

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Appeal decision: 31 – 41 Broad Street and, 19 –29 Commercial Street, St Helier)
Minister	Environment
Signatory	Assistant Minister
Lead Department	Cabinet Office
Lead Directorate	Housing, Environment and Placemaking
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Head of Spatial Planning and Placemaking
Date of Report	18/10/2023
Supplementary Report Title <i>(If applicable)</i>	1. Inspector's report – 31 – 41 Broad Street and, 19 – 29 Commercial Street, St Helier 2. Inspector's supplementary report - 31 – 41 Broad Street and 19 – 29 Commercial Street, St Helier
Supplementary Report Author <i>(If applicable)</i>	Philip Staddon BSc, Dip, MBA, MRTPI
Date of Supplementary Report <i>(If applicable)</i>	1. 07/07/2023 2. 21/09/2023
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	P/2022/0388
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.

Associated Law(s) and/or Subordinate Legislation	Articles 108 - 111 of the Planning and Building (Jersey) Law 2002
Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Detail

Following an appeal against the refusal of planning permission, reference P/2022/0388, Philip Staddon was appointed as the independent Planning Inspector to consider the appeal and all statements and other plans and documents associated with the appeal.

The Inspector visited the site and surroundings before holding a hearing and, subsequently, preparing and submitting a report for the Assistant Minister's consideration. Prior to the Assistant Minister's full consideration of the appeal, supplementary planning guidance - Making homes more affordable (the SPG), was approved and adopted, after the receipt of the Inspector's report. The SPG served to bring Policy H6 of the bridging Island Plan into effect and it was, therefore, a material consideration in the determination of planning applications. Article 19(1) of the Planning and Building (Jersey) Law, 2002 requires that all material considerations be taken into account in the determination of an application for planning permission.

Following the adoption of the SPG, the Assistant Minister considered it reasonable and appropriate to refer the appeal back to the Inspector for a detailed assessment to be made of the application against the requirement of Policy H6. The Inspector's supplementary report was, subsequently, received and was considered fully by the Assistant Minister.

The Assistant Minister also examined relevant plans, sections and the digital 3-D model and viewed the site and its surroundings from a number of different viewpoints before deciding to dismiss the appeal.

Recommendation

To dismiss the appeal, contrary to the Inspector's recommendation, and to maintain the refusal of planning permission, reference P/2022/0388, with variation to the reasons for refusal as specified in the accompanying schedule of reasons for refusal.

Reason for decision

The Assistant Minister acknowledged the findings, recommendations and reasoning of the independent Planning Inspector.

The Assistant Minister did not, however, concur with the Inspector's application of bridging Island Plan Policy GD7 - Tall buildings - which clearly states that the development of a tall building within town will only be supported where specific criteria are met adequately. The Assistant Minister considered that the proposal failed to meet most of those criteria.

The Assistant Minister was not satisfied that the planning application demonstrated sufficient or exceptional justification for a departure from Policy GD7 and did not consider that the potential benefit to the community would demonstrably outweigh the identified adverse impacts.

Ministerial Office Ministerial Decision Report



Whilst the Assistant Minister fully appreciated the balanced and structured way in which the Inspector reached his conclusions, she did not consider that those conclusions adequately reflected the reasoning behind Policy GD7 which is to ensure that any new tall building is located and designed so as not to result in a detrimental impact on the townscape character and amenity of St Helier.

The Assistant Minister acknowledged that other tall buildings, including the new Government of Jersey office building and proposed buildings on the appeal site, have been granted planning permission or have commenced development in recent years but notes that most, if not all of these, were approved under the auspices of previous Island Plans.

The Assistant Minister further considered that the cumulative impact of allowing planning permission for inappropriate tall buildings in town, would undermine the bridging Island Plan which serves to ensure that development is responsive to its context and makes a positive contribution to the local character and distinctiveness of place.

End