

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	Infrastructure
Signatory	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	Principal Policy Planner
Date of Report	28/12/2023
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 Minister's consideration. At the request of the Assistant Minister for the Environment, to whom the decision making was delegated, the Inspector submitted a supplementary report which gave a detailed assessment of the application against the requirement of recently adopted supplementary planning guidance and associated Island Plan Policy H6 – Making homes more affordable.

The Assistant Minister dismissed the appeal and maintained the original decision to refuse planning permission, reference P/2022/0388, with variation to the reasons for refusal (MD-ENV-2023-653. The applicant, subsequently, submitted an appeal to the Royal Court. This action was discontinued in accordance with a Consent Order dated 5 December 2023, reference 2023/232 – the appeal decision was quashed in full and the appeal remitted to the Minister for the Environment for determination.

The Minister for Infrastructure was then appointed as decision-maker entitled to make a decision against which a right of appeal lies under Article 108 of the Planning and Building (Jersey) Law 2002.

The Minister has given full consideration to the appeal papers, Island Plan policies, supplementary planning guidance and the Inspector's reports. The Minister also noted that the Inspector had considered draft supplementary planning guidance in his assessment of the proposal which has, subsequently, been adopted by the Minister for the Environment. The Minister for Infrastructure also noted that the substance of the guidance notes did not alter significantly between the draft and the adopted version. The Minister was, therefore, satisfied that the adopted supplementary guidance notes had, in effect, been given sufficient weight in their draft form as a material consideration in the Inspector's assessment.

Having considered all aspects of the appeal, *de novo*, the Minister decided to give full effect to the Inspector's recommendation.

Recommendation

To allow the appeal in line with the Inspector's recommendation, and to grant planning permission, reference P/2022/0388, subject to the conditions and requirement to enter into a planning obligation agreement specified in the accompanying Schedule of Conditions.

End