

Infrastructure, Housing and Environment

Regulation

PO Box 228

St Helier, Jersey, JE4 9SS

Tel: +44 (0)1534 445508



PROOF OF EVIDENCE

FOR PUBLIC INQUIRY INTO P/2021/1670

NEW HOSPITAL SITE, WESTMOUNT ROAD, ST HELIER

Mr. Christopher Jones
Dip TP MRTPI MCMi fCMgr
Senior Planning Officer

EXECUTIVE SUMMARY OF KEY FINDINGS

1. The need for a new hospital is accepted and the department agrees with the applicant's contention that this proposal would result in clear and undeniable improvements to Jersey's health offer.
2. The Department is of the opinion that in pure spatial terms, the principle of a new hospital in this location is accepted within the context of the strategic policy guidance.
3. Whilst the priority is to provide a new hospital on the designated OH site, the department considers that the proposed development does not meet the key tests required under Policy CI3 to facilitate this.
4. Whilst the Placemaking policy (SP3) supports the provision of a much-needed new facility and the proposal has been the subject of public engagement, this is a challenging site located in an elevated position above St Helier. Given the size and scale of the proposal, it will be highly visible from many locations, severely testing the identity and sense of place of the locality and relying on extensive landscaping to reduce its visual impact. In addition, the topography and elevated position lends itself to a reliance on the car as there will be access difficulties faced by those wishing to use alternative modes of transport. Policy SP3 is not fully met by the proposal.
5. The design of the proposed development fails to demonstrate a high quality of design which conserves, protects and contributes positively to the distinctiveness of the landscape and wider setting of the site. By reason of its scale, form, design and height, the proposed development would be a prominent structure which would dominate the skyline of the western ridgeline of St. Helier, harming the existing character of that sensitive zone. It follows that application does not comply with policies GD6 and GD7 of the BIP, nor the accompanying guidance of the St Helier Urban Character Appraisal.
6. A building of this height and scale located on the skyline is contrary to the advice contained in the St Helier Urban Character Appraisal and the Tall Buildings Policy under policy GD7. Again, when assessed against the tests of policy GD8 (and whilst noting that the applicant suggests that an overall community benefit would outweigh the harm), the Department is of the opinion that the development will result in a significant and lasting negative impact on this area.
7. When assessed against Policy GD9, the Department is also of the opinion that this would result in a serious negative impact. The exception contained within the policy (that the policy intention may be rebutted if a development makes an overall benefit to the community) is noted. The intention to undertake extensive planting is also noted and welcomed. Unfortunately, the impact of the development on the skyline and important views is such that the views of the proposed buildings would be pronounced and damaging from a range of positions and distances. This impact is unlikely to be sufficiently mitigated by landscaping for many years, if ever. This conclusion aligns with the Department's stated position in pre-application advice issued in June 2021.
8. The proposals will result in the complete loss of 2 Listed Buildings and an Area of Archaeological Potential. Additionally, they will harm the local settings of adjacent

heritage assets, as well as impacting on wider heritage settings. This would be contrary to policies HE1 and HE5 of the BIP.

9. In the main, the Department is content with the principles of the highway proposals subject to final details being resolved through the imposition of planning conditions and Planning Obligation Agreements.
10. The disposal of surface water from the development and the associated highway infrastructure (including Westmount Road South) is a significant issue and at the time of writing, no specific proposal or funding has been confirmed. Consequently, there is no commitment to a programme for completion of the surface water arrangements. This is a serious omission from the applicant's proposals.
11. The proposals provide for several buildings on site of varying size, scale and mass, together with surface area car parks. Given the size of the site and the locations of these buildings on the site, and car parks pushing out towards the edges of the site, there will be tensions between the new development and the amenities currently enjoyed by the occupants of those properties. The identified tensions are listed and the department considers that the proposals will result in unacceptable issues of amenity, privacy, noise and nuisance, contrary to the requirements of Policy GD1.
12. Whilst the need for a new Hospital is accepted, the Department concludes that there is a negative impact to the landscape character of the Green Zone, contrary to policy NE3.
13. The proposed impact on species and habitats and the retention of important trees on site can be mitigated by condition.
14. There is also a question about the design approach of basement and sub-basement levels in the context of the additional waste arisings and the limited capacity of La Collette. Thus, there is concern about the waste arisings and whether these should be avoided due to La Collette lifespan.
15. The Department is content that the commitment to the BREEAM standard is helpful. However, it is considered that the initial design concept of this development has not been driven by sustainable measures and the scheme fails to meet a number of inter-woven policy tests within the BIP.
16. The relocation of the main hospital facilities to the new site at Westmount Road and thus located further walking and cycling distance away from the defined St. Helier Town Centre boundary will have a detrimental impact on the vitality and viability of the Town.
17. The proposed development would result in the loss of 12 good quality homes, with no compensatory provision suggested. Accordingly, the proposal is in conflict with policies CI3 and H3 of the BIP.

18. **SUMMARY** - It is the role of the Inspector to weigh the benefits and harms of the proposal and to form a recommendation to the Minister. Taken in the round, the department concludes that the harms which have been identified are so great they would outweigh even the very significant benefits generated by the proposal. With regret, the application cannot be supported.

1. BACKGROUND

- 1.1. My name is Christopher Jones. I am a Senior Planning Officer in the Development Control team, Regulation Section of Infrastructure, Housing and Environment for the Government of Jersey, and I have written this Proof of Evidence.
- 1.2. I hold a Degree and a Post-Graduate Diploma in Town Planning from the University of Central England. I am Chartered Town Planner, having been a member of the Royal Town Planning Institute since 1986.
- 1.3. I have been in my present role with the Government of Jersey for 14 years, acting as Case Officer for some of the largest planning applications submitted to the Department. Prior to this, I was a Principal Planning Officer for Birmingham City Council, dealing with similar applications.

2. INTRODUCTION

- 2.1. A Statement of Case from the Development Control team has already been submitted to the Inquiry. In addition, a Statement of Common Ground will be produced, in conjunction with the applicant, to be circulated ahead of the Inquiry. The Statement of Common Ground focuses on the Inquiry themes as identified in the Programme and intends to assist the Inspector by identifying any residual considerations and matters where submissions from the Development Control differ from the applicant.
- 2.2. The Proof of Evidence expands on the Statement of Case, reviewing the application submissions, drawings and supporting documentation from the applicant, plus the responses from the consultees and representations following the period of public advertising of the application.
- 2.3. As with the Statement of Case, this submission does not necessarily reflect the views of the Minister, nor Members of the Planning Committee, none of whom have had sight of its content prior to release to the Public Inquiry.
- 2.4. This submission is structured to provide a planning assessment of the application, focusing on issues identified in the Statement of Case. Such an assessment is based on an understanding of all material planning considerations and the policy framework as set out in the Bridging Island Plan (BIP).
- 2.5. It is not uncommon for such issues to pull in competing directions and so need to be given relative 'weight' in an assessment to enable a balanced conclusion to be reached. This Proof of Evidence will also therefore review the weight to be given to the relevant issues and so seek to present a balanced conclusion.

3. CONTEXT AND PRE-APPLICATION

- 3.1. The context to the site selection of Overdale, the case for the application and pre-application advice given by the Department prior to the application submission has been set out in the Statement of Common Ground, to be submitted ahead of the Inquiry.

4. THE APPLICATION

- 4.1. The application site and description of the proposal have been set out in the Statement of Common Ground, to be submitted ahead of the Inquiry.
- 4.2. The application seeks detailed planning permission for a new Hospital. The applicant has set out the needs case for this facility and this is accepted by the department. The proposed development, if approved, would deliver on the Jersey Care Model and would undeniably provide islanders with a significantly improved offer for health and mental health services.
- 4.3. Key Finding: The need for a new hospital is accepted and the department agrees with the applicant's contention that this proposal would result in clear and undeniable improvements to Jersey's health offer.**

5. CLARITY AND CONSISTENCY

- 5.1. Delivering a new hospital is clearly a complex project and this is naturally reflected in the planning application submission, which is accompanied by a weight of technical supporting material, across a number of specialist disciplines. At the time of writing there were several matters outstanding, being the subject of live discussions with the applicant which may, or may not result in updates to their submissions including:
- a) The replacement of the current Jersey Bowls Club in Westmount Road in respect of the Government stated commitment to relocating the Bowls Club to a 'suitable site in an acceptable timeframe', to enable the Club to be operational for the 2023 season.
 - b) The timetable for a programme of works to upgrade the existing surface water sewer arrangements in required connection with the proposal.
 - c) The failure to provide any replacement homes for the 12 which are lost as a result of the proposal.

6. BRIDGING ISLAND PLAN STRATEGIC PLANNING POLICY FRAMEWORK

- 6.1. Following the Pre-Inquiry meeting, the Inspector issued an Inquiry Programme based on a series of themes. The planning policy review in this Proof of Evidence has therefore been structured to align with those themes. The reader should also have reference to the Statement of Common Ground, where commentary is also provided on a theme-by-theme basis.
- 6.2. The BIP seeks to balance a response to environmental challenges whilst meeting the community's economic and social needs through development and the use of land. It is key in managing and directing how development can be sustainably accommodated on the island.
- 6.3. To help deliver the most sustainable patterns of development and to promote the most efficient use of land and buildings, the Plan's Spatial Strategy will focus much of the development activity over the plan period in the island's existing Built-up Areas (BUA).
- 6.4. The site is located within the BUA for St Helier as defined on the BIP Town Inset Plan Proposals Map Part A – Planning Zones. St Helier has developed as the Island's primary centre for commerce, shopping, housing, and public services, benefitting from its location as the focus of Jersey's transport, social and economic infrastructure. (Appendix A).
- 6.5. St Helier will continue to provide land and development opportunities to meet much of the island's development needs over the plan period. It will be the focus for new high quality residential and commercial development which provides an opportunity to make better use of already developed land, whilst creating better and more sustainable urban neighbourhoods and communities through improvements to the public realm and community infrastructure. This focus will support and facilitate the delivery of key elements of strategic community infrastructure such as a new hospital.
- 6.6. Policy SP2 of the Plan, confirms that development will be concentrated within the BUA and in particular, development will be focused within the island's main urban centre of St Helier, which will accommodate much of the island's development needs.
- 6.7. Policy CI2 considers the development of healthcare facilities and sets out that proposals for the development of new or extended healthcare facilities will be permitted at c) within the designated 'Our Hospital (OH) development site.'
- 6.8. Outside of the BUA and within the Green Zone, there are 4no. fields off Westmount Road, which form part of the OH site. The Department has assessed the implications of the proposals and considers that the strategic contribution of these fields to the Green Zone and indeed for agricultural purposes is diminished, given the previous States Assembly designation of the OH development site.

- 6.9 Key Finding: The Department is of the opinion that in pure spatial terms, the principle of a new hospital in this location is accepted within the context of the strategic policy guidance.**
- 6.10 Policy CI3 provides strong policy support for the new Hospital to be located on the designated site. Proposals will be given the highest level of priority and will be supported. However, that support is caveated on 3 points. First, that proposals do not cause serious, unacceptable harm to the character and amenity of the wider area or neighbouring uses. Second, that it has been demonstrated that the proposals represent the best design option, relative to the clinical needs and the land available. Third, that the proposal includes details of all necessary mitigation measures required to manage its impact.
- 6.11 Taking these requirements in turn, the department considers that the proposals do cause serious, unacceptable harm to the character and amenity of the wider area and neighbouring uses. This conclusion is set out more fully in Section 7 – Design Principles and Townscape and Visual Impacts – below.
- 6.12 Second, the department is far from convinced that the proposals represent the best design option. Quite apart from our comments relating to the architectural design in Section 7, it is clear that parts of the proposal are not fully worked up, even at this stage. It has not been demonstrated, for example, why the Knowledge Centre must be located on this site and not on another site within the BUA. Whilst this building in itself is not unreasonably located on the site, its presence does take up land which might have been used for one of the two buildings which are currently proposed on the Green Zone part of the site. The impacts on the Green Zone resulting from this proposal are outlined in Section 12 of this Proof, but it is considered that it is not demonstrated, as required by policy CI3, that the proposed scheme is the ‘best design option’.
- 6.13 Finally, the department is not convinced that the proposal contains all the mitigation measures required to off-set the impact of the development. The landscaping proposals, whilst comprehensive, will not mitigate the impact of the building entirely from local and wider viewpoints. A serious harmful visual impact on the character of the area and the skyline will result. Additionally, there is no solution proposed to relocate the Jersey Bowls Club, nor any drainage solution for surface water contained within this application. Furthermore, 12 homes are to be demolished, with no restitution proposed within the scheme. These are serious defects and the applicant cannot claim to have included all the necessary mitigation measures required by policy CI3, nor policy H3, of the BIP.
- 6.14 Key Finding: Whilst the priority is to provide a new hospital on the designated OH site, the department considers that the proposed development does not meet the key tests required under Policy CI3 to facilitate this.**
- 6.15 By way of definition, Placemaking is the process and way of thinking aimed at achieving better quality places as the physical setting for life in the urban and rural

environments. As such, the approach requires developments to respond to the context of a place, through an understanding of its evolution, functionality and character, the needs of the local community and the impact it has on everything that surrounds it.

6.16 Policy SP3 confirms that all development must reflect and enhance the unique character and function of a place where it is located and that all new development must contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes and will be supported where (in relation to the Our Hospital proposal),

- it is responsive to its context to ensure the maintenance and enhancement of identity, character and sense of place;
- it is environmentally responsible and sustainable through the optimisation of resource efficiency;
- it achieves the highest standards of accessible and inclusive design, it is well connected, and creates successful and comfortable public and private spaces,
- active frontages, streets and links for all that work as social spaces, supporting wellbeing and healthy living and enabling successful integration into a place;
- it makes provision for all modes of transport in a way that prioritises and supports active travel choices and where such provision is well-integrated into the development;
- it is appropriate relative to the capacity of the local community and social infrastructure, and it supports and enables the provision of new or enhanced facilities, where necessary, to enable communities to thrive, and
- where required, it has been informed by engagement with the local community.

6.17 Key Finding: Whilst the Placemaking policy (SP3) supports the provision of a much-needed new facility and the proposal has been the subject of public engagement, this is a challenging site located in an elevated position above St Helier. Given the size and scale of the proposal, it will be highly visible from many locations, severely testing the identity and sense of place of the locality and relying on extensive landscaping to reduce its visual impact. In addition, the topography and elevated position lends itself to a reliance on the car as there will be access difficulties faced by those wishing to use alternative modes of transport. Policy SP3 is not fully met by the proposal.

7. DESIGN PRINCIPLES AND TOWNSCAPE AND VISUAL IMPACTS

- 7.1. Issues relevant to the design principles and townscape and visual impacts are woven through several BIP policies and supporting documents. These are Policies GD 6 (Design Quality), GD7 (Tall Buildings), GD8 (Green Backdrop Zone) and GD9 (Skyline, views, and vistas), plus the St Helier Urban Character Appraisal and the Jersey Integrated Landscape and Seascape Character Assessment. The submitted Design and Access Statement and Planning Statement explains the work the applicant has done to develop the project in the context of the requirements of this policy framework.
- 7.2. The proposals have also been reviewed by the Jersey Architecture Commission (JAC) on seven occasions (31st July, 1st October, and 18th December 2020; 5th February, 19th March, 8th October, and 5th November 2021). The JAC is a Ministerial advisory group set up to provide independent, expert advice and guidance on major and sensitive developments in Jersey. The JAC works with the Department as well as with agents and developers to promote and support the highest possible standards of design in the built environment. The notes from these meetings have been included as Appendix B.
- 7.3. Understandably, the proposals have evolved over time and the JAC has considered several iterations, culminating in the submitted scheme being considered and assessed at its 5th November 2021 meeting, prior to the application being formally validated on 24th November 2021.
- 7.4. Having reviewed the submission, the JAC was of the view that there was a 'disappointment about the lack of coordination of inputs as there appears to be a late appreciation of the landscape and limited evidence of the integration between disciplines'. The JAC considers that the evolution of the scheme is essentially a story that starts with topography and concludes with the skyline and using this to inspire how the concept integrates and contributes to the setting is fundamental to a scheme's success. Therefore, the JAC urged the (Hospital) team to take an overview of where the scheme is going (i.e., the big picture) and develop a more convincing integrated design narrative supported with concept diagrams.
- 7.5. Policy GD6 considers Design Quality and starts by requiring a high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting in all developments and in accord with the principles of good design. Consequently, development will be supported where it can be demonstrated that the design successfully addresses 8no. key principles which include such matters as scale, form, height, distinctive characteristics of a place, impact on landscape setting etc.
- 7.6. Policy GD7 then considers Tall Buildings and defines these as buildings that are taller than their surroundings or cause a change to the skyline. Proposals for tall buildings are those where it is two or more storeys above the prevailing contextual

height or over 18m (or four-six storeys high). The proposed development clearly falls within these criteria.

- 7.7. Proposals for such developments will only be supported where it is well located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. Where a development is situated in St Helier, this should be considered relative to the St Helier Urban Character Appraisal building height guidance. The submitted Design and Access Statement seeks to justify the proposed height.
- 7.8 The St Helier Urban Character Appraisal is not adopted as Supplementary Planning Guidance but it is written into the BIP as key supporting evidence and thus needs to be considered alongside the Plan. Within the Character Appraisal, the site is situated within Character Area 10 (Town Edges and Slopes) (Appendix C). Here, the character area centres on the steep slopes curving around the north and eastern margins of the town, representing a significant boundary that defines the most densely built-up part of the town, with the rising ground forming an important green backdrop to many town centre street-scenes. The Appraisal acknowledges that there is important greenery and some statuesque trees on the sloping ground and ridge (although tree cover is becoming significantly eroded in places).
- 7.9 The Character Area key objectives include the protection of the topographical frame of the town by maintaining and strengthening the landscape of the slopes as part of any new development proposals and to protect important views across St Helier from significant approaches to the town. In order to fulfil these objectives, the design guidance suggests that massing of new buildings should be a maximum of 6 storeys unless specified in a design brief and no taller than 15m/3 storeys on the ridgeline, roof shapes should be flat or pitched (although not critical), materials should comprise concrete, stucco, granite, glass and steel. Finally, landscaping and retention of trees on slopes is important, with proposals containing landscaping plans for approval to maintain the focus of long views from the centre.
- 7.10 The application seeks permission for a main hospital building height between 27-32m and a length of 190m. This is very substantially in excess of the guidance issued in the St Helier Urban Character Appraisal – it is twice the recommended limit. The reason for these suggested limits on scale on the ridgeline are plain. The elevated nature of the site, above the town, means that new development will be exposed to view from multiple locations and needs to be lower in scale to avoid harmful impacts.
- 7.11 The location of the application site demands a particular design solution to be successful. The current proposals do not demonstrate a themed design – the main Hospital building is formed from a series of horizontally proportioned forms facing south, interspersed (on the western side) with vertically proportioned elements. These forms seem to be pushed together in an amalgam of rectilinear blocks which do not relate to one another. Nor do they have any resonance with the wider setting or character of the area. There seems to be no overall strategy for landing the building on this site. The JAC commented thus:

“Whilst comparison is made with Fort Regent, the Hospital is the complete opposite of the Fort ... There needs to be more work to judge and deal with the scale because it does not sit comfortably in its context from key views. It does not create its own characterful skyline, and this is a fundamental concern at this late stage”.

- 7.12 By way of demonstrating what is possible, other buildings on the skyline of the town perform this function more successfully. Fort Regent is a huge defensive edifice to the east of the town, sitting atop Le Mont de la Ville. The existing structure was extended and adapted in the 1970s into a sports and leisure facility by the additions of the Gloucester Hall and Rotunda, both of which complement the existing solid granite defensive walls. These structures are clearly visible on the skyline and yet they do not offend - they blend and work with the existing structure and are sculpted to fit together as neat package. The former swimming pool to the south, now demolished, was a much poorer addition to this complex which did not successfully blend with its neighbours.
- 7.13 Key finding: The design of the proposed development fails to demonstrate a high quality of design which conserves, protects and contributes positively to the distinctiveness of the landscape and wider setting of the site. By reason of its scale, form, design and height, the proposed development would be a prominent structure which would dominate the skyline of the western ridgeline of St. Helier, harming the existing character of that sensitive zone. It follows that application does not comply with policies GD6 and GD7 of the BIP, nor the accompanying guidance of the St Helier Urban Character Appraisal.**
- 7.14 The Jersey Integrated Landscape and Seascape Character Assessment (ILSCA) dated 2020 provides an objective assessment of the Island’s landscapes and seascapes and identifies ten distinctive character types covering the terrestrial, intertidal and marine environments of the entire Bailiwick of Jersey, which are sub-divided into 34 character areas. (Appendix D)
- 7.15 The ILSCA also identifies 14 coastal units typically relating to bays with headlands dividing them, where terrestrial, intertidal, and marine character types and areas intersect. The coastal units provide an additional layer of assessment focusing on the most complex area of the island’s natural environment where many different character types and character areas meet and/or are inter-visible.
- 7.16 The hospital site is situated within Coastal Unit 11 – St. Aubin’s Bay. ILSCA defines the bay as being open and expansive, but one which has a predominantly settled and developed character. The dense urban core of St Helier and the large infrastructure of its port area, provides the eastern backdrop to this Coastal Unit and influences its character.
- 7.17 The low escarpment which backs the bay is cut by the deeply incised and wooded enclosed valleys which spill down to the Coast. The slopes of the escarpment are largely developed in the eastern part of the Coastal Unit but are generally more intact to the west where they are more wooded.

- 7.18 The Coastal Unit is however, highly visible on the approach to Jersey from the sea, from the focal features of St Aubin's Fort and Elizabeth Castle and from the beach and Esplanade. The well-settled character of the bay increases visual sensitivity.
- 7.19 In respect of coastal sensitivities and guidance, the advice in ILSCA is that the firm settlement edge of St Helier should be retained, and that development should be avoided in prominent locations on the escarpment and where it would breach the skyline. In addition, the re-development and/or extension of existing development here should be sensitive to its landscape context in terms of scale, design, materials, and colour.
- 7.20 The successful siting of a building in a rural or coastal area requires care and consideration. The more prominent a site, the harder it will be to successfully integrate a new building into its setting.
- 7.21 ILSCA also comments on the fact that Jersey is full of stunning views of land and sea but that the integrity of those views is threatened by inappropriately sited or designed development in such areas as highly prominent locations such as the top and crest of the escarpment; previously undeveloped sites, or where an existing smaller building is replaced by a much larger one; where development impacts on the setting of historic sites or key landmarks and where development is out of scale or character with its landscape/seascape context.
- 7.22 Part of the site is also located within the Green Backdrop Zone. Here Policy GD8 confirms that development should be appropriate in scale, design, material and colour and is not 'floodlit'. Further, that if the development involves detached buildings, then these do not result in the net loss of green infrastructure or adversely affect landscape character. Development in this zone is caveated by the exception that the overall community benefit will outweigh the harm.
- 7.23 Policy GD9 (Skyline, views, and vistas), confirms that the skyline, strategic views, important vistas and the setting of listed buildings, places and key landmark buildings must be protected or enhanced. In these instances, the key tests to consider are whether the development proposed will lead to adverse impacts on the skyline, views, and vistas, by virtue of siting, scale, profile or design. Proposals which do not accord with these tests will not be supported unless the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.
- 7.24 The application is for one very large building and several ancillary buildings on an elevated site above St Helier. Integrating such a proposal into the existing landscape/skyline is not only challenging but unlikely to be successful. The height of the main hospital building is 32m (to include lower ground floor levels), with a height of 27m to main floor level. The height of the proposed entrance canopy is 19.6m. The length of the proposed building is some 190m. The department's assessment is that a building of such scale and mass, accompanied by the attendant multi-storey car park, will cause irrevocable damage to the landscape character of the area. In particular, both the character of the immediate local area and the existing skyline will

be interrupted, as will the setting of the town of St. Helier. The impacts will be experienced from a large number of viewpoints across the south of the island. The proposed landscape and design mitigation, whilst welcome, is insufficient to reduce this impact to acceptable levels

- 7.25 **Key Finding: A building of this height and scale and located on the skyline is contrary to the advice contained in the St Helier Design Guidance and the Tall Buildings Policy under GD7. Again, when assessed against the tests of policy GD8 (and whilst noting that the applicant suggests that an overall community benefit would outweigh the harm), the Department is of the opinion that the development will result in a significant and lasting negative impact on this area.**
- 7.26 **Key Finding: When assessed against Policy GD9, the Department is also of the opinion that this would result in a serious negative impact. The exception contained within the policy (that the policy intention may be rebutted if a development makes an overall benefit to the community) is noted. The intention to undertake extensive planting is also noted and welcomed. Unfortunately, the impact of the development on the skyline and important views is such that the views of the proposed buildings would be pronounced and damaging from a range of positions and distances. This impact is unlikely to be sufficiently mitigated by landscaping for many years, if ever. This conclusion aligns with the Department's stated position in pre-application advice issued in June 2021 (See Appendix E).**
- 7.27 Submissions in respect of the proposed landscaping arrangements and suitability for the site including chosen species and maintenance schedules etc will be made by Senior Operations Manager in a further Proof of Evidence.

8. HERITAGE

- 8.1 The Department considers that the proposal would have an undeniable negative impact on heritage. In constructing the new OH, two listed buildings in Westmount Road would be demolished (Thorpe Cottage (Grade 3) and Briez Izel (Grade 4)).
- 8.2 The wider settings of important Grade 1 heritage assets (Fort Regent and Elizabeth Castle) would be directly negatively impacted, together with longer views to the site across St Aubin's Bay from St Aubin's Fort and Noirmont.
- 8.3 Given the existence of other buildings and mature trees which disrupt views, indirect impacts would be experienced by Almorah Crescent (Grade 1) and Victoria Crescent (Grade 2).
- 8.4 The local settings of the Mont a l'Abbe Cemetery (Grade 2) and People's Park (Grade 3) would also be visually harmed and there is an additional concern regarding the potential harm to 'significant' archaeological assets in the fields to the east of Westmount Road and on the Gallows Hill and People's Park heritage assets, also in Westmount Road.
- 8.5 Submissions on the scale/form of the development in the context of the historic environment will be made by a further expert witness, Principal Planner, Historic Environment in a separate Proof of Evidence.
- 8.6 **Key Finding: The proposals will result in the complete loss of 2 Listed Buildings and an Area of Archaeological Potential. Additionally, they will harm the local settings of adjacent heritage assets, as well as impacting on wider heritage settings. This would be contrary to policies HE1 and HE5 of the BIP.**

9. TRANSPORT AND ACCESS

- 9.1 The Department understands the difficulties in providing access to the site, particularly in the provision of sustainable transport modes. The proposals include a suite of new highway enhancements including re-aligning Westmount Road, together with a new multi storey car park and a number of surface car parks within the site.
- 9.2 The applicant's submission does not demonstrate how the car parks will be managed, which, if they are to be non-fee-paying for example, might encourage additional car borne journeys, thus being contrary to sustainable transport policies. In addition, the Department does not see the need for a new bus interchange on the former 'Inn on the Park' car park, located off St. Aubin's Road.
- 9.3 Following the application submission, the applicant's appointed Transport Consultant has been working with the Departments Operations and Transport Officers and a joint Statement of Common Ground will be produced ahead of the Public Inquiry and submissions on highway matters will be made by a further expert witness, Senior Transport Planner, IHE Transport in a separate Proof of Evidence.
- 9.4 Subject to final feedback from the Department's Operations and Transport Officers the final details of the highway arrangements are likely to be manageable through a framework of a Planning Obligation Agreement and conditions.
- 9.5 Key Finding: In the main, the Department is content with the principles of the highway proposals subject to final details being resolved through the imposition of planning conditions and Planning Obligation Agreements.**

10. DRAINAGE

- 10.1 Policy WER6 confirms that development that will lead to a change in surface water flow, by virtue of new or extended buildings or landscaping, will only be supported where it incorporates sustainable drainage systems (SUDS) into the overall design.
- 10.2 The disposal of surface water from the development and the associated highway infrastructure (including Westmount Road South) is a key issue and the development is dependent on substantial upgrades to the surface water network to serve both the new OH development and the surrounding area as part of a new drainage separation scheme. The Liquid Waste Directorate (LWD) of IHE considers that the best resolution to the issue of surface water management is to discharge it to sea in St Aubin's Bay via a new outfall (or number of outfalls) and maximising the use of natural infiltration drainage within People's Park.
- 10.3 In January 2022, the Department wrote to LWD to advise that planning permission, would be required for a new outfall (or outfalls) (Appendix F). To date, no planning application has been submitted for this infrastructure.
- 10.4 Submissions on drainage matters will be made by a further expert witness, Principal Engineer, IHE Liquid Waste in a separate Proof of Evidence.
- 10.5 **Key Finding: The disposal of surface water from the development and the associated highway infrastructure (including Westmount Road South) is a significant issue and at the time of writing, no specific proposal or funding has been confirmed and consequently, there is no commitment to a programme for completion of the storm water arrangements. This is a serious omission from the applicant's proposals.**

11. AMENITY ISSUES

- 11.1 Policy GD 1 (Managing the health and wellbeing impact of new development) requires development proposals to appropriately respond in a way that better meets the needs of individuals, the economy and society, whilst ensuring that development does not adversely affect people's health and wellbeing or have wider amenity impacts that erode community wellbeing. These considerations need to be applied in a proportionate and meaningful way, relative to the type of development proposal and where the development is proposed to take place.
- 11.2 Consequently, all development proposals must not unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents and, will not:
- Create a sense of overbearing or oppressive enclosure'
 - Unreasonably affect the level of privacy to buildings and land,
 - Unreasonably affect levels of sunlight and daylight to buildings and land, and
 - Adversely affect the health, safety and environment of users of buildings and land by virtue of emissions to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields, effluent or other emissions.
- 11.3 The application site is seeking to accommodate the main hospital building, multi-storey car park, learning centre, mental health unit, surface car parking areas and a service area for the hospital. Taken together with the road infrastructure required to service these, the overall site plan indicates development seeking to maximise the area of land available.
- 11.4 Given that there a number of existing residential properties located directly adjoining the site boundaries on three sides (north, south and east) the close proximity of the built development will result in unacceptable issues of amenity, privacy, noise and nuisance for a number of the properties.
- 11.5 Having carefully assessed the proposals, the department has concerns that the following relationships with result in unreasonable harm to the amenities of the occupants of the properties listed as follows:
- a) The built relationship/location of proposed built OH at 27m high to Camden, Westmount Road, a property located some 58m to the south of main block in terms of loss of amenity and privacy.
 - b) The relationship/location of proposed OH surface car park to Ponderosa, Ponderosa Cottage and Ocean Apartments, Westmount Road to the South of the main OH building and impacts of noise and nuisance and impact on amenity.
 - c) The built relationship/location of the proposed multi-storey car park to Fraemar, Old St Johns Road some 100m to the east and impacts of noise and nuisance.

- d) The built relationship/location of new mental health unit to Beehive Cottage, Hillcrest, Ellora and Pinnacle, Old St John's Road ranging from 15m to 55m to the east in terms of amenity and privacy
- e) The built relationship of proposed service yard to St Catherine, Yeldon, Mashobra Park, Tower Road some 60 m to the north in terms of noise, nuisance and disturbance, and
- f) The relationship/location of new road alignment to 2,3 and 4 Castle View and 2 Hillcrest with loss of 1 and 5 Castle View and 1 Hillcrest bringing increased noise, nuisance, and vehicle emissions to the occupants of those properties.

11.6.A submission on issues of amenity, noise and nuisance and advice on mitigation measures will be made by a further expert witness, Regulations Standards Manager (Housing and Nuisance) in a separate Proof of Evidence.

11.7 Key Finding: The proposals provide for several buildings on site of varying size, scale and mass, together with surface area car parks. Given the size of the site and the locations of these buildings on the site, and car parks pushing out towards the edges of the site, there will ultimately be tensions between the new development and the amenities currently enjoyed by the occupants of those properties. The identified tensions have been listed above and it is here that the department considers that the proposals will result in unacceptable issues of amenity, privacy, noise and nuisance, contrary to the requirements of Policy GD1.

12. GREEN ZONE/AGRICULTURAL LAND

12.1 The proposals involve the use (and loss) of land in the Green Zone. Policy NE3 confirms that development must protect or improve landscape and seascape character, with exceptions for development on land which is necessary to meet a public policy, benefit or need and which comes with suitable mitigation measures. The department considers that landscape and seascape character would be harmed as a result of this proposal. Notwithstanding the department's conclusion in 6.8 above, the application is not permitted a 'free pass' to develop in the Green Zone. The application must justify the impact on the character of the site, in particular in relation to the buildings which are proposed to the east of (the realigned) Westmount Road. The department is concerned that the failure, for example, to fully scope out the proposed Knowledge Centre, and to justify its location on this site, leaves an open question as to whether the amount of Green Zone incursion (and therefore the impact) is absolutely necessary. Whether the predicted public benefit of the provision of the new facilities is sufficient to outweigh the harm to character is a balancing factor to be drawn out during the Public Inquiry.

12.2 Key Finding: Whilst the need for a new Hospital is accepted, the Department concludes that there is a negative impact to the landscape character of the Green Zone, contrary to policy NE3.

12.3 Policy ERE1 further states that the loss of agricultural land will not be supported unless in exceptional circumstances. The development seeks to locate the realigned Westmount Road, new Mental Health Centre (with surface car park) and the Multi-storey car park within the area of agricultural land.

12.4 A submission on types of agricultural land classifications, clarification on Agricultural Law and the current value of the land to the agricultural industry will be made by a further expert witness, Land Controls and Planning Officer in a separate Proof of Evidence.

13. ECOLOGY

- 13.1 In accordance with the requirements of Policies NE1 (Protection and improvement of biodiversity and geodiversity) and NE2 (Green infrastructure and networks), a Preliminary Ecological Appraisal has been submitted to accompany the application and a further expert witness, Natural Environment Officer will clarify the requirements for post development ecological monitoring as species connectivity across and around the site is critical in a separate Proof of Evidence.
- 13.2 **Key Finding: The proposed impact on species and habitats and the retention of important trees on site can be mitigated by condition.**

14. DEMOLITION AND CONSTRUCTION

- 14.1 Policy GD5 considers Demolition and replacement buildings. In this instance, the Department considers that the demolition of structurally sound buildings can be considered relative to the overriding public interest.
- 14.2 However, at Policy WER1 (Waste Minimisation) there is a requirement to consider opportunities to be taken to maximise on-site management of waste and given that there are concerns about the capacity of La Collette Waste facility to accept inert waste generated from the demolition of all buildings on site, this issue will be expanded upon in a submission by an expert witness, Assistant Engineer, Solid Waste in a separate Proof of Evidence.
- 14.3 There is also a need for testing that provides a high level of confidence in the detection of potential contaminants - this relates to the initial comment that the site soil testing documents did not provide the Department with enough information.
- 14.4 **Key Finding: There is also a question about the design approach of basement and sub-basement levels in the context of the additional waste arisings and the limited capacity of La Collette. Thus, there is concern about the waste arisings and whether these should be avoided due to La Collette lifespan.**

15. OTHER MATTERS

ENERGY REDUCTION AND SUSTAINABILITY

- 15.1 Policy ME1 requires a 20% reduction in target energy rate for new development. Development proposals will only be supported where it outperforms the target energy rate by 20%. The reduction in target energy rate will be secured by condition and will be tested for compliance at the point of the building bye-laws application being made. Where the 20% reduction in target energy rate requirement creates a conflict with other standards required by the Island Plan, the higher standard is to be applied.
- 15.2 Policy ME3 – BREEAM rating for new larger-scale non-residential buildings, confirms that the development of new, non-residential buildings of over 1,000sqm will only be supported where they are designed to meet the latest BREEAM New Construction minimum standards and be capable of achieving a minimum of ‘very good’ rating.
- 15.3 To demonstrate commitment and compliance, the developer will be required to:
1. register the development with the BRE and submit evidence of such after its approval;
 2. submit a design-stage certification at the point of submitting the building bye-laws application; and,
 3. submit evidence of post construction certification following completion of the development.
- 15.4 Where the BREEAM requirement creates a conflict with other standards required by the Island Plan, the higher standard is to be applied. The BREEAM submission has been made using the 2016 version. Whilst there is a newer version (2018), this only applies to developments in the United Kingdom. This proposal is deemed to be an ‘International Project’ and thus only requires BREEAM 2016 accreditation.
- 15.5 The department is content that the commitment to the BREEAM standard is helpful and worthy objective. However, ‘sustainability’ is not simply a standard-based assessment. The concept is woven throughout the BIP and its underlying principles are referenced in a number of other policies (SP1, SP3, GD5 and WER1).
- 15.6 It appears to the department that sustainable considerations have not driven this application, nor informed its conceptual design and development. The commitment to undertake a carbon impact assessment is made, but only at a later date – too late to inform the design process. The loss of all buildings on the site (and the inherent loss of embodied energy) is a significant matter, as will be the resultant generation of waste. Finally, the location of the site, with its topographical disadvantages, makes it difficult to accept that the primary means of access to the proposed facility will be by active travel modes.
- 15.7 Key Finding: The Department is content that the commitment to the BREEAM standard is helpful. However, it is considered that the initial design concept of**

this development has not been driven by sustainable measures and the scheme fails to meet a number of inter-woven policy tests within the BIP.

SOCIO-ECONOMIC IMPACT

- 15.8 The need to support sustainable economic growth and productivity, particularly following Brexit and the Covid-19 pandemic, is acknowledged and forms a cornerstone of the economic themed policies of the Bridging Island Plan.
- 15.9 The Plan recognises the economic importance of St Helier and policies within the BIP seek to support and enhance the vitality and viability of St Helier as a place to shop, work, do business and visit.
- 15.10 The existing main hospital site is located within the defined St Helier Town Centre boundary, within easy walking and cycling distance of the main core retail area. As such it serves as a convenient facility as its staff and visitors take advantage of this proximity to readily support the economy of those retail uses. By contrast, the proposed development is removed from the centre of St. Helier to a more remote (and difficult to access) location, which does not share these benefits.
- 15.11 **Key Finding: The relocation of the main hospital facilities to the new site at Westmount Road and thus located further walking and cycling distance away from the defined St Helier Town Centre boundary will have a detrimental impact on the vitality and viability of the Town.**

LOSS OF HOUSING UNITS

- 15.12 The BIP confirms that more homes are required in the coming years as people live longer and household size continues to reduce, as well as to respond to increases in the island's population. The BIP takes steps to address this by making provision for up to 4,150 new homes (up to the end of 2025), that will provide a range of types, sizes and tenures to meet the island's different housing needs. The lack of housing supply is still a serious issue in the BIP debate.
- 15.13 The proposed development would result in the net loss of 12 no. units of accommodation of varying tenures. Policy H3 (Provision of homes) confirms that development proposals which would result in a net loss of housing units will not be supported except where the proposal would result in the replacement of substandard housing accommodation. There is no suggestion that the homes to be lost will be replaced in this proposal, as required. Therefore the application fails to meet the policy test.
- 15.14. **Key Finding: The proposed development would result in the loss of 12 good quality homes, with no compensatory provision suggested. Accordingly, the proposal is in conflict with policies C13 and H3 of the BIP.**

16. CONDITIONS/PLANNING OBLIGATIONS

- 16.1 Submissions on this theme will be made in a Statement of Common Ground, agreed with the applicant and lodged ahead of the Inquiry

17. CONCLUSIONS

- 17.1 There is no doubt that the proposed Our Hospital planning application performs well on a number of fronts. It is an undeniable and significant boost to the provision of clinical and mental health provision, providing fit for purpose health facilities for islanders, in concert with the Jersey Care Model. The enhancements to clinical care and treatments, and the removal of the risks which are inherent within existing facilities, cannot be overstated and weigh heavily in favour of the application..
- 17.2 In planning terms, the proposal is located in an area which complies with the Island's Spatial Strategy. It performs well on several technical measures. The transport and waste solutions and energy reduction targets are all agreed. Furthermore, the landscaping and ecological proposals are accepted and welcomed.
- 17.3 It is unfortunate that the application has not taken the opportunity to include solutions for surface water drainage, the replacement of the Jersey Bowls Club or the replacement of the 12 homes which will be lost. However, these are largely technical matters which could be resolved through the imposition of planning conditions or agreements.
- 17.4 More significantly, the department considers that the application fails to comply with a number of policies of the BIP. Policies GD6, GD7, GD8, GD9 and also CI3 and NE3 are designed to work together to test proposals on their impact on the landscape. The strands of those policies, when considered together, do allow for additional development even in a location as prominent as the application site, provided that significant and serious harm is avoided.
- 17.5 The department cannot escape the conclusion that this proposal would result in serious unacceptable harm to the character of the site, its immediate surrounding area and, indeed, large areas of the south coast, from where the proposals would be clearly visible. The proposed architectural design, even when combined with the landscaping proposals, does little to mitigate this harmful impact.
- 17.6 In addition, the proposed development would entirely remove two listed buildings, an Area of Archaeological Potential, and would cause significant harm to the settings of other heritage assets. This is a breach of policies HE1 and HE5 of the BIP.
- 17.7 **It is the role of the Inspector to weigh the benefits and harms of the proposal and to form a recommendation to the Minister. Taken in the round, the department concludes that the harms which have been identified are so great that they would outweigh even the very significant benefits generated by the proposal. With regret, the application cannot be supported.**

LIST OF APPENDICES

- A. DRAFT BRIDGING ISLAND PLAN PROPOSALS MAP PART A PLANNING ZONES
– TOWN INSET**

- B. JERSEY ARCHITECTURE COMMISSION FEEDBACK**

- C. ST HELIER URBAN CHARACTER APPRAISAL REVIEW – MARCH 2021**

- D. JERSEY INTEGRATED LANDSCAPE AND SEASCAPE CHARACTER
ASSESSMENT – MAY 2020**

- E. DEPARTMENT PRE-APPLICATION ADVICE – JUNE 2021**

- F. DEPARTMENT PRE-APPLICATION ADVICE – JANUARY 2022**