

Decision Summary  
 Minister for the Environment  
**Ministerial Decision**



<b>Decision Reference: MD-PE-2019-0004</b>			
<b>Decision Summary Title:</b>	Public Inquiry Decision PP/2018/0507 – New General Hospital	<b>Date of Decision Summary:</b>	14 <sup>th</sup> January 2019
<b>Decision Summary Author:</b>	Director of Development Control, Regulation, Growth, Housing and Environment	<b>Decision Summary: Public or Exempt?</b>	Public
<b>Type of Report: Oral or Written?</b>	Written	<b>Person Giving Oral Report:</b>	N/A
<b>Written Report Title:</b>	Report to the Minister for the Environment	<b>Date of Written Report:</b>	10 <sup>th</sup> December 2018
<b>Written Report Author:</b>	Mr Philip Staddon – BSc, Dip, MBA, MRTPI	<b>Written Report : Public or Exempt?</b>	Public
<b>Subject:</b>			
Decision following a Public Inquiry under Article 12 of the Planning and Building (Jersey) Law 2002 (as amended) on Outline Planning application PP/2018/0507 at the General Hospital, Kensington Place & Westaway Court, Savile Street, St. Helier, Jersey.			
<b>Decision(s):</b>			
The Minister refused to grant planning permission under Articles 12 and 19 of the Planning and Building (Jersey) Law 2002 (as amended), in respect of the following development:			
<p>OUTLINE APPLICATION: Demolish Stafford Hotel, Revere Hotel, 33-40 and 44 Kensington Place, including Sutherland Court, and parts of General Hospital; Peter Crill House, Gwyneth Huelin Wing, link block, lab block, engineering block and chimney, 1960's and 1980's block on the Parade, temporary theatre block and Westaway Court. Phased construction of new hospital buildings at the General Hospital site and at Westaway Court, refurbishment of the Granite Block for continued non-clinical hospital use, improvements and construction of one half-deck of parking to Patriotic Street Car Park, and all associated landscaping and public realm, highways and access, plant and infrastructure works. Fixed Matters: Means of Access. Reserved Matters (by parameter plans): Scale and Mass, Siting, Landscaping and Appearance and Materials. EIS submitted. 3D model available. AMENDED PLANS</p>			
<b>Reason(s) for Decision:</b>			
The Minister agreed with the Inspector's recommended reasons for refusal and refused the planning application.			
The Inspector's recommendation in his report dated 10 <sup>th</sup> December 2018 is:			
<b>That, unless the Minister considers that there is a public interest benefit that provides a sufficient justification for making a decision which is inconsistent with the Island Plan, planning permission should be REFUSED for the following reasons:</b>			
<u>Reason 1 (Heritage):</u> The proposed main hospital development, by virtue of its siting, size and mass, would not preserve or enhance the settings of numerous heritage assets. It would cause serious harm to the immediate setting of the nineteenth century Grade 1 Listed Building within the site, which would be overwhelmed and dominated by the imposition of large, tall and imposing modern buildings in its immediate setting. The settings of Listed buildings on Kensington Place and Edward Place would also			

suffer serious harm from the proximity and imposing presence of the new blocks. The proposal would also harm the settings of Listed buildings and places in the wider locality, most notably the many Listed buildings along Peirson Road, Victoria Park, People's Park and Westmount Gardens and Lower Park. As a result, the proposal conflicts with Policy HE1 of the Island Plan and with the strategic high priority given to the protection of Jersey's historic environment set out in Policy SP4.

Reason 2 (Residential amenity): The proposed main hospital development would, by virtue of its siting, size and mass, lead to unreasonable harm to the residential amenities and living conditions of neighbouring residential properties. In particular, a significant number of residential properties on Kensington Place, Newgate Street and Patriotic Street will suffer notable reductions in daylight and, in some cases, these effects will be exceptionally severe. There will also be a significant loss of sunlight to properties on the north-west side of Kensington Place. As such, the proposal is contrary to Policies GD1(3) and GD3 of the Island Plan 2011 (revised 2014) which seek to protect reasonable expectations of amenity and mediate the Plan's support for higher density development.

Reason 3 (Design, townscape and visual impacts): The proposal, by virtue of its likely size, height and mass as set out in the submitted parameters, would result in a building that would be too large for this restricted site. In addition to significant heritage and amenity harm (Reasons 1 and 2), the proposal would also result in localised adverse townscape and visual amenity impacts, most notably in Kensington Place, Newgate Street, Patriotic Street and when viewed from approaches from the north-west, from where the building would appear imposing and out of scale. This conflicts with the Island Plan's strategic Policy SP7 (Better by design) and with Policies GD7 (Design quality), BE5 (Tall buildings) and GD5 (Skyline, views and vistas).

The Minister noted the Inspector's invitation to consider whether there is sufficient justification, in the public interest, for accepting the significant planning harm and conflicts with the Island Plan, to grant Outline planning permission.

The Minister received and considered officer advice, consistent with that provided to the Applicant and to the Public Inquiry. He agreed with officers, who considered that there is a well-evidenced and undisputed need for a new hospital, which is in the Island's interest. The Minister noted that officers considered that this need, combined with the many other Planning benefits of the development, would be sufficient to outweigh the negative Planning impacts of the proposal and lead to a decision to approve the Outline application.

However, the Minister was clear that the Inspector had weighed up the negative and positive aspects of the proposal in coming to his recommendation, and the Inspector stated that to make a decision in the public interest, which is inconsistent with the Island Plan, would be a political one.

The Minister considered that the serious impacts of the proposed development on the residential amenity of its neighbours, the general townscape and on heritage assets were unacceptable, particularly as the Inspector indicated that alternative sites were available. For this application, the Minister was unable to conclude that there existed an overriding public interest benefit which provides sufficient justification for making a decision which is inconsistent with the Island Plan. Additionally, the Minister considered that there was no reliable evidence of the length of delay involved, were the States of Jersey to consider alternative options.

The Minister accepted the Inspector's conclusion that the Gloucester Street site remains a sustainable location for a new hospital in broad spatial terms and also accepts that it remains the States of Jersey's preferred site. It would continue the delivery of medical services in an established central and highly accessible location. The Minister agreed with the Inspector's conclusion that the impacts of this current application, set out in the reasons for refusal, are a product of "the site being not quite large enough to comfortably accommodate the proposed scheme". That does not preclude a different application from overcoming these issues in this location. The Minister recognises this decision may lead to more work in order to resolve these issues. The Minister also noted the Inspector's view that, "there is no stand out alternative site option that would be clearly superior in Planning terms". Each

alternative site identified would come with a range of different adverse environmental effects and consequences.

Finally, the Minister recorded his thanks to the Inspector for a robust and thorough report, and also to the Applicant's project team, which had worked hard within a remarkably short timescale "to produce a calmer, more sophisticated and refined proposal". Nonetheless, for the reasons identified, the Minister refused this current Outline planning application.

**Resource Implications:** Unknown at present.

**Action required:** Inform interested parties, press and public of the decision

**Signature:**

**Deputy John Young**

**Position:**

**Minister for the Environment**

**Date Signed:**

**Date of Decision:**

14<sup>th</sup> January 2019