

**STATES OF JERSEY**  
**PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)**  
**APPEAL OF A DECISION UNDER ARTICLE 108**  
**REPORT TO THE MINISTER FOR PLANNING AND ENVIRONMENT**  
by Mr Philip Staddon BSc, Dip, MBA, MRTPI  
an Inspector appointed under Article 107

**APPEAL BY:** Sarum Hotel Limited

**AGAINST:** Decision of the Department of the Environment to Refuse to Grant Planning Permission for a proposal to "*demolish part ground floor to create vehicular access from Old St Johns Road into internal courtyard. Infill swimming pool to create parking. Construct cycle shelter in courtyard.*"

**DECISION DATE:** 21 July 2016

**LOCATION:** Sarum Hotel, St. Johns Road, St. Helier , JE2 3LD

**REFERENCE:** P/2016/0021

**APPEAL PROCEDURE:** Hearing - 5 October 2016

**SITE VISIT:** 5 October 2016

**DATE:** 9 November 2016

## **Introduction**

1. This report contains my assessment of the appeal made by Sarum Hotel Ltd against the decision of the Department of the Environment to refuse to grant planning permission for a proposal to create a courtyard car park and undertake related works at the Sarum Hotel in St Helier.

## **The Sarum Hotel and the surrounding area**

2. The Sarum Hotel is a long established hotel business situated on St John's Road, a short distance to the north west of the town centre. The hotel has evolved over the last hundred years or so. Today, it comprises a number of former townhouses, a central courtyard / garden that contains a swimming pool, together with later buildings and structures that extend through to Old St John's Road. The main entrance is on St John's Road and it includes a set of steps leading up from the street to the reception.
3. There is some limited parking at the site comprising 4 spaces at the front, outside nos. 23 - 25 St John's Road (No. 25 is a vacant property owned by the Appellant), and 7 spaces to the rear, accessed directly from Old St John's Road, although some of these spaces are compromised in size.
4. The current hotel comprises 84 bed spaces (in 54 accommodation units) along with staff accommodation. It was described as a '2\* Metro' operation and many of its guests are contractors and business visitors who may stay at the hotel for a few days or for several months. The hotel also caters for extended winter stays. The Appellant advised that the hotel is a successful business and enjoys average occupancy rates of 90 - 95%, with full 100% occupancy in the summer months.
5. The surrounding area is primarily residential in land use and character. To the west and north there are residential properties immediately abutting the courtyard / swimming pool area.

## **The appeal proposal (P/2016/0021) and the Department's refusal**

6. The application sought planning permission for a scheme that would create a 12 space car park in the hotel's courtyard area. The swimming pool would be filled in and the 12 spaces (one of which would be a disabled space) would be laid out around a central turning and manoeuvring space. Seven of the spaces would abut the northern boundary, four spaces would be to the south of the courtyard, adjacent to an existing wing of hotel accommodation, and the disabled space would be to the east. The car park would take up most of the courtyard area, although the plans indicate that the peripheral areas would be landscaped. A covered cycle store is also proposed.
7. The car park would be accessed from Old St John's Road via a 'tunnel' created through a re-ordering of the stores, kitchen and pantry areas that currently occupy this part of the site. The tunnel would be sufficient in width to allow a single vehicle to pass through. The access would displace two on-street parking spaces.

8. The Department refused the application by notice dated 21 July 2016. There were three reasons for refusal:

*Reason 1: By virtue of the loss of 2 no. existing residents' car parking spaces; the lack of visibility and the potential impact on pedestrian safety for vehicles exiting the site and the potential impact on traffic safety for users of vehicles on Old St John's Road for vehicles both entering and exiting the site, the proposed development is considered to be detrimental to traffic safety contrary to the provisions of Policies GD 1 and TT 11 of the Adopted Island Plan 2011(Revised 2014).*

*Reason 2: The location of the proposed car parking area in close proximity to adjoining residential properties will have a detrimental impact on the occupants of those properties by virtue of noise and nuisance emanating from the use of the car park. Accordingly, the proposal is contrary to the provisions of Policy GD 1 of the Adopted Island Plan 2011 (Revised 2014).*

*Reason 3: The creation of a further opening in the section of the building located directly adjoining the existing bin store location directly adjacent to the back of pavement will result in a development which is visually detrimental to the streetscene in this part of Old St John's Road. Accordingly, the proposal will be contrary to the provisions of Policies GD 1; GD 7 and BE 6 of the Adopted Island Plan 2011 (Revised 2014).*

9. These reasons define the main issues in this appeal which, in short, relate to impacts on i) highway safety ii) residential amenity and iii) streetscene and design.

### **Background Planning history**

10. In 2011, a similar proposal was refused under P/2010/1792. That proposal involved an access via a narrow drive between nos. 25 and 29 St Johns Road. There were four reasons for refusal, which related to the inadequacy of the access and visibility, and to associated highway dangers, difficulties and potential property damage from vehicles using the access.

### **The Island Plan and the Key Planning Policies**

11. The hotel lies within the defined built-up area. It also falls within the Green Backdrop Zone but Policy BE 3 landscape considerations are not directly relevant to this appeal. In terms of the main issues identified above, the relevant policies are summarised below.

#### *Highways related policies*

12. Policy GD 1 sets out 'general development considerations' against which all planning applications are assessed. These include, under GD 1 (5), considerations relating to accessibility and avoiding '*unacceptable problems of traffic generation, safety or parking*'. It also includes provisions supporting access facilities for disabled people.
13. Policy TT 4 encourages cycle parking in new developments.

14. Policy TT 11 states that permission will not be granted for new private car parks in St Helier. However, there is an exception provision if such car parks would contribute to reducing congestion, they would replace existing non-residential parking and there would be no net increase in non-residential parking numbers.

*Amenity related policies*

15. Policy GD 1 (3) sets out that developments must '*...not unreasonably harm the amenities of neighbouring uses, including the living conditions of nearby residents...*' It then lists a series of factors to be assessed, which include light, noise and vibration.

*Design related policies*

16. Policy GD 1 (6) and Policy GD 7 set the objective of securing high quality design.

*Other policies*

17. Policy EVE 1 supports the development for new tourism accommodation and extensions to existing facilities subject to Policy GD 1 considerations

**The Appellant's Grounds of Appeal – brief summary**

18. The Appellant explained that this proposal was driven by the objective of securing the hotel's commercial sustainability. It considers that some clients are currently lost to the business as a result of lack of parking and it needs to improve the offer to its clientele, which is today more business focused than centred on leisure guests, hence the limited use of the existing swimming pool.
19. The Appellant considers that there are similar vehicular accesses nearby and that one of the displaced street parking spaces should not have been installed, given the hotel's longstanding servicing route in this location. It also considers there is scope to relocate any displaced spaces. The Appellant considers that noise concerns are unquantified and can be mitigated. The Appellant considers the design objection to be highly subjective.
20. The Appellant states that the proposal has the support of the four St Helier No. 3 District Deputies, who consider that it will reduce overall parking pressure in the area. The scheme also had the support of Visit Jersey, which felt it would benefit the visitor economy.
21. Overall, the Appellant considers that the scheme should be supported.

**The Department's response – brief summary**

22. The Department's officers contend that the reasons for refusal are justified and that the proposal would lead to the concerns set out in the three reasons for refusal, all of which render the scheme unacceptable.

### **The views of other parties – brief summary**

23. The neighbour from 20 Old St Johns Road is particularly concerned about traffic and noise impacts on his home and on the potential vibration from vehicles passing through the tunnel (which would adjoin his house).
24. A representative who advises the St Helier Parish Roads Committee attended the Hearing to explain its concerns and the issues the Committee needs to take into consideration for proposals affecting street parking and safety.

### **Discussion and Assessment**

25. I assess the amenity issues (Reason 2) first and then explore the highways issues (Reason 1 ), streetscene implications (Reason 3) and 'other' matters thereafter.

#### *Amenity*

26. The courtyard area is noticeably enclosed by buildings. These comprise parts of the hotel complex to the east, south and (part) west but also include private residential property to the west (no. 20 Old St John's Road) and to the north, where there are a number of houses. These dwellings are in very close proximity to the courtyard and its boundary walls.
27. The courtyard / swimming pool is currently a relatively quiet and tranquil space. Indeed, when I visited I observed it to be noticeably removed from the traffic noise and general activity in the streets around, which are in close proximity to the town centre. This is very much a product of its physical enclosure. However, the area may well be busier and noisier at other times, particularly in the summer when the pool is likely to be more actively used by hotel guests.
28. The proposal would entirely remove the swimming pool facility and most of the sitting out space and replace it with a car park. Whilst this would remove any pool / garden related noise and impacts on neighbours, it would introduce a very different type of activity. The movement and parking of cars and the sounds of vehicle doors opening and closing and engines starting would be very different. It would also occur at different times of day (and night) and would be likely to be more extended in duration. There is also the possibility that the single width access tunnel, which it is proposed to manage with a traffic light system, will result in vehicles having to wait with engines running, until it is clear to exit.
29. At my site inspection, the Appellant agreed to a neighbour's suggestion to allow a motorcycle to be started and ridden around the courtyard to demonstrate the noise effects. In my view the bike was quite a noisy machine and not representative of the anticipated, mainly car, use. However, it did illustrate to me the fact that mechanical noise sources in this area, contained by surrounding building, are quite tangible and intrusive.

30. The application does not include any technical evidence on noise or potential vibration effects emanating from the 'tunnel' or the car park itself. However, from my internal inspection of No. 20 Old St. Johns Road (I was invited into the house) traffic noise from the street is quite noticeable in the front of the house. It is highly likely that introducing traffic immediately alongside the side of the house (in a confined tunnel) will cause noise and vibration.
31. The Appellant suggests that disturbance effects of the car park will be 'self-policed' as it needs to ensure that hotel guests are not disturbed. There may be some merit in that suggestion, but I am not convinced that the amenity expectations of hotel residents and neighbouring residents will be equal or neatly aligned. The Appellant also suggests that noise / vibration could be mitigated, but no proposals or technical solutions are before me to demonstrate that this would be the case.
32. Overall, my assessment is that the proposal would have severe and unreasonable amenity implications for nearby residential properties by virtue of the noise, vibration and general activity associated with introducing a hotel car park in this enclosed space. I assess that there would be a significant tension with Policy GD 1 (3).

#### *Highways matters*

33. Through the application and appeal stages, there has been much discussion about the loss of on-street parking spaces and whether the access arrangements would be safe. It is clear to me that parking spaces are at a premium in this area and the loss of any spaces raises inevitable concerns. However, it could also be the case that the proposal could reduce on-street parking pressures, a view seemingly shared by the area's four Deputies.
34. Weighing against the proposal are the facts that there would be a loss of at least two on-street spaces (a third is also partly compromised); the visibility when exiting from the access is less than ideal; and the traffic light control system is somewhat contrived and likely to result in occasions of vehicles stopping in the carriageway, waiting for an opportunity to enter the site. To an extent the safety concerns are offset by low vehicle speeds (it is a 20 mph road) and, from my observations, relatively light traffic flows. I am also mindful that there are other, not altogether dissimilar, accesses nearby.
35. With regard to the loss of on-street spaces, it seems to me that there may be a solution whereby the lost spaces would be re-provided in other locations. However, any such solution would need to be agreed with the Parish Roads Committee and be subject to a safety audit process. Whilst such a proposal may be possible, it is not currently before me for consideration.

#### *Design and streetscene matters*

36. Reason 3 relates to the visual effects of introducing a gap / hole in the streetscene. In my assessment, the streetscene / design implications of the proposal are neutral. This part of the hotel is rather utilitarian in its design

and appearance. I do not see that any substantial harm would arise from creating a modest opening to allow vehicular access.

*Other matters*

37. I have considered carefully the Appellant's objective of enhancing the future sustainability of the hotel. I have also considered the support from Visit Jersey. However, given the current established success of the hotel and the very high occupancy rates it enjoys, it does not seem to me that this proposal is critical to the hotel's survival and, indeed, a number of other successful hotels in Jersey appear to operate with very little or no parking at all.

**Conclusions and recommendation**

38. My conclusions are that this proposal is inconsistent with the Island Plan. I consider that its residential amenity implications are severe and would be unreasonable. I also consider that there are highway safety concerns, although there may be the potential to resolve (or at least lessen) these. I do not consider that the proposal would result in any undue streetscene implications in Old St Johns Road.
39. Accordingly, I recommend that the appeal be dismissed.

*P. Staddon*

**Mr Philip Staddon BSc, Dip, MBA, MRTPI**