations received in connexion with the application had been included within the Committee's agenda packs, including a number of late submissions.

The Committee heard from [REDACTED], [REDACTED], who expressed his opinion that the asking price for the site had been set at an inflated level, to ensure that the property could only be sold as a beach front private residence, removing access to the public. He was of the view that the applicant had overinvested in the property and a more realistic asking price was needed and he urged the Committee to refuse the application.

The applicant's agent, [REDACTED], addressed the Committee and shared a written statement from the applicant's representative, [REDACTED], in his absence. [REDACTED] stated that the site in question had been subject to a number of changes, recalling the original unsightly toilet block that had been in situ, which had fallen into disrepair and subsequently closed. [REDACTED] reminded the Committee that permission had been granted for a restaurant on the site and that, following the demise of the premises known as 'Nude Dunes', the current owner had been left with a privately owned, empty building which was commercially unviable. A mixed usage was therefore proposed in order to attract a wider range of potential purchasers. [REDACTED] stated that Policy ER4 was supportive of a change of use in certain cases, and that offers received for the property to date had been unrealistic and caveated by certain conditions. The property had been on the market for over a year, with 3 separate agents, and no reasonable offers had been received. [REDACTED] noted that Policy EV1 encouraged the provision of additional tourist accommodation in both the Built Up Area and the countryside, and that the policies of the 2022 Bridging Island Plan should be to be considered as a whole. [REDACTED] stated that the proposals for the change of use of the site would secure its future.

The Committee heard from the applicant, [REDACTED], who expressed concerns that, whilst the site had initially been purchased in order to establish a restaurant, the business had failed in the location. [REDACTED] felt that this would continue to be the case, irrespective of ownership. The practical and financial difficulties experienced in connexion with the sale of the building were outlined, and it was noted that the site was currently uninsurable. The applicant emphasised her concern regarding the building remaining empty indefinitely and stated that the application for a partial change of use would ensure its continued use. She added that tourists using self-catering accommodation would also support other local businesses. [REDACTED] suggested, in light of the controversy surrounding the application, that an independent Planning Inspector might be best placed to make a decision with regards to the proposals.

Connétable P.B. Le Sueur of Trinity, Chair, advised that the Committee had an obligation to consider all applications in the context of the 2022 Bridging Island Plan. He confirmed that, whilst a right of appeal existed in connexion with decisions taken by the Planning Committee, the final arbiter of any such decision was the Minister for the Environment, as opposed to an independent Planning Inspector.

In response to questions from the Committee, it was confirmed that;

- the owner of the site was content to agree to a condition regarding the re-opening of the public toilets;
- there was a borehole on the site;
- the owner was of the opinion that a restaurant could not succeed in the location, due to staffing and operating costs.

Having considered the matter, the Committee unanimously refused the application. In doing so, members requested that Policies NE3 and GD6 of the 2022 Bridging Island Plan be listed as additional reasons for refusal.

Constantia Cottage,
La Rue du Pontlietaut,
St. Clement:
proposed internal and external alterations.

A7. The Committee considered a report in connexion with an application which proposed various internal and external alterations to the property known as Constantia Cottage, La Rue du Pontlietaut, St. Clement. The Committee had visited the site on 3rd December 2024.

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

It was noted that whilst the proposed works were of a minor nature, as the applicant was a sitting States Member, the Committee was required to determine the application, in accordance with agreed procedures.

P/2024/0602

A site plan and drawings were displayed. The Committee noted that the application site was located in a Local Centre of the Built-Up Area and on the Eastern Cycle Route Corridor. Policies SP2, PL3, GD1, GD6, NE1 and TT2 of the 2022 Bridging Island Plan were relevant.

The Committee noted that permission was sought for the enlargement of a dormer window to the south elevation, the raising of the eaves to a higher level, the installation of 3 roof lights to the north elevation, along with various alterations and refurbishment, including to the layout of the first floor of the property.

The Committee was advised that there was a presumption in favour of development in Local Centres, where it contributed to maintaining and enhancing sustainable local communities and was appropriate to its context in scale, character and use. The proposed works were considered minor in scale and were appropriate for the location. The proposals would not unreasonably harm the amenities of occupants and neighbouring uses or result in privacy impacts and the scale and massing of the proposed dormer was considered appropriate. Consequently, having regard to the requirements of the relevant policies of the 2022 Bridging Island Plan, the application was recommended for approval, subject to the imposition of a condition detailed within the Department report, which related to the possible presence of bats at the site.

No representations had been received in connexion with the application.

No persons present wished to speak for or against the application.

Having considered the matter, the Committee unanimously endorsed the Department recommendation to grant unconditional permission.

Maison Gorey Hotel,
Gorey Village Main Road,

A8. The Committee considered a report in connexion with an application which proposed the replacement of certain telecommunications equipment, to include one pole, one antenna and 4 cabinets at Maison Gorey Hotel, Gorey Village Main Road, Grouville. The Committee had visited the site on 3rd December 2024.

Grouville:
proposed
replacement of
telecomm-
unications
equipment.

S/2024/0896

Deputy A.F. Curtis of St. Clement, Vice Chair, and 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 located on the Eastern Cycle Route Corridor in the Built-Up Area. Policies PL3, GD1, 6, WER2, ME3, and UI4 of the 2022 Bridging Island Plan were relevant.

The Committee noted the relevant planning history of the site, which included a previous planning application (S/2015/1077 referred) relating to the installation of telecommunications equipment.

The Committee was advised that permission was sought for the replacement of an existing pole and antenna located on the roof of the Hotel, along with 4 cabinets to the west elevation of the building.

The Committee noted that the Environmental Health Department (EH) had confirmed that no harm to health or amenities would arise from the proposals. Whilst EH had raised no objection to the application, a condition had been proposed which would require the measurement of the radio frequency of the equipment to ensure that it did not breach guidelines. The Department was satisfied that this condition would alleviate any health-related concerns. The Committee noted 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. It was noted that the equipment would be subject to International Commission on Non-Ionising Radiation Protection certification, a requirement of both licensing and the grant of planning permission.

Having assessed the proposals against the relevant policy criteria, the Department had concluded that the proposed replacement equipment was of a high-quality design, modest in size, appropriate in scale and nature, and would not result in detriment to the setting of the site or character of the area. Consequently, the application was recommended for approval, subject to the imposition of the condition detailed within the Department report.

6 representations had been received in connexion with the application.

The Committee heard from [REDACTED], [REDACTED], representing herself and 5 other neighbours. She expressed concerns regarding the health risks to those living in close proximity to the equipment and questioned whether an independent health risk assessment had been undertaken. She suggested that a more suitable location for the equipment should be found, away from residential properties. [REDACTED] asked whether the Maison Gorey Hotel and the applicant would accept liability for future health implications, in the event that the proposals were approved. It was noted that this was not a material planning consideration.

The Committee heard from the applicant's agent, [REDACTED]. He confirmed that objections had been received relating to the perceived health risks and reminded those present that an antenna had been located on the site for over 10 years. The proposal sought to upgrade the mast and provide better connectivity to the area with a less visually intrusive structure. The height of the antenna would be reduced from 3.2 metres to 1.1 metres. It was confirmed that the no objections had been raised by EH. In response to [REDACTED] concerns, he confirmed that emission tests were undertaken in line with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. Whilst [REDACTED] was unable to comment on commercial matters, he assured the

Committee that the application was not unusual and followed a number of applications of this type, for which permission had previously been granted.

The Committee heard from [REDACTED], [REDACTED], [REDACTED], who confirmed that installation of the mast was necessary to replace previous equipment and meet the requirements of the new service provider. He also confirmed that the mast would be equipped with 4G and 5G capability.

Having considered the application, the Committee decided to grant permission, subject to the imposition of the condition set out in the Department report.

L'Abri, La
Route de la
Trinité,
Trinity:
proposed
repair of
retaining wall
and driveway
re-surfacing
(RETROSPE-
CTIVE)
(RFR).

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 repair and rebuilding of a retaining wall to the western boundary at the property known as L'Abri, La Route de la Trinité, Trinity. The resurfacing of the driveway with shale was also proposed. The Committee had visited the site on 3rd December 2024.

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 A.F. Curtis of St. Clement acted as Chair for the duration of this item.

A site plan and drawings were displayed. The Committee noted that the application site included a Grade 3 Listed Building and was situated within the Green Zone and a Water Pollution Safeguard Area. Policies SP2, SP4, HE1, GD6, PL5 and NE3 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to the Jersey Integrated Landscape and Seascape Assessment.

The Committee was advised that an Enforcement Notice (ENF/2024/00001) had been issued pursuant to the powers conferred under Article 40 the Planning and Building (Jersey) Law 2022, which identified breaches that were contrary to Policies HE1 and SP4 of the Bridging Island Plan 2022. The demolition and poor reconstruction of the wall were considered to have a detrimental impact on the special interest of the site and its setting. The reconstruction of the granite wall in a traditional form to match the surviving sections of wall to the north was considered essential. It was recommended that the eastern facing wall be constructed to match the surviving northern section of wall in terms of stone coursing, pattern and pointing.

The Committee was advised that the application had been refused on the grounds that the reconstructed southern section of the wall detracted from the surviving northern section of the wall due to the materials used, the pattern and pointing which were considered unsympathetic to the historic character of the wall and the dwelling. Consequently, the works were considered to be contrary to Policies SP2, SP4, HE1, GD6, PL5 and NE3 of the Bridging Island Plan 2022.

No representations had been received in connexion with the application.

The Committee heard from [REDACTED], [REDACTED], who noted that the Historic Environment Team had commented on the application. [REDACTED] advised the Committee that approach to the reconstruction of the southern section of the wall was not in keeping with the historic character of the dwelling. He recommended the wall be rebuilt with traditional Jersey granite and a lime mortar finish.

The Committee heard from [REDACTED]

P/2024/0604

██████████, who noted that the lawn had been used for the storage of large quantities of granite, which was considered to be visually harmful. Initial site visits had revealed some ‘bulging’ to the wall prior to demolition and it appeared that the wall had subsequently been rebuilt without the necessary permission, which had ultimately led to enforcement action.

The Committee heard from the applicant, ██████████, who explained that he had not been aware of the requirement to obtain planning permission for the works and apologised for this oversight. The granite being stored on the lawn would be used to maintain the property and was not intended to be used for commercial purposes. It was noted that each piece of stone used to re-build the southern section of the wall had come from ██████████ personal collection of granite which was historically relevant to Jersey. ██████████ expressed frustration regarding the enforcement notice he had received, stating that the Historic Environment Team had previously agreed that different approaches could be taken to the re-building of the northern and southern sections of the wall. ██████████ informed the Committee that birds and wildlife were now evident within the natural crevices of the wall. In addition, he had planted more than 200 trees on the site and had removed much of the granite which had been stored on the lawn.

The Committee commended ██████████ for his preservation and use of Jersey granite but highlighted that the current design and construction of the wall was not in keeping with the historic integrity of the Grade 3 Listed Building.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department report. It was noted that enforcement action would be re-instigated if necessary.

Field No.
O1436
Le Chemin des
Monts,
St. Ouen:
proposed
construction of
stables and
track re-
surfacing
(RFR).

A10. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the re-surfacing of an existing vehicle track and the construction of stables to the north east of Field No. O1436, Le Chemin des Monts, St. Ouen. It was noted that the proposal requested the construction of stables with associated facilities, to the north east of the field to create a commercial livery, with a small part for private use, as well as the creation of an access track through the field. The Committee had visited the site on 3rd December 2024.

P/2024/0585

A site plan and drawings were displayed. The Committee noted that the application site in was situated within the Protected Coastal Area. Policies SP1, SP2, SP3, SP4, SP5, SP6, PL5, GD1, GD6, NE1, NE2, NE3, ERE1, ERE2, ERE7, TT1, TT2, TT4, WER6 and WER7 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to the Landscape and Seascape Character Guidance, adopted in 2023.

The Committee noted the relevant planning history of the site, which included an application to create a borehole and install an electricity box to the south east of the site (P/2018/0589 refers), which had been approved in July 2018. It was recommended that the Committee maintain refusal of the application.

The Committee was advised that the application had been recommended for refusal on the grounds that it failed to demonstrate that the livery proposed would genuinely contribute to the rural economy. The scheme would also result in the loss of agricultural land and the proposed structures would be harmful to the landscape character of the area. The Committee also noted concerns regarding the location of the proposed access track and division of the field, drainage, ecology and sustainable transport.

It was noted that one representation had been received in connexion with the application.

The Committee heard from the applicant's agent, [REDACTED], who explained that re-consideration was sought on the basis that the application supported the diversification of the rural economy and the enhancement of the area. The applicant benefited from a smallholder licence which had been granted in 2021. The Committee was advised that Field No. O1436 was not suitable for growing crops, due to its relatively small size and exposure. As a result, [REDACTED] confirmed that there had been no interest in the commercial use of the field. The livery stables would satisfy demand for such facilities in the west of the Island, and the stables would be constructed in accordance with British Horse Society standards to ensure equine welfare. Furthermore, a green roof was proposed for the stable building, and this would blend harmoniously with the landscape. [REDACTED] described the proposals as 'modest', noting that the proposed use would require only 10 per cent of the overall site area.

In response to questions from the Committee, [REDACTED] confirmed that connection to the main foul sewer network would not be possible, but that provision could be made for a septic tank or composting facilities. In addition, whilst concrete foundations would be used for the structures, these could be removed as necessary.

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

54 Midvale,
Le Clos des
Sables,
St. Brelade:
proposed
extension and
alterations to
fenestration
(RFR).

A11. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought permission for the construction of a 2-storey extension with a 'Juliet' balcony at the No. 54 Midvale, Le Clos des Sables, St. Brelade. It was also proposed to form a new dormer window along the southern roof slope, install a new window on the northern gable elevation and alter the existing dormer windows to the front and rear roof slopes. The Committee had visited the site on 3rd December 2024.

P/2024/0657

A site plan and drawings were displayed. The application site was situated in Les Quennevais, a Built-Up Residential Area. Policies SP2, PL2, GD1, GD6 of the 2022 Bridging Island Plan and Supplementary Planning Guidance in relation to Residential Space Standards (2023) were relevant to the application.

The Committee noted that the 2022 Bridging Island Plan supported residential development in the Built-Up Area where the scale, massing, height and design were appropriate and in keeping with the context of the surrounding environment. Whilst the application site was located in the Built-Up Area, it was noted that the amenity space had been subdivided to provide separate gardens for an annexe and the host dwelling, contrary to the Residential Space Standards SPG (2023). Furthermore, the proposed Juliet balcony and new dormer window would have an unreasonably harmful impact on the residential amenity of neighbouring properties, in terms of loss of privacy.

The Committee was advised that the proposal had been recommended for refusal on the basis that the proposed development would result in overdevelopment of the site due to its design, contrary to Policy GD6 of the Bridging Island Plan (2022), and the Residential Space Standards SPG (2023). Furthermore, due to increased overlooking, the proposed development would have an unreasonably impact upon neighbouring amenity, contrary to Policy GD1 of the 2022 Bridging Island Plan.

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

The Committee heard from the applicant, [REDACTED]. Responding to concerns expressed regarding amenity space at the property, [REDACTED] advised that the principal dwelling benefitted from 94 square metres of amenity space and that more than 60 square metres would remain if permission was granted. It was further noted that the sub-division of the amenity space was a temporary arrangement. [REDACTED] did not believe that the proposed development would give rise to privacy concerns and suggested that it could lead to improvements. The proposal was in keeping with other extensions in the area and the Committee noted that other properties in Clos des Sables had balconies.

Having considered the application, the Committee endorsed the recommendation to refuse permission for the reasons set out in the Department's report. However, it was noted that not all Members agreed that Policy GD1 of the 2022 Bridging Island Plan was applicable in this case.

3-7
Devonshire
Place,
St. Helier:
proposed
demolition and
redevelopment
(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 sought permission for the demolition of a light industrial unit at Nos. 3-7 Devonshire Place, St. Helier. It was proposed to construct a 3 storey building comprising 3 x 2 bedroom residential units with car parking, amenity space, refuse and bicycle storage, together with new hard and soft landscaping and ecological enhancements at Nos. 3-7 Devonshire Place, St. Helier. The Committee had viewed the site on 3rd December 2024.

P/2023/0220

A site plan and drawings were displayed. It was noted that the application site was situated in the Built-Up Area (BUA), but not within the defined Town Centre. Policies SP1, SP2, SP3, SP4, SP5, SP7, PL1, GD1, GD3, GD5, GD6, GD10, NE1, ER3, H1, H2, H3, H4, ME1, TT1, TT2, TT3, TT4, WER1, WER2, WER6, and WER7 of the 2022 Bridging Island Plan were relevant to the application. Attention was also drawn to relevant Supplementary Planning Guidance (SPG) including Parking Standards for Residential Development (2023), Residential Space Standards (2023), St. Helier Design Guidance (2023), and Percentage for Art (2008).

The Committee noted that the Bridging Island Plan generally supported most development within the Built-Up Area. Attention was drawn to Policies ER3 and GD5 and the need to minimise waste. It was noted that the existing structures were in very poor condition and were not suitable for conversion. It was further noted that the application provided the opportunity for significant investment in the site and the scheme would provide 5 new dwellings.

The Committee was advised that the proposal was recommended for refusal on the basis that the proposed scale and massing of the development would result in a built form that related poorly to the prevailing pattern of development in the locality. The proposed development was considered harmful to the character of the site and the surrounding area, contrary to Policies SP3, SP4, PL1 and GD6, of the BIP 2022, and to the objectives of the St. Helier Design Guidance SPG. Furthermore, due to the siting, height and overall scale of the development, it was considered harmful to neighbouring amenities.

It was noted that 5 representations had been received in connexion with the application.

The Committee heard from [REDACTED], who advised that the scheme would enhance the visual character of St. Helier. [REDACTED] stated that the scheme was rooted in the character of the area,

paid attention to local building forms and used local materials. He emphasised the individuality of the proposed scheme, in contrast to the anonymity of other schemes in St. Helier. The Committee was reminded of the innovative approach to architecture in St. Helier in the past, which had resulted in the Listing of certain buildings.

The Committee heard from the applicant, [REDACTED], who stated that the scheme offered an alternative form of residential accommodation to an apartment. She added that one of the units could be used as a coffee shop or for retail purposes and this would foster a sense of community.

The Committee heard from [REDACTED], who advised the Committee that the design of the proposed site was based on a similar aesthetic to that of Tranquil Place, Clearview Street, St. Helier. The units were deliberately designed to be different from apartments on other town centre sites. [REDACTED] emphasised the use of triple-aspect windows to maximise the amount of natural light within the properties. The café or retail unit would add further vibrancy to the development and high quality, traditional materials and planted greenery would contribute to the success of the development. The emphasis on “place making” was highlighted. The Percentage for Art contribution would be achieved by making a feature of the gates to the development.

Having considered the application, the Committee decided to grant permission, contrary to the Department’s recommendation, on the basis that the scheme was considered to align with Policies GP6 and SD3. The Committee agreed that samples of the materials should be submitted for approval by the Department, together with a landscaping scheme and waste management details. The Committee also agreed that the development should include electric charging points and that the ground floor unit should be used as a café and/or retail premises.

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 the conditions which were to be attached to the permit.