

Department of the Environment Supplementary Planning Guidance

Draft development brief



Draft for consultation

Le Masuriers

Bath Street Site, St. Helier

DRAFT

9 July 2012

About supplementary planning guidance

The Environment Minister may publish guidelines and policies (supplementary planning guidance) in respect of: development generally; any class of development; the development of any area of land; or the development of a specified site¹.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provides further detail either about policies and proposals in the Island Plan, or other issues relevant to the planning process. It can also be used to provide information about how the planning system operates.

Where relevant, supplementary planning guidance will be taken into account as a material consideration in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

Advice notes: which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;

Policy notes: which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;

Masterplans, development frameworks and planning briefs: which provide more detailed information and guidance about the development of specific sites and areas of the Island; and

Practice notes: which aim to provide information about how the planning system's protocols and procedures operate.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website at www.gov.je/planningguidance.

Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Department of the Environment, South Hill, St Helier, JE2 4US, telephone: 01534 445 508 email: planning@gov.je

¹ Under Article 6 of the Planning and Building (Jersey) Law

Contents

Introduction	page
Status of this guidance	4
Who is the guidance for?	4
Policy context	4
Planning guidance	
Location, context and character	5
Key principles of development	
Protection of employment land: exception	7
Delivery of environmental improvement	7
Use and tenure requirements	
Residential regeneration	8
Housing Need	9
Public parking and pedestrian movement	9
Aims of development	10
Constraints/ factors affecting the development	
Development potential and density	11
Parking provision	11
Archaeology and listed buildings	13
Archaeological interest	13
Listed buildings	14
Pedestrian movement and access	15
Other considerations	
Design considerations	17
Urban character, context and the masterplan	17
Quantum and heights	18
Ground and noise contamination	19
Access and transport	19
Waste minimisation	20
Safeguarding amenity	20
Open space, landscaping and internal amenity space	20
Percent for art	22
Development specification	
Sustainable homes	22
Services	23
Planning obligations	23
Environmental impact assessment	24
Planning applications	24
Other comments	25
Appendices	

Introduction

The purpose of this brief is to establish the general planning principles for the development of Le Masuriers Bath Street Site, St Helier, and to set out the guidelines to be adopted when preparing detailed proposals for its redevelopment. A plan showing the site is included in Appendix 2.

Status of this guidance

This is currently draft guidance produced for consultation purposes.

This draft guidance will be reviewed and amended in response to the findings of the consultation. The Minister will then seek to adopt the new guidance which will provide the framework for the assessment and determination of any subsequent planning application(s).

Who is the guidance for?

This guidance is principally aimed at those involved in the planning and design of any new development, to ensure that those planning issues that are relevant to it are taken into account in the design process.

It is also designed to provide those with an interest in the project – neighbours, local residents, States departments and any other interested parties – with guidance and advice about the issues that will be considered during the planning process.

Policy context

The 2011 Island Plan² focuses development activity over the Plan period upon St Helier and emphasises that this is likely to be focussed on the residential regeneration of key sites in the town. The Bath Street site is identified in the North St Helier Masterplan³ as being a Key Intervention Site for regeneration towards achieving the goals of the Masterplan, and its release for development could act as significant catalyst to further continue the regeneration of this part of St Helier, which is already underway following the completion of the new Town Park.

It is important, however, that any residential regeneration serves to contribute not only to the renewal of St. Helier's urban fabric, but that it also contributes to the specific housing needs of the Island. In this respect, a comprehensive regeneration of the Bath Street site, largely comprising the provision of new homes, will be required to make a contribution to the need for affordable homes under the terms of Policy H3 of the 2011 Island Plan. This requires the provision of a specific proportion of affordable homes, initially set at 12.5% of overall yield, but due to rise over the Plan period to maximum of 20%.

Policy H3 remains to become operational presently, but it is envisaged that its use will commence during 2012, following the endorsement by

² Island Plan 2011: adopted 29 June 2011. see

<http://www.gov.je/PlanningBuilding/LawsRegs/IslandPlan/IslandPlan2011/Pages/index.aspx>

³ Revised North of Town Masterplan - June 2011:

<http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=661>

the States of the supplementary planning guidance that will govern its application.

Planning guidance

This Brief has been prepared to assist Le Masurier in considering the position of its Bath Street site in the context of the North St. Helier Masterplan. The company has provided a statement of its intentions, as set out at Appendix 1, in relation to its Bath Street site, and has engaged a design team to visualise regeneration concepts for the site. It is important to note that the site is regarded as a Key Intervention Site in the masterplan, and Le Masurier are willing participants in the regeneration of this part of the town.

Accordingly, the Minister recognises that the redevelopment of this site to facilitate the regeneration of this area is dependent upon the creation of sufficient development value. Any development proposals will be considered having regard to the objectives of the North of Town Masterplan and the planning policy framework provided by the Island Plan, and any other relevant material planning considerations.

The purpose of this brief is to establish the general development principles for the Bath Street site should it become available for development during the 2011 Island Plan period. A location plan and aerial image, showing the extent of the site, is provided at Appendix 2.

The site, which is owned entirely by Le Masurier, is dominated by the existing Bath Street long-stay commuter car park, with the remainder of the site occupied by workshops and garages, small commercial and retail outlets and licenced premises, and residential accommodation.

Location, context and character

The site is within the North St Helier Masterplan area, and is situated on the north eastern side of the town centre boundary, as defined in the 2011 Island Plan. It is bounded by Bath Street to the east and Rue de Funchal to the west side, the former Odeon Cinema building to the north, and by buildings fronting Minden Street to the south. It has a gross site area of approximately 1.6 acres (6,500 sq.m.) and is located in an area of the town consisting of predominantly commercial uses.

The site extends from the new Town Park through to Rue de Funchal and on to Halkett Place, and has vehicular access directly onto Bath Street and Rue de Funchal.

The buildings and uses on the site predominantly comprise small retail outlets, licenced premises with associated staff accommodation, vehicle maintenance facilities (warehousing and garages) and the Bath Street long stay commuter car park, overall comprising approximately 150 spaces. The buildings along the Bath Street frontage comprises largely three to four storey houses, in part converted for retail use at ground floor level, and those fronting onto Rue de Funchal comprise a combination of warehousing, garages and two storey houses.

There are two Listed properties on the site; 92 Bath Street (SSI) and 82 Bath Street (Listed Frontage). With regard to archaeology, in its Desk-

Based Assessment of the site carried out in 2007, the Museum of London Archaeology Service (MoLAS) considered the site to be of uncertain archaeological potential, and has set out its recommendations for an appropriate mitigation strategy.

The height of the existing development surrounding the site ranges from five storeys down to two storeys. The former Odeon Cinema building, situated to the north of the site on Bath Street, is approximately five storeys in height. The properties to the east are predominantly residential two to four storey town houses, in part converted to ground floor retail and commercial usage.

The former Odeon Cinema building is now owned by The Freedom Church Group and as such does not form part of the Bath Street site. However, the northern boundary of the Bath Street site extends beneath the canopy on the south elevation of the former Odeon Cinema building to the southern façade of the building itself.

The general character of the area is assessed in the St Helier Urban Character Appraisal⁴ and the North St Helier Masterplan⁵. The Urban Character Appraisal makes specific reference to the Bath Street area as having pockets of underused or vacant land that undermine townscape qualities. It states that these vacant sites affect the continuity of street activity and sets out design guidance to ensure that the essential character of the area is maintained. The guidance outlines the general character objectives for the area and also provides more detailed design guidance. Accordingly the designer should refer to that document; specifically the information for Character Area 8 – Town Centre of the St Helier Urban Character Appraisal.

Key principles of development

The redevelopment of this site offers a significant opportunity to regenerate the area and repair the townscape. It provides an opportunity to create a predominantly residential development, which contributes to the Island's specific housing needs, within walking distance of schools and the central markets and retail core of the town centre.

There is also the potential to secure the provision of short-stay public car parking, of benefit to local business and residents and replacing some of that lost to the provision of the Town Park, as well as significant public realm enhancements, in accordance with the objectives provided by the North St Helier Masterplan⁶.

The key principles of this brief, which help to inform the aims of any redevelopment of this site, are as follows:

⁴ St Helier urban character appraisal

<http://www.gov.je/PlanningBuilding/LawsRegs/IslandPlan/Background/Pages/UrbanCharacterAppraisal.aspx>

⁵ Revised North of Town Masterplan - June 2011:

<http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=661>

Protection of employment land: exception

Whilst the new Island Plan presumes in favour of the protection of existing employment land (under Policy E1) it is considered that the redevelopment of the existing retail, commercial and residential use, represented by Le Masuriers operation in the heart of the town, is a justifiable exception which accords with the provisions of the policy.

The Environment Minister considers that there is an overriding environmental and community benefit for the regeneration of the area as outlined in the approved North St Helier Masterplan, which:

- enables the regeneration of this central St Helier location into high quality sustainable predominantly residential accommodation;
- enables the provision of a percentage of affordable homes, that contributes towards an identified Island need;
- provides an opportunity to realise the replacement of some of the public short stay parking, that is of value to local business and residents, lost as a result of the development of the Town Park;
- presents an opportunity to secure significant wider public realm and pedestrian movement enhancements that accord with the objectives of the North St Helier Masterplan;
- enables a vital and secure pedestrian and cycle link to be created between the newly completed Town Park with the town centre via Halkett Place.

The site is adjacent to the northern side of the core retail area, defined on the 2011 Island Plan Town Proposals Map, and whilst the site is not within the defined zone, to assist the regeneration and vitality of the area, the Minister is prepared to consider retail /and / or commercial and / or leisure use at ground floor level, which will need to be considered as part of the transport assessment.

Delivery of environmental improvement

As stated above, the release of employment land is predicated on the delivery of social and environmental improvements - which is to be principally delivered by the reduction of risk secured by the removal of the Bath Street commuter car park, reflecting the objectives of the Transport and Technical Services Sustainable Transport Policy and the North St Helier Masterplan.

Use and tenure requirements

Residential regeneration

The EDAW⁶ report concluded that residential development was likely to be the principal ‘driver’ of regeneration in the older, established parts of town. Not only would this provide additional homes in the Island, reducing the extent of development in open countryside, but it would also ensure that a significantly increased residential population in the central area would continue to provide customers for the retail trade and other businesses, and reduce the need to travel to work by private car: these objectives accord with the strategic principles and policies set out in the Island Plan. It was observed also that there are a significant number of potential development opportunities in the central area, for the most part privately owned, and that these opportunities should be exploited in accordance with an overall strategy.

This strategy has been reflected in the North St Helier Masterplan⁷, which proposes that the Bath Street site presents a significant opportunity to regenerate this part of town, and should improve pedestrian permeability.

Any new residential development on this site should provide a percentage of affordable housing to accord with the 2011 Island Plan Policy H3: Affordable housing. The percentage yield of affordable homes is initially set at 12.5 % which will increase to a maximum of 20% over the Plan period: the contribution to this form of housing will, therefore, depend on how quickly the site can come forward.

The table below sets out the timescale for amendments to the proportion of yield of affordable residential development under Policy H3. These parameters will apply as of 01 January for the years indicated below, unless the Minister issues guidance otherwise.

For clarity, and to enable the most efficient and simple application of this policy, the proportion of yield applied will be based on the date at which an application is made⁸, and the form and scale of the application at this time, rather than when it is determined, or permission enacted. On phased or outline applications the relevant yields will relate to when an application for reserved matters is made.

Table one: Changing proportion of residential development to be delivered as affordable housing

Year	2012	2013	2014	2015	2016+
Proportion	12½%	12½%	15%	17½%	20%

⁶ St Helier Development and Regeneration Strategy (2007) EDAW

⁷ P.73/2011 Revised North of Town Masterplan: adopted by the States on 30 June 2011

⁸ The date of application is deemed to be when the application is registered as a valid application by the Department of the Environment

It is intended that the minimum threshold will remain at the 2016 position and the proportion will remain at 20% for the remainder of the Plan period as long as these parameters deliver the required affordable housing.

It is envisaged that the tenure of new affordable homes would be affordable homes for purchase and could include accommodation for families, couples and individuals i.e. mixed tenure. Should any other form of residential tenure be proposed for the affordable homes on this site, the Minister will require appropriate evidence of need.

The remaining residential yield could provide open market housing, however, it should respond to requirements, by size and type of home, that responds to the Island's needs.

Any redevelopment scheme could also include some community, healthcare or commercial uses such as live-work units or small scale retail. The purpose of incorporating these uses and of this limited scale is to provide local facilities and to create vitality during the day and evening through active street frontages, to engender an element of natural surveillance and 'people policing' for the development.

Whilst the North of Town identifies residential development as the preferred use, this would not preclude other uses, such as community use being considered.

Housing Need

The redevelopment proposals should provide an appropriate mix of dwelling types that are needed by the community. In assessing the dwelling mix, the Minister will have regard to Policy H4 and the Jersey Housing Assessment (2008 – 2012) and any current socio-economic data that may be provided by the developer, in justifying the mix of dwelling units.

Public parking and pedestrian movement

Significantly, the development of this site also needs to provide an element of public off-street short-stay car parking spaces (in addition to the private car parking provision required in association with any residential development). The North St Helier Masterplan identifies that public car parking spaces should be provided here: these are to replace some of those lost through the development of the Town Park and they should meet the needs of short-stay visitors and residents, and their provision and management should accord with the prevailing policy and management regimes for off-street public parking.

The Minister will expect consideration to be given to the creation of below ground car parking to serve the development.

It is also considered that enhancement of the pedestrian realm adjacent to the site, where it is presently poor, should also be addressed.

Similarly, the opportunity to create a new pedestrian route from the new Town Park, across Rue de Funchal to Halkett Place through property owned by Le Masurier should remain an integral part of the

comprehensive regeneration package presented by this development opportunity in order to deliver upon the wider public realm improvements required of a development of this scale, as set out in the North St Helier Masterplan. In seeking to deliver the new pedestrian route, the developer will need to engage with the Parish of St Helier to ensure that a pedestrian priority is achieved through the necessary traffic calming measures to deal with vehicular traffic using Nelson Street car park.

Aims of development

Informed by the key principles of development, as set out above, and derived from the strategic planning policy framework provided by the Island Plan and the North St Helier Masterplan, should the Bath Street site become available for development, the overriding aims for the development of this site are:

- **to assist in the regeneration of the area and breathe new life into the town;**
- **to provide a development of high architectural quality that is designed with the aspiration to be the most sustainable multiple residential development in Jersey;**
- **to provide a predominantly residential development that contributes to the provision of affordable homes in accordance with Policy H3 of the Island Plan;**
- **to deliver a density that is consistent with good design principles;**
- **to incorporate some retail and / or commercial and / or leisure and/or community uses to serve local needs as part of any new development to provide pedestrian activity and street level vitality;**
- **to secure a positive environmental and social improvement for the Town Park area by the removal of commuter car parking from a town centre site in accordance with the objectives of the Transport and Technical Services Sustainable Transport Policy and the provisions of the North St Helier Masterplan;**
- **to provide public and residents' car parking and to contribute towards the enhancement of the public realm in the immediate locality and also the North of Town area;**
- **to create a design that makes a positive contribution and improvement to the physical context of the neighbourhood, and which provides a physical connection with the new Town Park;**
- **to deliver a form of development that responds to the heritage value of the site and its context;**

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- to deliver a form of development that responds to the archaeological value of the site and its context;
 - to provide a new residential neighbourhood that is designed with inherent internal flexibility to be adaptable to changing future trends and therefore to encourage long term communities to be permanent rather than transient;
 - to provide a well-designed development that is efficient in terms of space, making best use of the area of land available;
 - to provide the people who will live there with the best level of amenity, in all its aspects, given the site's location at the 'gateway' between the town centre and the other Key Intervention Sites identified in the North St Helier Masterplan.

Constraints / factors affecting the development

There are a number of constraints and factors which will determine the successful development of this site. The resolution of these particular matters is considered to be essential to ensuring that the overall aim of this development is secured.

Development potential and density

The density of the new development must be the highest consistent with maintaining reasonable standards of design, space about buildings and privacy, appropriate to the type of accommodation provided and the general surroundings.

The North of St Helier masterplan does not state a quantum of development for this site. As a general guide, recent residential densities achieved in the town for developments of one and two bedroom apartments with underground parking are in the region of 260 habitable rooms / acre.

Ultimately, The Minister will expect an appropriate density to properly emerge from the design process that seeks to best accommodate the constraints, other factors and key principles of development set out here.

Parking provision

The Bath Street site currently provides approximately 150 commuter car parking spaces. The North St Helier Masterplan 'Appendix 1 Masterplan Car Parking Provision' includes the following observations:

- traffic heading into town should be encouraged to stop and park on the periphery around the ring road;
- privately owned commuter car parks draw commuter traffic deep into the centre of town, and result in a cumulatively large area of the town centre being left as tarmac parking lots;

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- the strategy includes the closure of small privately owned town centre car parks, with the construction of new additional car parking on the ring road only when demand dictates;
 - adopting this strategy will see the centre and north of St Helier enjoy a reduction in commuter traffic, it will see an increase in pedestrian and cycle traffic that is linked to improved public realm and routes, and plots within the centre of town which were lying undeveloped as car parks will become available for development;
 - Le Masuriers site is identified as one of a number of sites whose combined commuter car park numbers reach a potential 1,150 that could be relocated.

In terms of the provision of private non-residential (commuter) parking, the North St Helier Masterplan suggests 110 long-stay off-street public parking spaces should be provided on the Bath Street site. However, such provision is not considered to be necessary or appropriate unless there is proven capacity within the development and its provision can be justified relative to the objectives of the Sustainable Transport Policy and the Island Plan. There is a strong presumption against the provision of any private long-stay parking that is not associated with the residential development on this site.

The loss of private non-residential (commuter) surface parking is supported by the Island Plan on the basis that such urban land can be better used, and that it reduces congestion by encouraging modal shift away from car use towards walking, cycling and public transportation. Public parking is required to meet some of the parking lost as a result of the development of the Town Park and on this basis the site is proposed to provide approximately 130 spaces, to be made available for shopper short-stay and residents' parking at prevailing public parking rates. This will be required to be delivered through an appropriate management company and be the subject of a planning obligation agreement, and reflects the Transport and Technical Services objective to reduce peak time town centre traffic by 15%.

In terms of the provision of private residential car parking spaces and short stay shopper parking, the North St Helier Masterplan suggests that the site would be required to provide 100 off-street public parking spaces directly on site, but this needs to be related to the quantum of development to be achieved.

The Minister's current published guidelines are set out in Parking guidelines (Sept 1988)⁹ as a starting point. It is, however, acknowledged that these standards do not accord with the policy direction of either the Sustainable Transport Policy (2010) or the new Island Plan, and require review.

In addition to a below ground car parking solution being investigated, the Minister will, also consider innovative parking solutions that may offer flexibility in the level of provision to be provided, treating each proposal on its individual merits and having due regard to the potential choice of other sustainable transport options, including walking, cycling and public transport. The Minister will support the use of parking systems which utilise technology to maximise the efficiency of the parking space. In addition the use of 'car clubs' would be considered provided the membership of the car club forms part of the cost of the dwelling unit.

This is considered to be a good location for residential accommodation, where its location near to amenities and facilities in town will afford residents greater travel options. To encourage more sustainable modes of transportation adequate cycle storage should be accommodated within the scheme. The Environment Minister has no adopted standards for cycle parking presently, but provision in the order of one space per unit for one/two bed homes increasing to two spaces per unit for three+ bed dwellings, with provision for some visitor spaces, should be made.

For residential development cycle parking should be within a covered, lockable enclosure. For individual houses this could be in the form of a shed, garage or internal storage space and for flats, provision should be made with either individual lockers or cycle stands within a lockable, covered enclosure. Cycle parking should be easily accessible and convenient to use.

Archaeology and Listed buildings

The Environment Minister has an obligation, under the terms of international conventions¹⁰ to protect buildings and places of architectural and historic value and archaeology¹¹ and for this reason, the new Island Plan 2011 sets out a strong presumption against the loss of the historic character, integrity and settings of Listed buildings and of archaeological assets.

In this respect, any development of this site will need to address the existing heritage assets within and around the site, as follows:

⁹ Parking guidelines (Sept 1988):

<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PolicyNotes/Pages/ParkingGuidelines.aspx>

¹⁰ Convention for the Protection of Architectural Heritage of Europe (Granada, 1985)

¹¹ European Convention on the Protection of Archaeological Heritage of Europe (Valletta, 1992)

Archaeological interest

In 2007, the Museum of London Archaeology Service (MoLAS) carried out an Archaeological Desk-Based Assessment of the site, and in its Executive Summary, concluded that the site has the potential to contain previously unrecorded archaeological remains which are afforded protection under the Island Plan Policy. The site is located on alluvium and has high potential to contain palaeoenvironmental remains which, in combination with the geoarchaeological assessment of sediments, could provide information on past environmental conditions. The site has uncertain, probably moderate, potential to contain prehistoric remains, as indicated by nearby Bronze Age megalithic structures and artefacts. Occasionally, remains of trackways and boats may be preserved by waterlogging in marshy conditions. The site has uncertain, probably low, potential to contain archaeological remains dated to the Roman period. Roman settlement in Jersey has proved elusive to date possibly owing to the lack of a suitable harbour. The site has low potential to contain archaeological remains dated to the medieval period, when it was reclaimed marshland for pasture, some distance from the historic core of St Helier. The site has a high potential to contain archaeological remains dated to the post medieval period, in the form of below ground remains of early 19th Century houses and associated features.

The map showing the extent of the archaeological assessment by MoLAS is shown in Appendix 3.

Policy HE5 of the Island Plan provides the policy regime for the preservation of archaeological resources, where the presumption is in favour of the preservation of assets *in situ*, and for appropriate evaluation to determine their treatment, as part of any development proposal.

Listed buildings

There are two buildings with Listed status on the site:

- 92 Bath Street (Site of Special Interest): this building was conceived architecturally as one half of a pair of villas. These date from the 1830's and were heavily altered during the 20th Century (refer Appendix 4 for photograph). Only the original building is Listed, not the 20th Century 'add-ons'. The Planning And Building (Jersey) Law 2002 Schedule relating to 92 Bath Street St Helier can be seen in Appendix 5.
- 82 Bath Street (Listed Frontage): most of this two-storey building was destroyed by fire in 1971 when the adjoining properties to the north at Nos 84-86 Bath

Street were gutted by fire. The façade of No 82, which dates from the early 20th Century, is all that remains of the property, with its simply detailed shopfront and windows above, one of which is a canted bay (refer Appendix 4 for photograph).

There will be a requirement to respect the setting of other Listed buildings, including a cluster of modest Listed buildings at 4 Minden St, the Salvation Army building, 72-78 Bath Street and the upper end of Halkett Place, which contains numerous Listed premises.

The Minister for Planning and Environment will apply a balanced approach in weighing up any negative impact of change on the integrity of Listed buildings and archaeology against the need to secure the long-term future of heritage assets and the wider regenerative benefits of any proposed scheme. In identifying the optimum outcome, the Minister would expect all parties to be prepared to be flexible and to think imaginatively about solutions for heritage assets.

Le Masurier will be expected to liaise closely with the Department of the Environment's Historic Environment Team to secure a successful outcome.

Pedestrian movement and access

Given the scale of development that may be provided on this site, and the potential for additional pedestrian footfall, it is appropriate that an enhancement of pedestrian infrastructure is secured.

It is important that the development of this site is integrated into the surrounding area: in particular, consideration should be given, in discussion with the highway authority, to review the provision and adequacy of pavement widths around the site and, where they are found to be deficient, for the pedestrian realm to be enhanced to ensure that facilities meet adequate standards.

In addition to footpaths in and around the development site, a new public pedestrian route should be provided through property owned by Le Masurier, which links the new Town Park and Halkett Place, as an integral part of this development scheme, as set out in the North St Helier Masterplan.

The precise procurement of any such public realm enhancements will be the subject of further negotiations and be the subject of a planning obligation agreement. However, the photographs below identify the potential location for this potential new cycle and pedestrian route, to replace the vehicular / street scene that currently exists.



Existing view from Rue de Funchal towards the new Town Park



Existing view from Bath Street towards Rue de Funchal

Other considerations

The following factors should be considered in the development of any scheme. The issues raised here are not, however, designed to be prescriptive and thus, a degree of flexibility may be applied in their interpretation and application.

Design considerations

The Minister believes that the location of this site, forming the critical link between the north of town and the town centre, is so important that it warrants the highest quality architecture.

The overall design and layout of the scheme should respond to the following objectives:

- to comprise appropriately scaled and proportioned buildings and spaces using features, materials and colours which enhance the character of the locality, taking references from the St Helier Urban Character Appraisal design guidance;
- to enhance the public realm through quality 'townscape' and creating a 'sense of place' using the buildings, spaces, linkages and landscaping elements;
- to enhance the legibility of the area by ensuring that the new design respects the site context;
- to provide a safe and secure environment, where the access and internal circulation promotes a sense of neighbourliness, intimacy and human scale, and where the external 'public' spaces, including access routes, and the activities in them can be overseen by residents to promote a feeling of security. A crime impact assessment is likely to be required, in accord with Policy GD1;

A design statement will be required to be submitted as part of any proposal to explain the rationale of the scheme layout and the design's relationship to the context, including the street frontage, urban character, archaeology and listed buildings.

Urban character, context and the masterplan

A detailed assessment of the emergence of development on the Bath Street site is set out in an excerpt from the MoLAS Desk-Based Assessment (2007) in Appendix 6, which shows that the site was extensively populated with buildings in the first quarter of the 19th Century, consistent with other parts of the North of Town.

Whilst not intended to provide a restrictive architectural form and style, it is considered that the site could be given contemporary expression to ensure that its grain and character is sympathetic and relevant to this part of St Helier. The Minister will, however, give consideration to the development of an overall architectural approach that confers its own identity and character to the development scheme but only where his design principles of local relevance, integration, sustainability, connectivity and enrichment and delight can be demonstrated.

Quantum and heights

Although a quantum of development is not specified in the North St Helier Masterplan, the Minister would expect the density of

the development to equate to similar recently approved town residential schemes, which equate to approximately 260 hr/a / acre (this dwelling density is based on the Metropole Hotel site which consisted predominantly of one and two bedroom apartments with underground parking). However, this density of development in relation to this site remains to be tested in respect of all other planning criteria and could therefore increase or decrease.

A fundamental objective of the North St Helier Masterplan is to repair the existing 'grid iron' street pattern, respecting the plot and street widths of the surrounding streetscape where possible. The initial design concepts suggest that the new development could create a focal landmark element to form a 'Gateway' to the new pedestrian route and are worthy of further exploration. This approach would not only create a landmark for the new pedestrian route, but would also provide an important visual focal point to the west end of the new Town Park which must be of the architectural excellence. It must also have the potential for interfacing with the new park. Whilst the initial ideas are entirely conceptual, and in no way prescriptive, they are helpful in the beginning to explore the potential scale and massing of development that might be possible on the site. It has thus helped to inform an exploration of potential heights for different parts of the site;

There is considered to be potential for a scheme of varying height, ranging from three and four storeys¹² along the most prominent boundaries of the site, to up to five and six storeys on the north side and possibly the core of the development, which should be set back from the site boundaries to restrict visual impact from street level views.

The eastern and western sides should respect the existing street context and care must be taken to ensure that the internal part of the scheme is not overshadowed and that a good level of sunlight can be achieved whilst respecting the residential amenity of any local dwellings.

The presence of the existing Minden Place car park to the south and the former Odeon Cinema building to the immediate north of the site introduces the potential opportunity to create amenity space at ground level and a focal landmark for any scheme.

Ground and noise contamination

The site will need to be investigated at an early stage to determine whether there is any contamination as a result of the historic use

¹² A storey represents a floor of a building above ground. Provision of an underground basement does not constitute a storey except where any part of it is above ground i.e. a semi-basement, which may be construed as a half-storey.

including warehousing and garages (along Rue de Funchal). Accordingly, the potential for land contamination should be investigated at an early stage and the applicant should refer to supplementary planning guidance¹³, which sets out the approach to development on potentially contaminated sites required under Policy GD 6.

Bath Street is an important vehicular artery into and from the town centre and is subject to heavy traffic flows throughout the day, but particularly in the morning and evening rush hours, with consequent implications for local noise and air quality. Due consideration should, therefore, be given to the volume and frequency of traffic that uses it, to ensure that the prospective occupants of new homes on the site enjoy a level of residential amenity that they should reasonably expect.

Subject to further investigation and consultation into the concept of converting Bath Street and David Place to a one-way system in an effort to create environmental improvements, the North St Helier Masterplan provides for Bath Street and David Place to remain two-way for traffic, while at the same time encouraging any opportunity to be taken to improve pavements for pedestrians, to introduce traffic calming measures aimed at prioritizing routes for pedestrians and cyclists, to introduce pavement widening and the introduction of street furniture, to introduce trees and for shared-space principles to be adopted.

Access and transport

Currently, the site has a number of vehicular access / egress points from the east and west sides of the site. It sits parallel with Bath Street, which is an important part of the town's road network and, as a consequence, vehicular access to / from the site should be discussed with the Highway Engineer at Transport and Technical Services to ensure a successful outcome that does not prejudice strategic traffic management: the potential requirement for a traffic impact assessment should form part of this discussion.

The Island Plan upholds a presumption against attracting vehicular traffic into or through the town centre or edge of centre i.e. Burrard Street and Minden Place.

Under the terms of Policy TT8: Access to public transport, there is a requirement to ensure that there is a bus stop within 400m of the site and a reasonable frequency of service. In the event that this is not available, there will be a requirement to secure enhancement to public transport provision in the locality.

Under the terms of Policy TT9, there will also be a requirement to develop a Travel Plan for the development and subsequent use of the site, in order to promote, facilitate and enable more sustainable patterns from the development of the site.

Waste minimisation

¹³ Development of potentially contaminated land (2005):
<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/AdviceNotes/Pages/DevelopmentPotentiallyContaminatedLand.aspx>

In considering proposals for new development and in accordance with the principles of sustainable development, the Environment Minister will encourage the minimisation of waste generated as part of demolition and construction activity and an increase in the recycling, re-use and recovery of resources, in compliance with Island Plan policy WM1 Waste minimisation and new development. This will require the preparation, submission and implementation of a site waste management plan.

Safeguarding amenity

Any development on the site should be sited and designed to avoid undue prejudice to the amenities currently enjoyed by the neighbouring properties that may be created by virtue of loss of light, overbearing impact and loss of privacy. Likewise, similar consideration will need to be given to the design of new homes to ensure an acceptable environment and secure an appropriate level of residential amenity for prospective occupants, particularly where single aspect dwellings may be provided with an 'internal' and/or northern outlook.

Open space, landscaping and internal amenity space.

The North St Helier Masterplan identifies the Bath Street site as a Key Intervention Site, and the route across the north of the site between the new Town Park, Rue de Funchal and Halkett Place (and towards the Library) as a 'Proposed Key Route'. The Masterplan identifies public realm interventions, including:

- pedestrian and cyclist improvement works to Bath Street and David Place;
- creating new routes northwards for pedestrians and cyclists;
- considering the creation of additional routes north-eastwards for residents and school children as part of future developments.

The particular needs of children were raised in public reaction to the original Masterplan that was published for public consultation on 26th September 2009. The States Greffe of 11th May 2011 stated that feedback from the consultation had highlighted that many children live in apartments and bed-sits with no access to safe open space or private gardens. Family friendly local parks, gardens and squares, carefully planned throughout the area and linked to a safe pedestrian route, are therefore vitally important to this area.

The development should make provision for amenity space within the boundaries of the site some of which may contribute to the public realm and be genuinely publicly accessible: the potential to provide public routes through the site should be explored.

The private amenity space created must form an integral element of the overall design and layout of the development, and serve a useful purpose to people living there, to ensure that it is convenient and safe to use and also provides visual amenity.

Consideration should also be given to creating an acceptable internal environment through the provision of internal communal amenity space which could take the form of wide access corridors; communal amenity

space or facilities inserted into upper floor levels, together with the creation of roof gardens and private terrace/ balcony areas. A good quality residential amenity is sought for prospective residents, and regard should be had of the Minister's standards for the provision of amenity space¹⁴.

This area is urban in character and the landscape design should introduce appropriate soft planting, particularly trees of an appropriate species, which will contribute not only to the site but also the area. This may also serve to screen and buffer the development, to a limited extent from Bath Street, and contribute to the general townscape amenity.

The north-east quarter of the site will overlook the new Town Park (refer to the photograph overleaf), and the north side of the site will overlook the potential new cycle and pedestrian route linking the Town Park with Halkett Place. Le Masurier should consider this as an opportunity for public surveillance measures to ensure these existing and new areas of public realm can be monitored and used safely by everyone.



New Town Park from the north-east corner of the Bath Street site

Percent for Art

The Environment Minister will seek to secure a Percent for Art contribution as part of any regeneration project on this site, to be integrated into any new development, in accord with the Island Plan policy and supplementary planning guidance.

Percent for Art contributions will be calculated using appropriate methodology and may constitute a combination of provision of new public realm, repairs and / or improvements to existing public realm,

¹⁴ See Minimum standards for new housing developments (Feb 1994, as amended):
<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PolicyNotes/Pages/HousingDevelopment.aspx>

artwork, and contributions towards other community benefits e.g. a Skills & Training Initiative. Any Developer's Levy will be considered satisfied as part of the Percent for Art contribution and public realm improvements.

Development specification

In the first instance, consideration should be given to achieving a sustainable development. Such considerations might point to the necessity to achieve higher standards than those currently set by the Building Byelaws.

Sustainable homes

The specification of dwellings shall comply with the minimum standards outlined in Minimum standards for new housing developments (Feb1994, as amended)¹⁵ subject to any overriding planning and technical criteria, either set out in this brief, or agreed during the design process.

Whilst recognising that this guidance is in need of review, it still provides a useful benchmark against which to ensure that reasonable minimum standards are maintained.

Robust, quality designs are sought which enable dwellings to fulfil the requirements of a range of different lifestyles and the design and layout of which is flexible enough to cater for the needs of the present and future generations of users.

Consideration should be given to matters such as:

- the thermal efficiency of walls, to provide comfort conditions with the lowest energy consumption in use;
- the sound insulation quality of walls, to facilitate freedom and privacy, in spite of high density and a potentially noisy external environment;
- the orientation of development and the design and distribution of windows to maximise natural light, passive ventilation and solar heat gain;
- the employment of designs which can be serviced by an efficient heating system whilst still achieving required comfort conditions;
- the employment of designs which allow for a low-energy approach to water supply.

Services

Information concerning the principal services to the site should be obtained by the designer at an early stage, contacts for which are listed at Appendix 7.

- Foul sewerage
- Surface water sewerage
- Mains gas
- Mains water

¹⁵ Minimum standards for new housing developments (Feb 1994, as amended):
<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PolicyNotes/Pages/HousingDevelopment.s.aspx>

-
- Mains electricity
 - Refuse collection points, which should include recycling

Planning obligations

Powers to secure development through planning obligations and to enable acquisition by compulsory purchase are available to the Minister under Article 25 of the Planning and Building (Jersey) Law 2002.

The Environment Minister will seek to ensure that planning obligation agreements are entered into, as appropriate, to regulate and uphold the following:

- the delivery of environmental improvements with enhancements to Bath Street through traffic calming and other measures set out in this document;
- in accordance with the Island Plan 2011 Policy H3 "Affordable Housing", the site will deliver 12½% affordable homes;
- the site will deliver approximately 130 car parking spaces. Predominantly these will be for residents within the development, with the remainder to be made available for public shopper (short-stay) parking at prevailing public parking rates; the planning obligation will deal with the delivery, management and maintenance of the facility.
- a new public pedestrian route will be secured through the north part of the site connecting the new Town Park with Halkett Place via Rue de Funchal. The precise procurement of this will be the subject of further negotiations and be the subject of a planning obligation agreement;
- any associated infrastructure provision or directly related costs to the provision of:
 - drainage;
 - traffic;
 - public transport;
 - pedestrian;
 - health;
 - environmental protection measures;
 - communal public amenity space.

Environmental Impact Assessment

Environmental Impact Assessment (EIA) is a process that identifies both the positive and negative environmental effects of proposed developments prior to planning permission being considered. It aims to prevent, reduce or offset any identified significant adverse environmental effects of development proposals. The EIA process is a method of ensuring that planning decisions are made in the full knowledge of the environmental effects and with full engagement of statutory bodies, local interest groups and members of the public. The responsibility of completing an EIA lies wholly with Le Masurier.

Le Masurier needs to fully consider the environmental implications of a development at an early stage. Early consideration is cost effective, as time and money can be wasted on pursuing schemes where the environmental constraints prevent development or undermine its feasibility.

The Planning and Building (Environmental Impact) Order 2006, Schedule 1, describes the form of development for which will require an environmental impact statement. In this instance the proposal would come within the provision of 'Infrastructure Projects 10 (2)' which identifies urban development projects where the floor area of the proposed buildings exceeds 10,000 square metres and an EIA will be required¹⁶

Planning applications

A planning application (either outline or full planning) will be required to be submitted by the applicant in accordance with the advice contained in supplementary planning guidance Information required for a planning application (August 2010)

In preparing proposals for submission, it is strongly recommended that Le Masurier appoints an architect capable of developing imaginative and well thought out proposals. Developers and their architects are strongly advised to contact the Department of the Environment prior to the submission of an application, to discuss their proposals and to generally maintain close contact with the department throughout the design process.

A planning application should be sufficiently detailed to demonstrate how the site can be satisfactorily developed, having regard to the guidelines and constraints of the brief. In this instance, in addition to a completed application form and the relevant fee, applicants will be expected to submit:

- a location plan (scale 1:2500);
- a site plan (scale 1:200), showing the layout of proposed buildings and spaces, the position of buildings on adjoining property, proposed landscaping and the means of vehicular and pedestrian access within the site;
- sections through the site, showing changing levels and the relationship with surrounding properties;
- 3-dimensional information which show how the shapes and forms of buildings and spaces are arranged and how the proposed development integrates with the surrounding area, including existing and proposed buildings on adjacent sites should be provided in a format compatible with the States of Jersey 3-D model and guidance on the format will be available shortly.
- elevations of the proposed building(s) at a scale of at least 1:100;
- floor plans at a scale of at least 1:100;
- street elevation sketches showing relationship of elevations proposed with adjacent properties;
- a 'design statement' explaining how the design concept evolved and how it relates to the principles set out in this brief;
- any other further supporting information that is likely to be required, such as, for example, a site waste management plan (Policy WM1); a Travel Plan (Policy TT9); and a crime impact assessment (Policy GD1).

¹⁶ See EIA practice note (July 2011)

<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PracticeNotes/Pages/EIA.aspx>

Note in the case of an outline planning application the level of detail required will be less, however the architect should discuss the required information with the planning officer prior to submitting an outline planning application.

Other comments

Any development proposals will, of course, be subject to other normal planning and technical requirements, as necessary.

Disclaimer

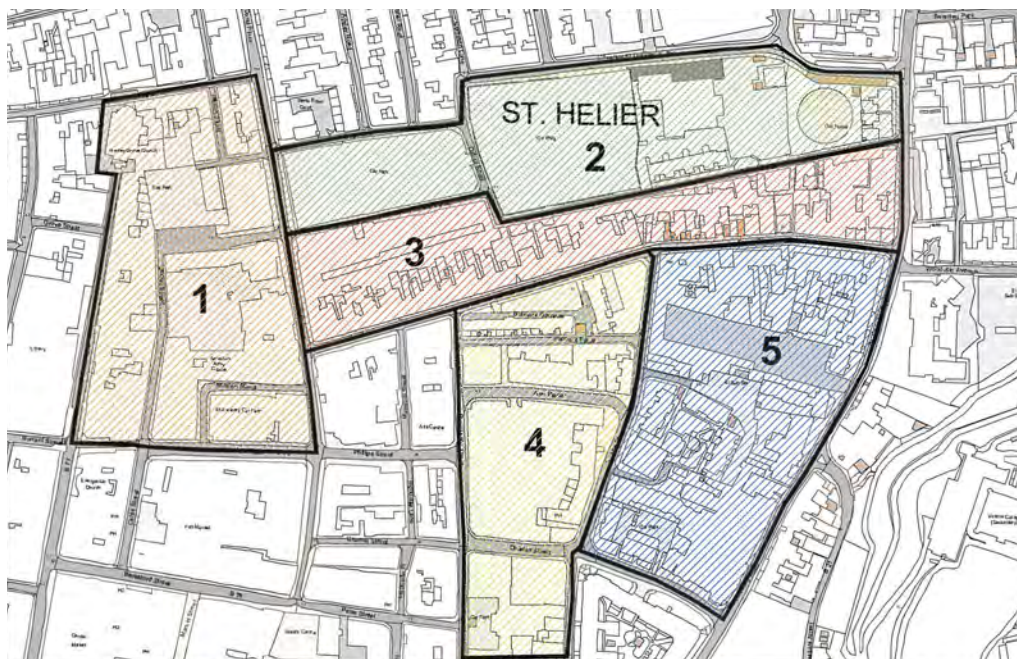
It is important to note that this document is not binding in itself. Any information supplied in this brief does not in any way absolve an applicant from satisfying himself that all necessary information on the requirements of the various authorities and organisations is correct at the time. Neither does it restrict the Environment Minister from amending nor varying such information contained in the brief, before a planning application is determined.

Appendix 1:

Le Masurier – Statement of intentions

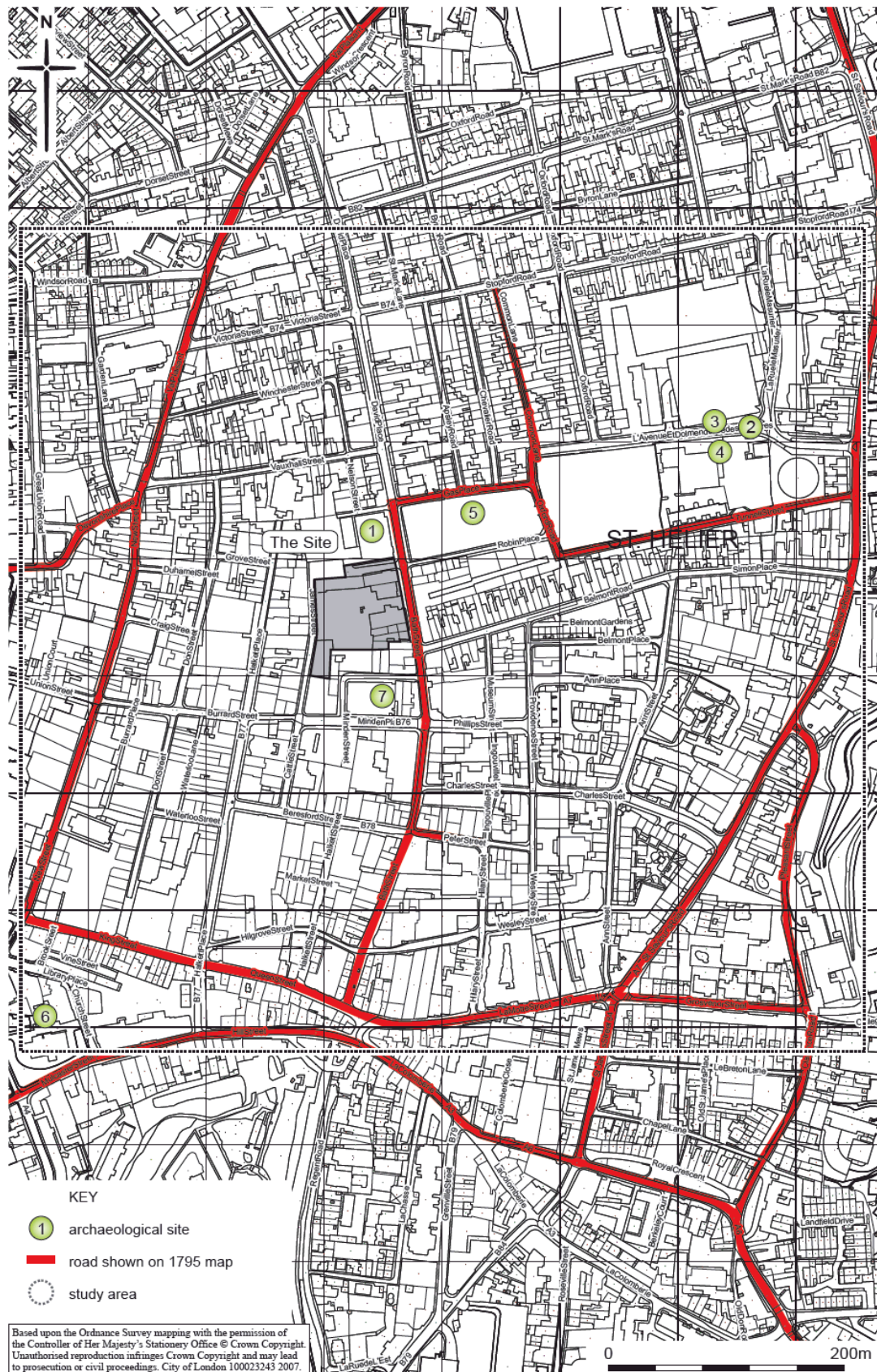
Whilst the North St Helier Masterplan has been under consideration since 1995, it is only since the first draft was formally published by the States of Jersey Environment Department in September 2009 that the detail of the Masterplan proposals have been understood in detail and subjected to comprehensive consultation processes. This has enabled Le Masurier to consider the position of its Bath Street site in the context of the Masterplan, and to assess the implications of retaining the site in its current operational form primarily as long-stay commuter car parking, against the benefits it would bring through its regeneration.

The car park site at Bath Street is an important and profitable part of Le Masuriers commercial portfolio; however, the continuation of the operation of the car park for commuter parking is in contravention of the objectives of the Transport and Technical Services Sustainable Transport Policy published in July 2010. Furthermore, the site occupies the significant majority of Area 1 of the North St Helier Masterplan 'Proposed Action Areas' (refer below and Appendix 2), and therefore inhibits the opportunity for the North St Helier Masterplan to be realised due to its position directly between the new Town Park and the town centre. In consequence of this, Le Masurier has determined to consider further the redevelopment of the site.



Appendix 3: Scope of MoLAS Archaeology Assessment 2007

Archaeological desk-based assessment © MoLAS 2007





Above: 82 Bath Street (Listed Frontage)

Appendix 5: Planning And Building (Jersey) Law 2002 Schedule

PLANNING AND BUILDING (JERSEY) LAW 2002

SCHEDULE

92 Bath Street, St. Helier

In amplification of the requirement of;

- i) Article 51 Paragraph 3(a) to show in relation to each site included on the List which one or more of the special interests set out in paragraph (2) attaches to the site;
- ii) Article 51 Paragraph 3(b) to describe the site with sufficient particularity to enable it to be easily identified and;
- iii) Article 51 Paragraph 3(d) to specify any activity, referred to in Article 55 Paragraph (1), which may be undertaken on the site without the Minister's permission;

the following supports the Minister for Planning and Environment's view that the site known as **92**, situated in **Bath Street in the Parish of St. Helier** is of special interest.

- | | |
|-------------------------------------|---|
| i) Special interest | Architectural and historical |
| ii) Description: abbreviated | Town house circa 1840 with Edwardian additions |

Description: expanded

One of a pair of town houses, circa 1840 (although documentary evidence suggests that the house may have existed by 1838). Originally numbered as 42 Bath Street and called 2 Buckingham Place.

The house is of historic significance as a fine example of an early Victorian town house that illustrates the development of Jersey society and the growth of St Helier town.

The grand exterior of the c.1840 house still largely survives with a stucco façade incorporating full length pilasters surmounted by a projecting moulded cornice with lion mask and acanthus decoration in a vaguely Empire style. There is a hipped roof of Welsh slate masked by a parapet, and an unusual fenestration arrangement with large Venetian windows at first floor (known locally as 'Guernsey windows'). The side elevation has an unusual Edwardian oriel window addition.

The interior has a substantial survival of high quality features including a fine mahogany staircase, windows with panelled lining, some fireplaces and unusual 7-panelled doors and matching joinery throughout the house.

There is the partial loss of the ground floor and

**Description: additional
references**

**The West of England Insurance Co. Fire
Insurance Registers (Jersey Archive ref:
L/A/20/A) 1835-1842**

Description: location

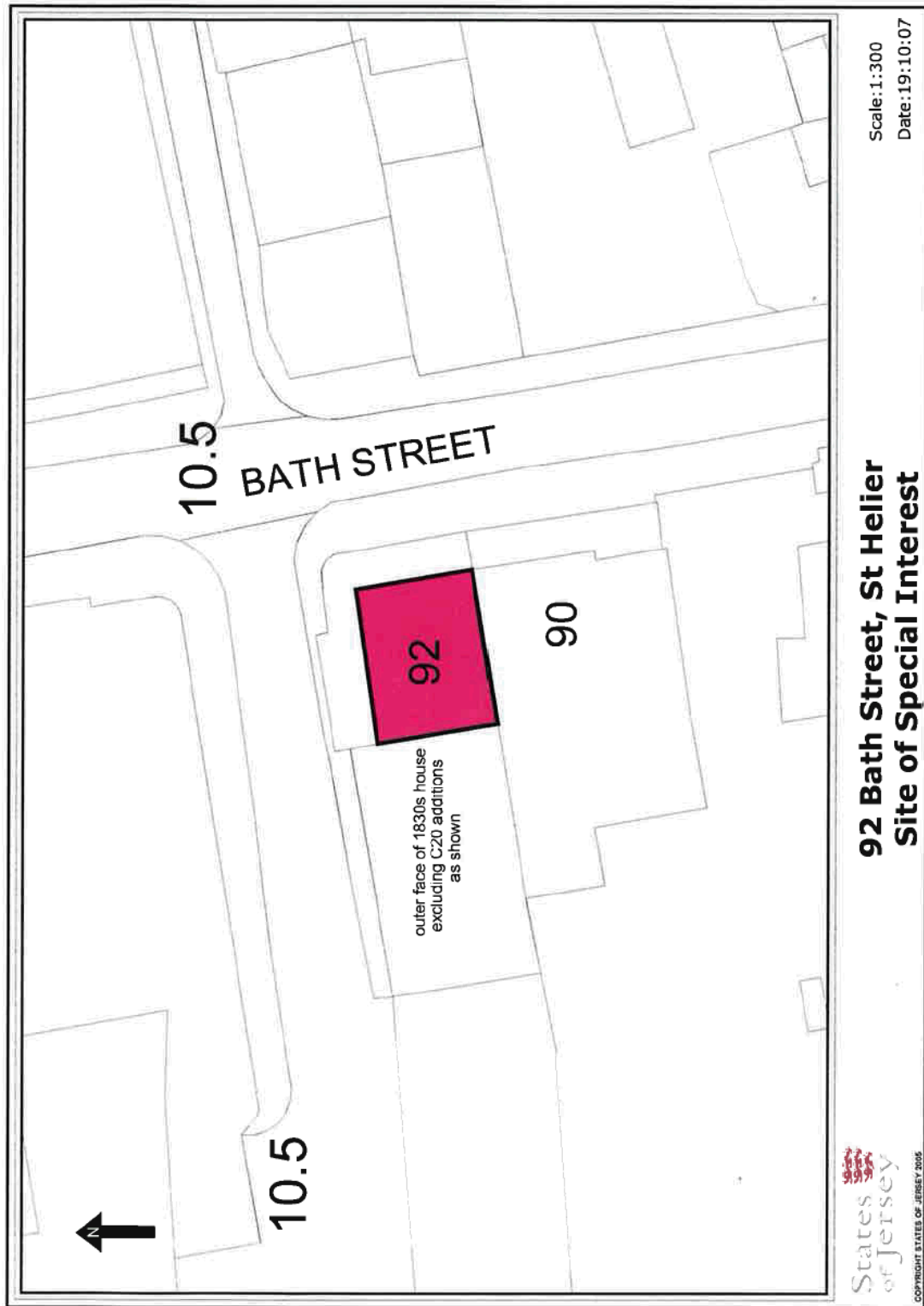
Plan attached

iii) Permitted activities:

Article 55(3)(b)

**None beyond those which have been carried
out regularly for the past five years**

19 October 2007



Appendix 6: Urban Character and Context

Note: refer Appendix 3 for site positions of DBA (Desk-Based Assessment) references

Post-medieval period (AD 1485 - present)

St Helier was first referred to as a town, rather than ‘bourg’ (i.e. an agglomeration of a few houses around the parish church), in the mid-16th century (Nicolle 1972, 26). By 1593, the town apparently contained 300 households, with an estimated population of *c* 1,500 (ibid., 27).

Land to the west of the town was sand dunes, whilst land to the north, where the Site is located, would have been open fields of reclaimed marshland. It is possible that the Site was cultivated, although there is a lack of documentary evidence for land use on Jersey prior to the late-18th century, by which time over 80% of the island had been enclosed (Hibbs in Johnston 1986, 216).

The Ordnance Survey (OS) 1st edition map of 1795, which is more commonly referred to as Duke of Richmond’s Map, is small-scale but shows detail such as roads, field boundaries, individual buildings and wooded areas (Fig 4). The map shows the northern part of the Site as an orchard with trees and the southern half as pasture. The Site is still some distance from the built-up area of St Helier, which lies across open fields. Although none of the streets are marked, it is possible to recognise the layout of New Street and Val Plaisant leading north from the town, and the lower part of Bath Street and Gas Place. Minden Place is also marked to the south, as is Halkett Place. The precursor of Bath Street was already in existence by 1700, when it was known as ‘Les Ruettes’ (Stevens *et al.* 1986), and it may have been much older.

The earliest detailed map of St Helier, the Le Gros map of 1834 (Fig 5) shows considerable change, and shows the Site on the northern periphery of the town. Bath Street and St James Street (the eastern and western borders of the Site respectively) had by then been formally laid out. According to Stevens *et al.* (1986), Bath Street took its name from some public baths that were opened there in that year, and they must therefore have been among the first buildings on the street. It has not been possible to locate the baths on any early maps of St Helier, but it is believed that they lay on the east side of Bath Street, opposite Minden Place, a short distance to the south-east of the Site (Frank Falle, pers. comm.).

The Le Gros map also shows the town gas works (**DBA 5**) a short way to the east of the Site. To the north of the Site, a continuation of Bath Street, David Place, runs past fields and orchards, the change of name indicating the extent to which this road was built up. The area where the Odeon cinema currently stands was occupied by a large garden in the centre of which was a rectangular building, probably a house, aligned roughly from west to east (possibly still there until the cinema was built). Two small outbuildings are shown in the north-west and south-west corners of this garden. On the western edge of the Site several buildings are shown fronting on to James Street, in an area now taken up by a warehouse, to the north, and two garages and workshops, to the south. Near the south-eastern corner of the Site, what appear to be two buildings are shown adjacent to each other, in an area now occupied by Nos 80, 82, 84 and 86 Bath Street. The two buildings in 1834 were probably houses, and are shown with gardens attached. The garden belonging to the more northerly of

these houses seems to have extended as far as the north end of the present No 92 Bath Street and the south side of the present private road in front of the Odeon cinema.

By 1849, when the Site is shown on Godfray's small-scale map (Fig 4), the buildings now identified as Nos 90 and 92 Bath Street were both in existence, recognisable as a pair of adjacent buildings on the opposite side of Bath Street to Gas Lane, and just to the south.

The Ordnance Survey 1:5,000 map dated 1936 (Fig 7) shows individual buildings on the Site. To the north of the Site, where the Odeon cinema now stands (**DBA 1**), is taken up by an open area and by five buildings. Nos 90 and 92 Bath Street are clearly set back from the road. No 90 Bath Street is marked 'hotel' and had a long, narrow back garden extending all the way to James Street. No 92 seems to be divided in some way from west to east, perhaps only at roof level. A row of houses fronting on to James Street and their back yards are shown occupying the south-west corner of the Site. Among these is a building with a front porch, set well back from James Street, hatched as if it were a public building, perhaps a chapel.

By the time of the Ordnance Survey map of 1966 (Fig 8), the Odeon cinema fills the area to the north of the Site. The cinema was opened in June 1952, having been constructed to a design by T P Bennett and Son, architects, of London, who had designed some pre-war Odeon cinemas in Britain (Jersey Archive: D/AL/A2/11; Allen Eyles 2005). The hotel and its garden are still marked. It would appear that No 90 had been extended to the north, and that on its west side was a separate building, possibly the present showroom for bathroom fittings. West of No 92, three small buildings are marked and the shop front has been added.

In 1971, a disastrous fire destroyed most of Le Masurier's buildings on the Site. More recent maps (e.g. States of Jersey 1983) show only clearance of much of the Site and other changes attributable to this fire.



Fig 4 Duke of Richmond's map, 1795

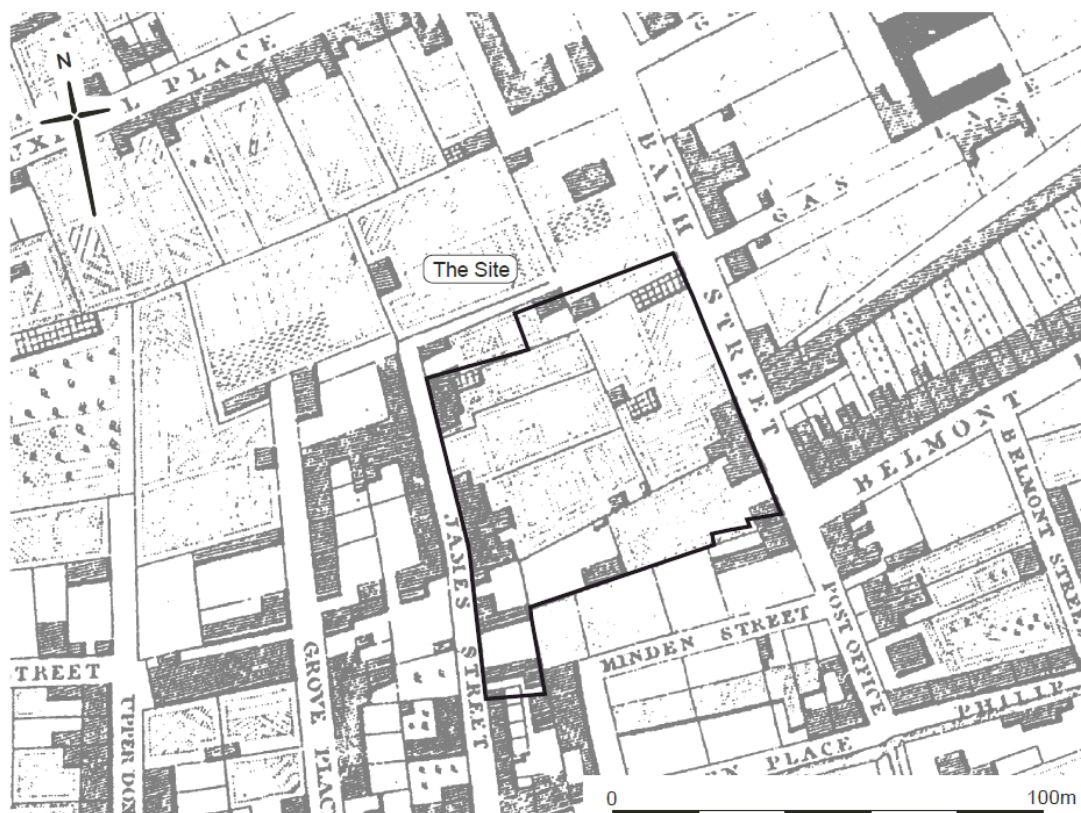


Fig 5 Le Gros map, 1834



Fig 6 The Godfray map (1849)



Fig 7 Ordnance Survey 1:5000 scale map of 1934-36 (not to scale)



Fig 8 Ordnance Survey 1:5000 scale map of 1966 (not to scale)

Appendix 7: Useful contacts

Planning and Building Services

Tony Gottard, Principal Planner

t.448426; e. t.gottard@gov.je

Tracey Ingle, Principal Historic Environment Officer

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Transport and Technical Services Department (Drainage)

Steve Fisher

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Transport and Technical Services Department (Highway Engineers)

Rob Cabot

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Health Protection

Alan Irving, Team Leader

t.445811; e. a.irving@gov.je

Housing Department

Carl Mavity, Assistant Director

t.449004 ; e. c.mavity@gov.je

Parish Constable

Connetable of St. Helier

t.811821; e. constable@posh.gov.je

Jersey Electricity Company Ltd.

Mains Department t.505460

Jersey Water

Mains Department t. 707300