

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

By Graham Self MA MSc FRTPI

Appeal by Mrs Susan Boyle (see "Procedural Matters" below) against the grant of planning permission.

Reference Number: P/2015/0065

Site at: The Metropole Hotel, Roseville Street, St Helier JE1 4HE.

Introduction

1. I held a hearing into this appeal on 5 April 2016 and made site inspections on 4 and 5 April.
2. The appeal is against the grant of planning permission for development which was described in the decision notice as follows:

"Demolish existing hotel buildings. Construct basement parking for 140 No. cars and associated building services plant. Construct 174 No. one, two and three bedroom flats, associated landscaping. Amended plans: Additional highway works. (3D Model Available) (EIA submitted). Further amended plans: minor revisions to Roseville Street elevation, construct larger basement parking for 203 No. cars and alterations to internal layouts to construct 179 No. one, two and three bedroom flats."
3. This report provides a description of the appeal site and surroundings, summarises the cases for the appellant, the applicant, and the planning authority, then sets out my assessment and recommendation. The appeal statements, plans and other relevant documents are in the case file for you to examine if necessary, so I provide here only summaries of the main points of each party's case.

Procedural Matters

4. The appeal appears to have been accepted and processed as an appeal by Mr J and Mrs S Boyle, and the planning authority's written statements refer to the "appellant" as Mr and Mrs Boyle. However, only one appeal was lodged. There is no provision under the 2002 Law for a single appeal to be made jointly by more than one person.¹ Mrs Boyle has evidently been mostly responsible for presenting the appellant's case, so I consider that the appeal can reasonably be treated as if it had been made by her.
5. Some of the dispute in this case concerns what happened at a meeting or meetings. I do not propose to comment on this issue since I do not know exactly what was said during past meetings. At a public inquiry this sort of disputed fact can be dealt with by requiring witnesses to give evidence under oath while being questioned by an inspector, but at a hearing such a procedure is not normally appropriate.

¹ Article 108 provides that "a person" aggrieved by a decision to grant planning permission may appeal against that decision.

6. The appellant's case was presented in a fragmented and uncoordinated way. The written statements submitted before the hearing were not made available in accordance with the appropriate time limits for pre-hearing proceedings. As I explained at the start of the hearing, administrative faults apparently occurred within the Judicial Greffe which caused delay in issuing documents. When I was informed about this matter in late January 2016 I could not establish exactly what had happened because of staff changes in the Judicial Greffe, where temporary administrators had been employed. I considered that in the interests of fairness, discretion should be exercised allowing the appellant to submit her representations, provided that time was also allowed for other parties to submit comments in response.
7. Mrs Boyle appears to have taken advantage of this situation as she did not submit her full statement of case when she should have done and the procedural rules were not complied with. However, since some of the blame for this apparently lay within the Judicial Greffe, I considered that late exchanges should be allowed, the main aim being to ensure that all parties had an opportunity to comment on each other's submissions. Much of the material submitted by Mrs Boyle was repetitious anyway. All the written exchanges were completed before the hearing.
8. After the hearing, I decided it was necessary to send a written message in order to check some distances and dimensions, in the interests of fairness to all parties. This arose because during the hearing I had asked the applicant's representatives questions about the heights of buildings, including the height of the proposed Block A and the ridge and eaves heights of existing buildings on the opposite side of the road. Later, on comparing the figures I was given at the hearing with the scale drawings, there appeared to be large discrepancies. It transpired that the discrepancies were because the answers to my questions about building heights had been given as heights *above ordnance datum*.² I also sought to verify some horizontal dimensions, and figures have been supplied which I understand have been based on a digital survey drawing. I refer to these figures later in this report.

Site and Surroundings

9. The appeal site is an irregular-shaped area of land located on the east side of Roseville Street in St Helier.³ To the north, there are buildings which have access on to La Colomberie; to the east there is a residential development known as The Granary; to the south the site is mostly bordered by buildings which front on to Hastings Road except where the south-west corner of the site abuts Hastings Road.
10. At the times of my inspections the appeal site was occupied by contractors carrying out demolition or site preparation work, although most of the buildings which were formerly part of the Metropole Hotel appeared to remain standing. Rear access is obtainable from the east along a private roadway from St Clement's Road, but the main access (mostly surrounded by contractor's temporary fencing when I saw it) is off Roseville Street.

² As a Department of Environment planning officer helpfully pointed out in a responding email, the building heights stated by the applicant in reply to my email were still specified as AOD figures although my email referred to heights above adjacent pavement level.

³ The site boundary is shown with a red line on one of the application plans (Drawing Number 5234/001/B) headed "Location Plan". This plan is labelled as being at 1:2500 scale. However, I suspect that the stated scale on the paper copy supplied to me may not be correct.

11. The properties on the west side of Roseville Street opposite the appeal site appear to be all or mostly residential. They are even-numbered, in descending order from south to north. Numbers 26 and 24 are semi-detached two-storey houses. Numbers 22 and 20 are also semi-detached residential properties which appear to be used as flats. This building has two storeys plus what appear to be some rooms at roof level with small dormer windows (the roof is pitched with the ridge parallel to the road). Number 18 is a detached two-storey house with a pitched roof hipped at both ends. Number 16 is a detached building which appears to be flats, arranged in three storeys including a top floor in a mansard-shaped roof with dormer-style windows. It is set well back from the road behind a tarmac-surfaced parking area.
12. Further north on both sides of Roseville Street there is a mixture of buildings of various heights, mostly standing close to the road, with some shops or other commercial premises at ground floor level and flats above. The highest building (which is at the extreme northern end of Roseville Street) has ground, first and second floors plus a top storey in a mansard-shaped roof.
13. The houses at numbers 26 and 24 back on to the Green Street cemetery and have their only outlook from living rooms and bedrooms towards the front (east), where they have front gardens bordered by high walls. At number 26, the front wall and fence along the back of the pavement (a low stone wall topped with a fence of what appears to be a plastic material) is about 2.7 metres high. At number 24, a front garden wall a little over 2.2 metres high is set back from the road behind an area used for vehicle parking.
14. On the south side of the parking area just mentioned stands a small outbuilding. At the time of my inspection this building, which is apparently known as 24a Roseville Street, was furnished as a one-bedroomed dwelling, which is evidently occupied separately from the main house. It has an entrance door and windows facing north. Its street elevation is a solid wall with no windows.
15. The fronts of the houses at numbers 26 and 24 are about 18-19 metres from the front boundary of their plots next to the highway. The dwellings to the north are closer to the highway - the front of numbers 22 and 20 is some 2 metres from the back of the pavement and number 18 is about 3-4 metres from the back of the pavement.
16. The length of Roseville Street which passes the appeal site is a one-way street, allowing vehicular traffic from north to south. The carriageway is about 5 metres wide. There are narrow pavements or footways (around 1 metre wide) on each side. Hastings Road and St Clements Road have roughly similar widths and take one-way traffic in an anti-clockwise direction (west to east along Hastings Road and south to north along St Clements Road).

Background History

17. Planning permission was granted in June 2011 to Modern Hotels Group Holdings Limited for (in summary) the redevelopment of a site slightly larger than the present appeal site for a scheme which would provide 153 flats, plus the conversion of Hastings Villas into 19 flats and the creation of seven flats at The Granary. The Hastings Villas and Granary schemes are not part of the present appeal proposal.
18. An appeal against the 2011 permission was made to the Royal Court jointly by Mrs Boyle and Mr G T Kehoe. The appeal was dismissed in February 2012. Copies of the judgment are in the case documents. It is common ground

between all parties in the current appeal that the 2011 planning permission is still extant: applications have been made relating to the timing of some pre-conditions, and development to implement the permission consisting of site preparation or demolition work has been started.

Case for Appellant

19. The main points raised by the appellant are as follows.

- The development would cause loss of privacy at number 24 and the adjacent house at number 26, due particularly to the height of the proposed block ("Block A") and the presence of large protruding balconies. The effect would be unreasonable and would conflict with Island Plan Policy GD1(3a).
- The proposed development would be very close to number 24a Roseville Street, which would be affected by noise and lessening of privacy due to the closeness of the proposed balconies.
- The decision to grant planning permission placed too much weight on the previous permission. The current different proposal should have been assessed on its own merits.
- The mass, scale and density of the proposed development would be out of proportion to the surrounding buildings. The development would have an overpowering effect on Roseville Street, would not be in keeping with the area's character, and would be contrary to Policy BE5 of the Island Plan.
- The Royal Court judgment on the previous proposal referred to the need to accept loss of privacy in a built-up area buildings with windows facing each other across a street, but the effect of the proposed balconies would be worse.
- The provision for parking in the proposed development would not comply with the Parking Guidelines⁴, and would add to existing problems of on-street parking in nearby roads, where parking space is already fully utilised. Under the Parking Guidelines, 242 parking spaces should be provided for residents plus 36 visitor spaces. The scheme approved in 2011 had 188 parking spaces plus 33 tandem spaces totalling 221 spaces for 187 units, compared with the currently proposed 179 spaces plus 6 visitor spaces for 179 units. If the published guidelines are out of date, they should be formally changed instead of being frequently breached.
- The location of the access ramp under Block A almost opposite the vehicular entrances to 24 and 26 Roseville Street and the proposed siting of a plant container on the street nearby would hinder vehicular access to the properties opposite and cause road safety problems.
- The amenity space within some of the proposed dwellings would fall short of the States' published guidelines, with particular reference to the one-bedroom units. Even with the removal of the internal lobby the minimum size guide appears not to have been achieved and amenity space would be substandard, taking into account that one-bedroom units could be occupied by two people.

⁴ This is apparently referring to Parking Guidelines 1988.

Case for Applicant

20. The main arguments of the applicant's case in response are:

- The planning permission now subject to appeal was rightly and properly granted having regard to the Law, to the Island Plan, and to all other material considerations. The history leading to the planning committee's decision is presented in detail in the applicant's written submissions.⁵
- The Royal Court dismissed Mrs Boyle's appeal against the 2011 proposal. The current proposal is similar to the 2011 proposal, and Mrs Boyle's grounds of appeal are also similar. The Royal Court considered all these grounds, including loss of privacy, traffic generation, the size of the proposed development and its impact on the character of the area, and dismissed her appeal.
- The extant planning permission is a significant material consideration, being similar in size, scale and siting, although under the current proposal the block next to Roseville Street would be 725mm lower and set back 250mm more than the 2011 scheme. There are other improvements such as better-designed apartments, public realm improvements and financial contributions to the public purse.
- Although there would be some overlooking from the proposed windows and balconies facing the appellant's property, the test set by Policy GD1 is whether this would be reasonable. The Royal Court has already found that the level of overlooking and loss of privacy was not unreasonable in a town environment where buildings with windows will face each other across a street.
- The scale, density and character of the proposed development would be similar to the 2011 approved scheme, albeit improved. The proposal accords with Island Plan policies SP1 (spatial strategy), SP2 (efficient use of resources), SP3 (identifying the town as the optimum location for new residential development, SP4 (reducing development in the countryside, and H6 (presumption in favour of development in the built-up area).
- The proposal has been subject to appraisal by the Jersey Architectural Commission, resulting in design revisions.
- The traffic calming measures and introduction of planting by siting planters on Roseville Street were proposed in response to the Parish of St Helier and have not been the subject of objection by the highways section of the Traffic and Technical Services Department. This aspect of the scheme would mitigate problems of illegal parking and speeding traffic.
- The proposed access arrangements and the location of the access ramp have been subject of swept path analysis. The exact position of planters could be the subject of a condition. The proposal would not cause any difficulty of access to properties on the west side of Roseville Street.
- The provision of parking spaces at one space per dwelling unit plus 6 visitor spaces⁶ is in line with Island Plan objectives to reduce dependency on car usage and encourage other more sustainable modes of transport. Condition 9 attached to the planning permission would control the use of the spaces by preventing use by non-residents. A number of recent

⁵ See page 8 onwards of the applicant's supplementary statement.

⁶ The apparent discrepancy in numbers (179 plus 6 equals 185, but 203 spaces are proposed) is because 18 spaces would be retained by the owners of Hastings Villas, leaving a balance for this development of 185 spaces.

planning consents have shown that the 1988 parking guideline policy needs to be modernised.

- Although the proposed car parking provision would be lower than the Island's current guidance, the guidelines need to be balanced with current sustainability policies. Historic parking standards could only be met by reducing the yield, which would go against the strategic aims of the Island Plan. Policy SP6 for example encourages a reduction in dependency on car usage. Current policies would also be reflected in the planning obligation for contributions towards the eastern cycle route and provision of a bus shelter .
- The floorspace within the flats would meet appropriate standards and this has not been raised as a concern by the planning officer or planning committee. All two-bed and three-bed units would comfortably meet space standards and the one-bed units would comply with one-person flats. The planning committee agreed after visiting a show flat similar to what is proposed. Most of the proposed flats would have full length balconies and this compares favourably with the approved scheme which would have smaller inset balconies, with some units having no balconies. The proposed outside courtyards between the blocks within the site would have a slightly larger area than the approved scheme.

Case for Planning Authority

21. The basis of the case for the Department of Environment is, in summary:

- The application was fully considered by the planning committee, who delayed a decision to investigate certain matters before permission was granted. The Department supports the applicant's case.
- Part of the strategy of Island Plan policy is that opportunities are taken to secure the highest reasonable densities for residential development in the built-up area. The scale and form of the proposal follows the template established by the approved scheme. The building facing Roseville Street would be a modern interpretation of a classical form with a well-proportioned hierarchical west elevation. Internal elevations are now more relaxed and will enhance the accommodation.
- The existence of the extant 2011 planning permission is highly material. That scheme included two adjacent properties (Hastings Villas and The Granary) but is very similar to the current appeal proposal. Dandara Jersey Limited has submitted information relating to the discharge of conditions for the 2011 permission and has applied to vary the timetable for submission of other pre-commencement conditions to allow demolition to occur, so the Department consider that the 2011 scheme would be very likely to be implemented as a fall-back option.
- The 2011 permission was subject to an appeal to the Royal Court by Mrs Boyle and her neighbour Mr Kehoe. The judgment of the court dismissing the appeal is also highly material to the present appeal.
- Feedback from the Jersey Architectural Commission was generally positive. The proposed height of Block A is not common in the area and by virtue of the street-side mass there would be an impact on the character of the street; but the 2011 approval took this into account, the proposal follows the form approved in 2011 and is therefore considered acceptable.
- With regard to overlooking and loss of privacy, the differences between the current proposal and the 2011 scheme are not such as to alter the

policy consideration of "unreasonable harm" as set out in the Royal Court judgment. The rooftop drying area has been removed from the proposal and the wrap-around balcony at the south end of the west elevation of Block A would be an inaccessible design feature.

- The highway authority has not raised any concerns about the impact of the proposed development. Subject to re-positioning one of the planters from its originally proposed location, the development would not hinder vehicular access to the appellant's property or cause any risk of conflict between vehicles using the access ramp and other traffic. The hotel was a significant trip-generator. Unauthorised parking would have to be dealt with by the relevant enforcement authority.

Assessment and Findings

22. I list the main matters of dispute in this case as follows:

Space standards and amenity within the proposed dwellings.

Parking provision.

Vehicular access and highway safety.

Impact on the amenity of Roseville Street properties.

Visual Impact, scale, of development and related issues.

The 2011 permission and Royal Court judgment.

Housing need and other issues including the loss of tourism accommodation and the potential financial benefits of the proposal.

23. There is obviously some overlap between these issues, and in assessing the fourth and fifth of those listed, I shall refer to the 2011 permission and the court judgment.

Space Standards and Amenity Within the Proposed Dwellings

24. As is explained in the Department's committee report, the floor space in the three bedroom and two-bedroom flats (94.6 square metres and 68.45 square metres respectively) would be greater than the housing standards set out in supplementary planning guidance (PPN6)⁷. The one-bed units would have a floor area of 45.8 square metres, about 10% below the standard 51 square metre requirement for a two-person unit. The bedroom in these units could contain a double bed and it would not be practicable to limit occupancy of these units to one person, so the two-person standard should apply.

25. However, the applicant has pointed out that by installing sprinklers for fire safety purpose, internal protective lobbies would not be necessary, so the usable internal space is in effect increased compared with the layout of the previous scheme, which included some bed-sit units of 41 square metres in area. The larger flats would also have a larger floor area than the 2011 scheme.

26. The inside and outside space for the flats is not generous, and it is noticeable that part of the applicant's argument on space grounds draws attention to the benefit for potential occupiers of having balcony space (an average of 12.6 square metres per unit). Nevertheless I consider that the shortfall in space provision for the one-bedroom flats would not be so significant as to justify refusing planning permission.

⁷ Supplementary Planning Guidance - Policy Note 6 - A Minimum Specification for New Housing Developments. February 1994 and January 2009.

Parking Provision

27. The appellant's concern about car parking provision is understandable. As is made clear in the Department of Environment's committee report, if the usual standards in PPN3⁸ were applied, 302 parking spaces would be required. The surrounding streets are mostly narrow and not capable of accommodating increased parking without causing safety or obstruction problems.
28. On the other hand, it can reasonably be argued that the appeal site is in a location where there are reasons for limiting the provision of off-street parking for future residential occupiers. The site is within walking distance of the town centre. The Green Street car park is nearby. This evidently provides free parking outside normal working hours, although of course pricing policy there may change in the future.
29. I agree with Mrs Boyle that there seems little point in having formally adopted guidance on parking standards if they are frequently not applied, or are being frequently breached with the acceptance of the planning authority. The supply of only six parking spaces for visitors to 179 dwellings also seems to rely on the hope that residents and their visitors will adjust to such a limited provision without adding to on-street congestion. On balance, however, I judge that because of the location of this site, it is appropriate not to apply normal parking space standards and that the planned provision can be regarded as acceptable.

Vehicular Access and Highway Safety

30. Part of the dispute on this topic relates to the fact that Mr Boyle has a van which he normally reverses into the parking area at the front of 24 Roseville Street. Mrs Boyle is particularly concerned about the position of the proposed access ramp opposite or nearly opposite number 24, and the difficulty which could be experienced if the reversing manoeuvre used for parking a van at number 24 were to be obstructed by parked cars or a planter in Roseville Street.
31. The position of the proposed access ramp under Block A almost opposite number 24 is far from ideal, because of the possibility of conflicting vehicle movements if, for example, a van whose driver had restricted rear visibility was being reversed into the front of number 24 at the same time as a vehicle was being driven out of the access ramp under Block A. The applicant has provided swept path analyses showing vehicles turning into and out of the parking area in front of 24 Roseville Street. The swept path diagrams show that the reversing manoeuvre would be likely to impinge on to the area immediately in front of the access ramp. Future occupiers of number 24 might own different vehicles and operate them in different ways (for example, reversing out rather than into the parking space). I have concerns about this situation; but on balance, I judge that normal care and attention by drivers should be sufficient to avoid accidents.
32. The exact position of planters on the carriageway of Roseville Street would need to be carefully considered to ensure that visibility of and from the proposed access ramp would not be obstructed, but this would be subject of one of the proposed conditions. If there were to be any likelihood of highway safety being put at risk it would be reasonable to expect an objection from the Transport and Technical Services Department, but no such objection has been raised.

⁸ Supplementary Planning Guidance - Policy Note 3 - Parking Guidelines. This document was published in September 1988, with the stated intention that it be kept under periodic review. One of the purposes of this document, as stated in its Introduction, is "to achieve a consistent approach in processing applications". However, the document also states that it is not the intention to produce a set of inflexible rules.

33. I have reservations about the proposal to place planters in the carriageway of Roseville Street, because it seems to me that their "traffic calming" effect would be limited, and they would have considerable safety disadvantages. I am aware that planters have been placed on roads elsewhere in St Helier but no evidence has been submitted showing that they have a significant traffic calming effect, and in the confines of Roseville Street these objects could themselves be a safety hazard. According to a committee report,⁹ the Parish suggested "work to Roseville Street to assist pedestrians crossing". The proposed planters in the road would not assist pedestrians crossing - instead, the planters would be more likely to obstruct views along the road by pedestrians (especially young children) intending to cross the road and could thereby *increase* accident risks.
34. Moreover, other methods of traffic calming are available. The selective widening of pavements into the carriageway and resultant partial narrowing of the carriageway (but not in a straight line) would be one of several alternative means of traffic calming which could be combined with some planting and have greater safety benefits than the proposed planters.
35. That said, I am prepared to accept that in the absence of any objection by the highway authority, this aspect of the proposal would be tolerable.

Impact on Amenity of Roseville Street Properties

36. One of the striking aspects of the applicant's case, supported by the planning authority, is the emphasis placed on the position of the "main frontage" of Block A, in relation to the back of the pavement and to the properties on the opposite side of Roseville Street. The applicant draws attention to an amended set-back distance of 250 millimetres and argues that this is a notable benefit of the proposal compared with the 2011 scheme. What the applicant appears less keen to mention is the fact that the balconies in the scheme now proposed would project forwards from the rest of the frontage, whereas in the 2011 scheme the individual balconies provided for each flat above first floor level would be recessed behind the frontage wall.
37. The balconies now proposed on the west elevation of Block A would measure about 1.5 metres deep by 3.5-3.6 metres across. This would provide room for, say, a small table and some chairs (as indeed is illustrated in submitted drawings showing the west elevation of Block A). Most of the balconies would be sheltered by a roof. Bearing in mind the local climate, it would seem likely that the balconies would be frequently used, especially in spring, summer and early autumn; so they would in effect be part of the living area of the proposed flats. The block next to Roseville Street in the 2011 scheme would have an external terrace in the west elevation but this would only be at first floor level ("upper ground floor" on the plans), it would be less deep (about 1.2 metres), and it would not be covered or provide individual private balconies, so it would not offer the same "usability" as the covered balconies in the appeal scheme.
38. On the opposite side of the road, the layout of the semi-detached houses at numbers 26 and 24 is unusual, because of their one-directional easterly outlook as described in paragraph 13 above. The garden areas are also at the front.¹⁰ These garden areas provide the only outside amenity space for these dwellings, and at present the space is fairly private - I observed that the upper parts of some existing Metropole Hotel buildings are visible from the front garden of

⁹ Report for Planning Applications Committee site visit.

¹⁰ At number 26 there is also a "pot garden" on the flat roof of the garage with access by means of a ladder from the front garden.

number 24, but most of the hotel buildings are set a long way back from the road.

39. The window-to-window distance between the fronts of Block A and the houses at 26 and 24 would be about 28-29 metres.¹¹ The balcony-to-window distance would be some 1.5 metres less. One of Mrs Boyle's objections is about the loss of privacy which would be caused by the distance of only 7.5 metres between Block A and the dwelling at number 24a; but this objection is weak, since this dwelling has its outlook "sideways" towards the north, with no openings in the wall next to the street, and apparently no outside amenity space of its own other than a partial view into the plot of number 24.
40. The front gardens of numbers 26 and 24 would be overlooked from the balconies in Block A. The intervening distance would obviously vary depending on the position in the gardens. Both these properties would suffer a loss of privacy, more in the front gardens than in the dwellings. Because of their unusual layout with no outside space at the rear, these would become houses with virtually no private outside amenity space. I return later to consider whether this is a compelling objection to the proposed development when weighed in the balance with other factors.
41. At this point I turn to two aspects of the court judgment on the appeal against the grant of planning permission for the 2011 proposal. First, the judgment contained the statement that:

"Expectations as to privacy must be relative to the environment in which you live. The appellants live in a built up area where buildings front onto the street and whilst we sympathise with the appellants, we do not regard their objections on this ground to be reasonable. In a built up area buildings with windows will face each other across the street, with the lack of privacy that entails. If their objections on this ground were considered reasonable, then it would seem to us that the potential for development in such locations would be severely restricted, which would not be in the public interest."
42. It is clearly indisputable that in a densely built-up area, buildings with windows will face each other across streets, and expectations of privacy have to be lower than in, say, a more suburban or rural situation. But the balconies proposed here are likely to have a greater impact than windows, for several reasons - their position very close to the back edge of the pavement; their projecting design; their size and the fact that most of them would be covered, enabling them to be used as virtually part of the living area of the proposed flats; and the height of those on the upper floors, which would give people in dwellings and gardens opposite a feeling of being overlooked from a dominant position.
43. The proposed balconies would also be more prominent and provide more scope for overlooking than those proposed in the 2011 scheme. Most of the balconies in the latter scheme would be recessed slightly behind the front wall of the block facing Roseville Street, giving a partly "blinkerred" layout, whereas the fronts of the balconies in Block A of the appeal proposal would be level with the fronts of the projecting bays, and would have a sideways outlook to one side as well as more directly across Roseville Street. One set of upper floor balconies (with balustrades on three sides) opposite number 18 Roseville Street would allow even more open views.
44. The second aspect of the court judgment is the statement referring to:

¹¹ The applicant's figure for this dimension is 28.8 metres.

"....a number of properties to the north in Roseville Street [that is to say, north of number 24] which front on to or close to the street, with their windows looking east directly towards Block A. These properties suffer a far greater intrusion in terms of privacy than that which will be suffered by the appellants in the properties which they occupy".

45. This is a curious feature of the judgment. The dwellings north of number 24 at numbers 22 to 18 do not at present suffer close overlooking from buildings opposite, because the hotel stand a long way back from the road. The court's comment might perhaps apply to flats above shops at the north end of Roseville Street, but as far as numbers 22 to 18 are concerned, the word "suffer" must have been meant in the conditional sense (that is to say, implying "if the proposed development were to be carried out"). Thus the court appears to have taken the view that because other properties would suffer a far greater loss of privacy than numbers 26 and 24 Roseville Street, the appellants' case was thereby undermined.
46. The court was evidently considering the appeals before them from an essentially legal viewpoint; and looked at in that way, the appellants' case was weakened. Looking at the wider planning merits of the proposed development, I take a different view. For the reasons explained below, I agree with the court that these other properties would suffer a greater (or possibly "far greater") loss of amenity than numbers 26 and 24; but I consider that this point strengthens - not weakens - the planning argument against the proposed development.
47. The distance between the fronts of the dwellings at 22 and 20 Roseville Street and the balconies in the west elevation of Block A was stated by one of the applicant's representatives during the hearing (in response to a question by me) to be 9.9 metres. The submitted drawings indicate that this distance would be about 9.6-9.8 metres, increasing to 9.9 metres at most if the measurement from the northern corner of number 20 is taken to the inside of the balconies. The 9.9 metre figure has since been confirmed (based on digital survey drawings) in response to the written message I sent after the hearing as mentioned in paragraph 8 above. Either way, the intervening distance would be less than 10 metres. Number 22 would only face balconies at an angle; number 20 would face balconies more directly.
48. It is notable that at even at the narrowest point between the proposed blocks A and B within the appeal site, the distance between balconies would be about 12 metres, with a similar distance between Blocks B and C. This dimension has apparently been achieved to help provide reasonable privacy between the proposed dwellings, and part of the applicant's case is that the distance between blocks within the appeal site under the current proposal would be greater than under the 2011 scheme. But in achieving this, the distance between the individual apartment balconies on the west elevation of Block B and the dwellings on the west side of Roseville Street has been reduced compared with the 2011 scheme.
49. Looking further north in Roseville Street, the front garden of the house at 18 Roseville Street would be between 8 and 10.5 metres from balconies in Block A. The window-to-window distance between this house and Block A would be about 12.7 metres; the balcony to window distance would be about 11.1 metres.¹²

¹² These dimensions and those mentioned in the preceding paragraphs are "horizontal", that is to say not allowing for the angle created by balcony or window heights. The balcony design opposite 18 Roseville Street is different to others elsewhere in Block A.

50. Some of those distances, particularly the less than 10 metre gap between the balconies in Block A and the dwellings at 20 Roseville Street, taken together with the effect of height, would cause significant loss of privacy to those dwellings.
51. The plots of the properties north of number 24 have rear areas (unlike numbers 26 and 24). That does not make the imposition of overlooking and loss of privacy at the front of the dwellings any more acceptable, especially bearing in mind that people in the front rooms of the dwellings on the west side of Roseville Street would be faced with balconies up to the height of a five-storey building, forming what I think would be an oppressive feature in their outlook.
52. I suggest that for most people, the feeling of being overlooked from balconies, and resultant perception of loss of privacy, would generally be greater than the feeling of being overlooked from windows at the same distance. This is because in general the view from windows, particularly the view downwards, tends to be more confined than views from balconies. A perceived loss of privacy also tends to be greater and cause more discomfort for occupiers when those affected are at a lower level than the balconies from which open overlooking is possible. Even at times when the balconies were not in active use, I think most occupiers opposite would have a sense of lost privacy, and their dwellings would be made less pleasant places in which to live.
53. The decision on this case has to be made in the light of planning policies in the Island Plan. The applicant and the planning authority have quite rightly pointed to a number of policies aimed at encouraging development in St Helier, discouraging new housing in the countryside, and making the best use of resources. The current Island Plan supports development in the town more strongly than the plan which was extant when the 2011 permission was granted. Housing policy H6 states that proposals for new dwellings will be permitted within the boundary of the built up area, provided that the proposal is in accordance with the required standards for housing as established through supplementary planning guidance. On the face of it, this policy provides that as long as requirements such as internal space standards are met, all proposals for new housing in the built-up area will be permitted; but that is clearly only an "in principle" statement, since the explanatory text for this policy states that proposals for new residential development will need to be assessed, relative to their impact on the local environment and neighbouring uses, against (among other things) policy GD1.
54. Policy GD1 sets out general design criteria. One of these is that development will not be permitted unless it would not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents, and in particular not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy.¹³
55. In view of the policy reference to "expect", it is relevant to note the difference between the potential future occupiers of the proposed flats and the occupiers of existing dwellings. The former could choose whether to accept the standard of amenity or privacy offered by a dwelling before buying or renting it, so they would know what to expect;¹⁴ the latter would have the proposed development imposed on them.

¹³ Source: Sub-paragraphs 3(a) and 3(b) of policy G1.

¹⁴ I include in this what I consider to be the poor degree of privacy offered by the proposed ground floor flats with large glazed areas very close to the pavement along Roseville Street.

56. Since the concept of "reasonableness" is part of the policy, I think it is also proper to mention that during the design of the proposed development, the amenity of the proposed flats appears to have been a higher priority than the amenity of neighbouring dwellings. The achievement of an approximately 12 metre minimum balcony to balcony distance (or about 14 metres balcony to window distance) between the blocks within the site, with slightly more open space between the blocks than in the 2011 scheme, is highlighted in supporting documents as a positive aspect of the development's quality. What seems to have been ignored in these appraisals is the lesser distance which the development would impose between the proposed balconies in Block A and the existing properties in Roseville Street.
57. Part of the applicant's case relates to precedent, and refers to examples of developments elsewhere in St Helier. Some developments have been permitted with window-to-window distances between habitable rooms less than this proposal would provide. I do not consider that what has been permitted in the past elsewhere has set a precedent which should now be followed, especially since all sites and development schemes have their individual characteristics and planning history.
58. The applicant has made various changes in response to Mrs Boyle's objections or to comments by the planning authority or the Jersey Architecture Commission. These include: a roof-top drying area which was at one time proposed has now been omitted; a "wrap-around terrace" at the south end of Block A has been made into a design feature to which there would not be normal access and some nearby windows would be dummy windows; the entrance to the access ramp has been re-located so that two apartments which were to be sited opposite number 24 would not be directly opposite.
59. From all that I have read, seen and heard in evidence, I also get the impression that the applicant has also taken considerable care to achieve as high a standard of residential amenity as possible for the proposed dwellings. This is perhaps to be expected for a scheme which is intended to replace the former social housing project with a development for open market sale. Some beneficial changes have been made, but most of these are minor or have offsetting disbenefits. For example, despite the proposal to set back Block A by 250 millimetres (or just under 10 inches) the fronts of the balconies would be virtually at the back edge of the slightly widened pavement next to the road. As is described in the court judgment, the building next to Roseville Street proposed in the 2011 scheme would be set back two metres from the pavement on Roseville Street.¹⁵
60. The applicant's claims about beneficial changes from the 2011 scheme with regard to amenity impact are in my view overstated and selective. Looking, for example, at the cross-section drawings showing sections AA, BB and CC¹⁶ (which show the outline of the 2011 approved scheme in a dashed red line) it is clear that the 725 millimetre difference in height would be hardly apparent from public viewpoints in the street or from the properties on the opposite side of Roseville Street; and indeed from those viewpoints the proposed block would probably be perceived as higher than the 2011 scheme because of differences in shape.
61. I have commented above that when the balconies are taken into account, the west elevation of Block A would be closer to the dwellings on the opposite side of Roseville Street than would be the equivalent block in the 2011 scheme. The

¹⁵ This dimension is mentioned in paragraphs 17 and 19 of the judgment.

¹⁶ Drawing numbers 5234-19C and 5234-20C.

applicant's figures indicate that the fronts of the balconies in Block A would be about 1.2 metres closer to number 20 than the fronts of the upper floor balconies in the western block of the 2011 scheme.¹⁷ The 1:200 scale drawings of sections BB and AA show that the fronts of the balconies on the west side of Block A would be about 1.6 metres forward of the red line marking the outline of the building approved in 2011, and allowing for the set-back of the 2011 scheme balconies, this suggests that the fronts of the balconies in Block A would be about 1.8 metres closer to number 20 than the fronts of the balconies in the western block of the 2011 scheme. I am prepared to accept that the 1.2 metre figure is likely to be more accurate on the assumption that the red line may not be precisely drawn; and in some situations this sort of decrease in the space between dwellings might be insignificant. Here, bearing in mind other factors such as height and balcony design, I consider it to be significant.

62. In summary, it seems to me that the cases for the applicant and the planning authority on amenity and privacy grounds have two main themes. The first is that the proposed development would not cause unreasonable harm to the residential amenities of nearby residents and would comply with Island Plan policy in this respect. The second is that the proposal would be better than the scheme permitted in 2011. I disagree with both of these arguments. Considered in isolation, the impact of the proposal on the amenity and privacy of Mrs Boyle's property might not be a compelling objection; but taken together with the wider impact, the factors discussed above lead me to find that the proposed development would unreasonably harm residential amenity for occupiers of some properties in Roseville Street, particularly number 20 and to a lesser degree numbers 22, 18, 24 and 26.
63. I have use the word "unreasonably" because I consider that the impact of the development would conflict with Island Plan policy. Policies pull in different directions - for example, aims to concentrate residential development into the built-up area to achieve sustainable development and make efficient use of resources has to be balanced against the aim to limit harm to amenity. The need for housing (on which I comment later) is another factor to take into account. There would be public interest benefits in the proposed development - but there is also a public interest in maintaining the quality of the existing housing stock, and "quality" here includes the amenities of existing dwellings.
64. The Royal Court judgment is a material consideration, but it does not bind a decision-maker assessing the present proposal. The court considered an appeal relating to a different proposal, and for the reasons I have explained about the effect of balconies, the court's comment on the distance between windows of buildings in the built-up area is not directly relevant to the situation which would be created by the present proposal. In any case, my recommendation has to be based on my own planning judgment.
65. The fall-back argument certainly has some weight; but it is not as strong as the applicant and planning authority have argued, since I find that the amenity impact of the appeal proposal on nearby dwellings would be more harmful than the 2011 scheme.

¹⁷ The 1.2 metre figure is the difference between the applicant's figures supplied by email for the distance between number 20 and front of balconies in Block A (9.9 metres) and the distance between number 20 and the front of balconies in the 2011 scheme (11.1 metres). The applicant has pointed out that the distance between number 20 and the front of the upper ground floor external terrace in the 2011 scheme can be calculated as about 9.7 metres, but as I comment elsewhere this terrace would not have the same functional usability as the balconies in the appeal scheme.

66. I conclude that the proposal would unreasonably harm the amenities of nearby residents and so would go against the aims of relevant planning policies.

Visual Impact, Scale of Development and Related Issues

67. The proposed development would include blocks varying in height between about 14 metres and 17 metres. Because most of the central and eastern parts of the site have a "backland" location, the main public visual impact of the development would be on Roseville Street.
68. I comment first on the appellant's objection based on policy BE5 of the Island Plan. This policy relates to "tall buildings", specifically defined in the Plan as those above approximately 18 metres in height or rising more than 7 metres above their neighbours. The central block (Block C) would come close to the "above approximately 18 metre" criterion. The south end of Block A would be about 7 metres higher than the dwellings at 26 and 24 Roseville Street, which can properly be described as "neighbours". However, this is partly because of the slight slope in Roseville Street and taking Block A as a whole, I think it reasonable to treat the proposal as not falling within the definition of "tall buildings" under policy BE5.
69. In many detailed respects the design of the development would be unobjectionable, and better designed than the 2011 scheme. Several amendments have been made to details, such as the thickness of the central vertical element of the projecting bays, in response to comments by the Jersey Architectural Commission. The Roseville Street elevation of Block A would be a modern interpretation of a classical form, with features echoing the Victorian origins of some nearby buildings. There is no real dispute about design details - the central issue relating to visual impact is more concerned with overall scale, mass, siting and contextual setting.
70. In considering the visual impact of the proposal on the area, some assistance can be obtained from the cross-section drawings. Going from south to north, Section CC is approximately in line with the part of the proposed Block A opposite 24 Roseville Street (the building shown in the "background" on the west side of Roseville Street apparently being the south end of number 22). Section BB is in line with 18 Roseville Street and Section AA is further north, approximately in line with number 16 Roseville Street.
71. The elevation and cross-section drawings show that the upper part of Block A would be about 16 metres above the Roseville Street pavement level.¹⁸ The cross-sections AA, BB and CC indicate that the ridge heights of the buildings on the opposite side of Roseville Street vary from about 9 to 11 metres, with eaves heights between about 6.5 and 7.5 metres above highway level.¹⁹ In considering the visual impact of the proposed development on the street scene in Roseville Street, eaves height is probably a better comparison than overall height, because

¹⁸ The figures submitted for the applicant after the hearing indicate that Block A would have a height above adjacent pavement level of about 15.3 metres at the northern end and 16.75 metres at the southern end, as Roseville Street slopes slightly down from north to south. All the building heights and comparisons here are above adjacent pavement level, not above ordnance datum. For this purpose some interpolation is necessary between AOD spot heights.

¹⁹ These figures appear to be broadly confirmed by the information supplied by email for the applicant, from which it can be calculated that the eaves height of the house at number 18 is 6.41 metres (19.86 AOD minus the 13.45 nearest AOD spot height for the adjacent pavement). This assumes that there is a text error in the email, which refers twice to "ridge height", the second reference being apparently a reference to eaves height.

of the different shape of the existing and proposed buildings - the sloping (ridged or mansard) roofs of the existing buildings west of Roseville Street opposite the appeal site make the upper parts of these buildings less prominent in the street scene than a flat-roofed building of equivalent height, whereas Block A would be essentially flat-roofed.²⁰

72. It is also necessary to consider the different lateral forms of the existing and proposed buildings and the extent of set-back from the street. The buildings to the west are semi-detached or detached properties, separated by open gaps and set back from the street, whereas the proposed Block A would extend without gaps for nearly 80 metres alongside the road, and as previously noted would have its projecting balconies virtually in line with the back of a slightly widened pavement.
73. Block A would be around twice the eaves height of the buildings at 20-22 and 18 Roseville Street.²¹ Because of its height, its position with its forwardmost parts closer to the highway than the buildings opposite, and its north-south extent unbroken by gaps, Block A would have a major impact on the street scene. Further north in Roseville Street there are buildings closer to the road higher than those opposite the appeal site, but none as high as five storeys or having the same mass as Block A.
74. Whether the visual impact would be detrimental to the area's character or appearance is a matter of judgment which has to be assessed having regard to relevant policies. Policies GD1, GD7 and SP7 appear to be particularly germane. Policy GD1 of the Island Plan specifies that "new buildings should generally be designed having regard to their context, be appropriate to their surroundings from which they should draw reference in terms of building form, mass, height, materials and so on...". Policy GD7 provides that "where the design of proposed development does not adequately address and appropriately respond to the following criteria, it will not be permitted". This policy then sets out various criteria, including "the scale, form, massing, orientation, siting and density....the inward and outward views".
75. Under Policy SP7, all development must be "of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located". This policy also describes various components of development, including: layout and form; elevational treatment and appearance; density and mix; scale, height and massing; external elements and landscaping; and architectural detail and materials. The components will be assessed to ensure that the proposed development makes a positive contribution to the following urban design objectives: local character and sense of place; continuity and enclosure; quality of the public realm; ease of movement and permeability; legibility; adaptability; diversity; and safety by design.
76. The central part of Roseville Street where the appeal site is located is characterised by modest-sized, mostly two-storey or "two and a half" storey

²⁰ On this last point, the Royal Court's description of Block A in the 2011 scheme was "four storeys in height....with a recessed top floor making five storeys in total". The scheme now subject to appeal would have its projecting balconies extending to the full five storeys and the top floor would not be recessed in the same way as the 2011 scheme.

²¹ The applicant's figures based on height above ordnance datum indicate that Block A would be about three times the eaves height of numbers 24 and 26, but these dwellings are set much further back from the road than numbers 22, 20 and 18, so the visual contrast would not be so noticeable.

semi-detached or detached dwellings with spaces between the buildings.²²

Taking into account the features relating to height, position and mass mentioned above, the proposed development would contrast with the lower, smaller-scale, more separated and more set-back buildings on the opposite side of the street. The proposed block would not fit harmoniously with its setting in this part of Roseville Street, but would be unsympathetic to its surroundings.

77. Taking those factors into account I find that despite the design qualities of Block A, it would be an over-dominant feature in the street scene, contrary to several key aims of Island Plan policies which I have quoted above. For example, the development would not have sufficient regard to its context because it would not "draw reference in terms of building form, mass and height" from its surroundings (Policy GD1); it would not "appropriately respond" to the scale and form of its setting (Policy GD7); and it would not "maintain and enhance the character and appearance of the area in which it is located" (Policy SP7).
78. I conclude that the proposed development would have an unacceptable impact on the appearance and character of the area.

Other Points on Relevance of 2011 Scheme

79. I have already mentioned most of what I consider to be the relevant aspects of the 2011 permission. In comparison, from a public interest viewpoint the appeal proposal would have some good and some bad features - some better than the 2011 scheme, some worse.
80. In a committee report, the planning authority described the scale and form of the appeal proposal as following "the template established by the approved scheme". The authority's appraisal of the appeal proposal also commented:
- "The proposed height, particularly in a building of such a scale, is not common in the area....by virtue of the street-side mass there would be an impact on the character of the street. The 2011 approval was made with knowledge of this feedback and now forms the accepted fall-back position. The current application follows the approved form, and is therefore considered acceptable."
81. This is saying in effect that despite the "uncommon" height and the impact of the street-side mass on the area's character, the impact would be acceptable because the previous scheme was permitted. In my view this is an unconvincing reason for finding that the impact of the development would be acceptable. Each proposal has to be assessed on its own merits. The differences between the schemes may not seem very great, but they are not the same schemes, because of differences such as set-back dimensions, distances between balconies and other properties, balcony designs and the design of the upper part of Block A. For those reasons I place less weight on the 2011 scheme as a "template" for the appeal proposal than the planning authority or the applicant.

Housing Need and Other Matters

82. It is apparently undisputed common ground that there is a shortage of housing in Jersey. The dwelling units approved in the 2011 permission are evidently included in the supply figures in the current Island Plan (Table 6.3 on page 234). The plan explains that to meet housing needs, development densities will have to

²² In this description I discount the limited contribution to the area's character by the Metropole Hotel buildings, most of which stand well back from the road behind what was apparently a car park and are anyway likely to be demolished.

be higher than have previously been achieved, that this is likely to cause objections and that these issues "can be addressed through planning and design".

83. Part of the applicant's case is that household numbers may have been underestimated, that there is a significant shortfall in the owner-occupier sector, and that the proposed development would help to meet the need for housing. However, the applicant also says that the 2011 permission will be implemented if the appeal is allowed. The number of dwellings resulting from the appeal proposal together with other related separate development would be greater than the number from the 2011 scheme. However, since the 2011 proposal was evidently originally intended to be social housing, it would appear more likely to provide lower-priced, and thus a little more "affordable", homes than the appeal proposal. On balance, in my view the increase in the number of dwellings which could be provided with the appeal proposal would not be so significant as to justify carrying great weight.
84. Mrs Boyle has argued that the loss of a hotel would be a reason to object to the proposal. This point has little merit, since the hotel has already closed and there is no evidence of any realistic prospect of it re-opening. Under policy E1 of the Island Plan there is a presumption against development which would result in the loss of land for employment use; but the policy also sets out criteria for making exceptions to the presumption. One exception is where the existing development is "predominantly tourist accommodation"; thus the change of use of the Metropole site from hotel to residential use does not conflict with this aspect of the plan and is not a sound reason to refuse planning permission.
85. The financial contributions which could result from the proposed development, including payments to provide a bus shelter, to contribute towards the Eastern Cycle Route, Percentage for Art, and new surface water drainage in Roseville Street should be taken into account. These benefits would all be useful, though not in my judgment sufficient to outweigh the objections to the proposal.
86. One argument which has been put forward for dismissing the appeal is the absence of objections from anybody other than Mr and Mrs Boyle, notably from occupiers of other properties in Roseville Street. There could be many reasons for this, ranging from apathy or ignorance of the proposal to acceptance or agreement with it. Whatever the views of current occupiers might be, for the purposes of making planning decisions it is necessary to take a long-term view. The opinions of current occupiers or owners of nearby properties are a material, but not decisive, consideration.

Overall Conclusion

87. One of the difficulties in assessing this appeal is the imbalance between the quality of presentation of the cases for the three parties. The appellant's case was poorly presented, both in the written submissions and at the hearing. Much of the detailed information mentioned above, such as the evidence about the reduced distance between the balconies for individual flats and the dwellings opposite with the appeal scheme compared with the 2011 scheme, only became established from my own questions. Nevertheless my overall conclusion is based on the evidence before me and on the planning merits of the proposed development, irrespective of the quality of presentation of the appellant's case.
88. Having regard to all the considerations discussed above, I conclude that planning permission should not be granted, so the appeal should be allowed.

Possible Conditions

89. You may disagree with my findings and my recommendation. You may, for example, place more weight than I have placed on the applicant's arguments about the benefits of the appeal proposal over the 2011 scheme, and less weight on the harmful impact of the development on amenity or the area's character. Bearing this in mind, I comment below on possible conditions for imposition if the appeal were to be dismissed, in which case you would have powers under the 2002 Law to vary the conditions originally imposed. For this purpose the starting point is the schedule of conditions attached to the permission originally issued by the Department of Environment.
90. I have three main comments. First, several of the conditions start with the proviso: "Prior to commencement of the development hereby approved". Since the description of the development as set out in the permission includes the words: "Demolish existing hotel buildings", I sought to establish during the hearing whether any hotel buildings had already been demolished.
91. Initially, those representing the applicant indicated that the work which had been carried out at the site did not include demolishing buildings; later I was told that some demolition had been carried out. Representatives of the applicant disagreed with my suggestion that this could affect the validity of conditions which used the words "prior to the commencement of the development" if permission were to be granted for the appeal proposal.
92. Despite the submissions on this point for the applicant, I consider that if you were minded to dismiss the appeal and grant planning permission, and if by the date of the decision a start had been made on demolishing some hotel buildings, it would mean that the development covered by the permission would have been started, notwithstanding the fact that this component of the development was evidently also authorised by the 2011 permission and subsequent court judgment. However, I suggest that if this situation were to arise, any potential complications (such as a need to apply for variations of conditions) could be avoided by amending the "pre-conditions" so that they started with the words: "Before any construction work above ground level is begun...". I recommend that this amendment should apply to conditions 1, 3,²³ 6, 9, 10, 11, 12, 13, 14, 18 and 19. Other conditions where there is a prior requirement linked with *first occupation* would not be affected.
93. A second point about possible conditions is that except in particular circumstances where maintenance requirements can be precisely specified, conditions requiring that development shall be "maintained" can often be unenforceable, because of imprecision - one persons' "maintenance" is another person's neglect.²⁴ Therefore the word "maintained" should be replaced by "retained". This applies to conditions 2, 7, 8, 16, 17 and 19. It does not apply to the landscape maintenance covered by condition 1 for the reasons explained in the following paragraph.
94. My third comment is that there appears to be some unnecessary overlap between conditions 1 to 3 concerning landscaping. I suggest that sub-paragraph (vi) should be adequate to ensure that a landscape management plan would include details of how the landscaped and planted areas would be maintained in the

²³ This depends on whether condition 3 remains (see paragraph 94).

²⁴ This does not apply to conditions where there is a requirement to submit a scheme for approval, and the scheme itself can specify a schedule of maintenance - then any departure from the schedule can form the basis of enforcement action if necessary.

future. A better wording for the last sentence of the condition would be: "Once approved, the approved scheme, including the provisions for future maintenance, shall be implemented". Then conditions 2 and 3 would not be necessary and could be omitted, with later conditions being re-numbered accordingly.

95. Other conditions on which I do not comment appear to be undisputed and appropriate (including the standard conditions labelled A and B as well as those numbered). They should be imposed for the reasons stated in the Department's schedule, if planning permission were to be granted.

Recommendation

96. I recommend that the appeal be allowed and that planning permission be refused.

GF Self

Inspector

30 April 2016

Appearances at the Hearing

For the appellant:

Mrs Susan Boyle (assisted by Mr John Boyle) represented herself.

For the Applicant Company (Dandara Jersey Ltd)

Ms Claire Smith

Mr Adrian Huckson

Mr Michael Stein

Mr Michael Waddington

For the Department of Environment

Mr John Nicholson

Mr Andrew Townsend