



Planning Context

3. Planning Context

3.1 Planning Policy Context

In Jersey the statutory framework of the planning system is set by the Planning and Building (Jersey) Law 2002 (the “Law”).

The stated purpose of the Law is:

“to provide the means to establish a plan for the sustainable development of and to control development in accordance with that plan, to prescribe the functional requirements of buildings and to provide the means to enforce those requirements, to provide the means to protect, enhance, conserve and to use wisely the natural beauties, natural resources and biodiversity of Jersey and to preserve and improve Jersey’s general amenities, to confer powers to acquire land for the purposes of the Law, and to make other provisions in similar respects”

This establishes the “plan-led” system. The “plan” to which the Law refers is the 2022 Bridging Island Plan (“BIP”).

When determining applications for planning permission, the Law requires that “all material considerations shall be taken into account.” and

“in general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan.”

This means that if an application accords with the Island Plan, then it is reasonable to expect planning permission to be granted. Conversely (although not explicit within the Law) if an application does not accord with the Island Plan, then it must follow that permission is likely to be refused.

It is also important to note that the Law asks decision-makers to consider whether applications are in accordance with “the Island Plan” – meaning the document as a whole. This is acknowledged in the introductory sections of the BIP, which confirm:

“When considering whether a development proposal is in accordance with the plan, it is important to have regard to the plan as a whole and not to treat a policy or proposal in isolation. It is likely that several policies will be relevant to any development proposal and that some policies can, seemingly, pull in different directions. This is not a flaw in the system, but simply a product of a complex and wide-ranging plan, and a reflection of the natural tensions that arise in seeking to meet the community’s economic, social and environmental objectives. It is for the decision maker to carefully balance the planning merits of a development



EXAMPLE OF SUPPORTING GUIDANCE

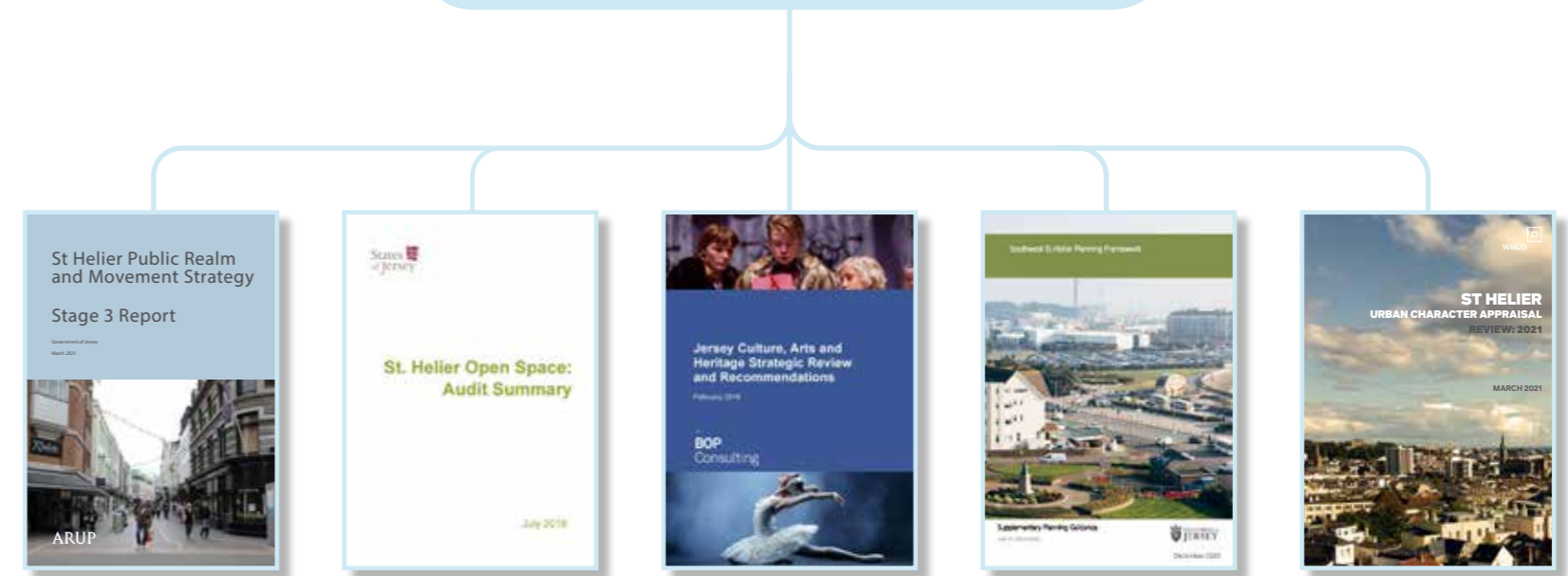


Figure 3.1 Planning Documents and Best Practise Guides

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proposal with the policy requirements of the plan. Where policy conflicts do arise, a reasoned judgement must be made as to whether the wider benefits of a proposal outweigh any policy considerations provided by the Island Plan. This should only happen where there is considered to be sufficient justification to do so, as set out in the Planning and Building (Jersey) Law 2002.”

It is possible to depart from the content of the Island Plan, but the Law requires that such a decision will require “sufficient justification” to do so. That’s to say, if the departure is on a minor matter, then only a small justification is necessary - but if the departure is more fundamental then the justification needs to be of a larger magnitude.

PLANNING POLICY CONTEXT

In accordance with the requirements of the Law, the Island Plan is the primary reference point for decision-makers. The Bridging Island Plan was adopted in March 2022 and therefore contains a reasonably up-to-date set of policies. The forward to the BIP was written by the Minister and describes that:

“This plan, adopted unanimously by the States Assembly, provides for the much-needed development of homes, and in particular, the delivery of more affordable homes, to help meet existing housing demand driven by changes to the make-up of the island’s population, and the greatly increased levels of in-migration since 2011.

Following the clear direction of the States Assembly to limit the spread of urban development into the surrounding countryside, it encourages the better use of already-developed land, and enables the development of denser, more compact forms of development, which may also include taller buildings, in parts of St Helier that are best able to accommodate them. This means that we can increase our building supply, whilst not losing any more greenfield land, which has been, and still is, a major concern to islanders throughout the development of the plan. Seeking to optimise the density of development,

particularly in St Helier, presents a big challenge to maintain the special character and identity of our town and other urban environments; and to provide the essential community infrastructure which ensures that they continue to be good places to live.”

The BIP is in two parts, being the Proposals Map, illustrating the geographical basis for the development of land, and a Written Statement containing policies in respect of the development use of land (alongside the reasoned justification for each of those policies). A full review of the planning policy hierarchy is set out in the planning statement, with a brief synopsis of the policy aspirations outlined below. The Written Statement is in three sections, which are reviewed in turn below.

STRATEGIC POLICY FRAMEWORK

Policy SP1 is titled **Responding to Climate Change** and requires that in order to achieve meaningful and long term reductions in carbon emissions the BIP directs growth to areas of previously developed land, or locations which minimise the need to travel by private vehicle. Improvements will be sought to active travel and public transport, and support is given to a range of other factors including managing and mitigating flood risk, the delivery of renewable and low carbon energy schemes, and to better protect and improve the islands green infrastructure.

Policy SP2 establishes the **Spatial Strategy** of the BIP and directs that development will be concentrated in the islands Built Up Area, with a particular focus on the primary main urban centre of St Helier, which will accommodate much of the islands development needs.

Policy SP3 considers **Placemaking** and requires that all new development must reflect and enhance the unique character and function of the place where it is located, contributing to the creation of aesthetically pleasing, safe and durable places that positively influence community health and well-being outcomes.

Policy SP4 seeks to **Protect and Promote Island Identity**,

giving a high priority to development that protects or improves the historic environment, respects the landscape, seascape or townscape character of the area, and delivers public arts / community infrastructure which will contribute positively to Jersey’s local and international identity.

Policy SP5 sets out the objective of **Protecting and Improving the Natural Environment**, including its landscape, coastline, seascape, biodiversity and geodiversity. Development proposals will need to demonstrate how they will protect or improve the quality, character, diversity and distinctiveness of these places.

Policy SP6 confirms that a high priority will be given to the creation and maintenance of a **Sustainable Island Economy** through the provision of sufficient land and development opportunities in the right places for new employment uses including economic development that supports the wider aspirations of the Island Plan.

Policy SP7 requires all new developments to **Plan for Community Needs** and in particular make a positive contribution to the islands housing stock by delivering homes at optimal densities in sustainable locations of the right type, tenure and size. New development should contribute to the sense of place and support the creation of sustainable communities, contributing to physical or community infrastructure and be well designed to avoid environmental risk.

PLACES

This section of the BIP sets the context for how different policies will be applied relative to where they are within the structure of the spatial strategy of the plan, including the town of St Helier, secondary centre, local centres, smaller settlements and the coast / countryside areas.

The application is all within the town area, and the island plan seeks to be a tool to positively respond to development pressure so that town can grow in an enduring and unsustainable way.

There are three keys subheadings within the Town commentary, setting out the objectives of St Helier being:

A vibrant town - Including promoting active travel journeys and enhanced public realm, so that more liveable neighbourhoods are created with a vibrant and growing core that prioritises pedestrian activity. Liveability of homes and neighbourhoods should be enhanced two create mixed and sustainable communities.

A growing town - Requiring that every development needs to make the most efficient use of land, promoting a design led approach to deliver optimum density, around an evaluation of site attributes. The “continued delivery of the St. Helier waterfront, creating a new quarter for the town” is specifically identified as a development opportunity to meet the islands needs, supported by the South West St. Helier planning framework.

A sustainable town - Giving support to the provision of open space, enhancing biodiversity in urban settings and exploring net gain in new developments, alongside preserving the intrinsic charm and attractiveness of the character of town. There is clear acknowledgement that town needs to adapt to and mitigate climate change, identifying that the biggest challenge is to make town more resilient to the effects of sea level rise and wave overtopping.

MANAGING DEVELOPMENT

The balance of the BIP contains policies on numerous site-specific and technical matters, including the protection of historic assets, prevention of unreasonable harm to neighbour amenities, and the supporting the viability of the town centre. These policies are comprehensively reviewed in the Planning Statement and the suite of other technical documents that accompany the application.

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3.2 SPG Summary

3.2.1 SPG General Principles

The Southwest St Helier Planning Framework complements the planning policy framework established by the Island Plan and is a material consideration in the determination of planning applications.

This planning document published in December 2019 covers a range of issues, both thematic and site specific, and provides further detail about policies and proposals in the Island Plan and other issues relevant to the planning process.

The SWSH SPG is founded on a series of general principles (GPs) and provides further detailed guidance for the development of the Key Opportunity Sites (KOS).

The GPs are not site specific but, instead, cover the whole of the framework area. These principles complement, rather than override, the requirements of the Island Plan. It is expected that the general principles will inform planning decisions for new development in the southwest of St Helier.

GP1 - CONNECTIVITY AND MOVEMENT

- Enhancing pedestrian / cycling connectivity.
- Facilitating a network of routes to, from and within the area that allow safe and attractive passage for all users.
- Ensuring safe and efficient crossings across La Route de la Libération.
- Connectivity analysis, indicating how building plots relate to a wider network of pedestrian / cyclist corridors and accessible spaces to be undertaken.
- Secure cycle parking and changing, personal storage and drying facilities to be planned for.

GP2 - OPEN SPACE

- Well-maintained, safe, inclusive and accessible public spaces.
- Network of public spaces linked by walkable routes
- Development proposals accompanied by detailed landscaping schemes.
- Local community to be consulted before producing a St Helier Open Space Strategy as part of the Island Plan Review.

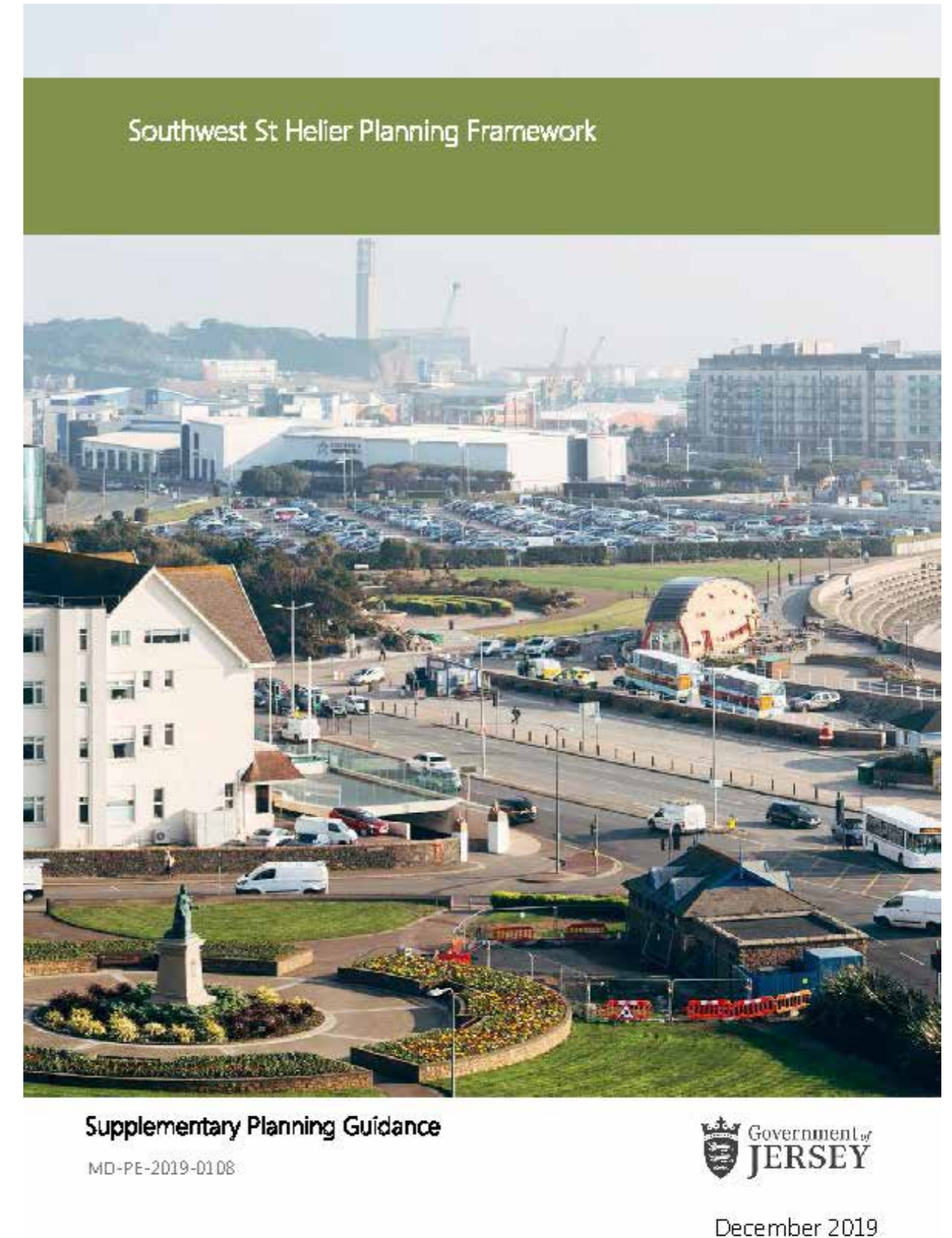


Figure 3.2 SPG

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3.2 SPG Summary

3.2.1 SPG General Principles

GP3 - USES

- Ensuring a diverse range of uses.
- Ensuring vibrancy of the area throughout the day and into the evening wherever possible.
- Encouraging interim and temporary uses.
- Supporting proposals for community facilities.

GP4 - DESIGN

- Careful consideration of the quality of architecture, the use of sustainable materials and quality of public realm.
- High-quality and sustainable architecture.
- Successful integration of the new developments into the surroundings.
- Principles of green and healthy placemaking.
- Street façades creating a safe and interactive pedestrian environment.
- Opportunities for outdoor activities and community events.

GP5 - BUILDING HEIGHT

- Building heights should vary across the area but not exceed seven storeys.
- 'Slab'-like and monotonous massing should be avoided
- Appropriate height of any tall building to be determined by the capacity of the site and its surroundings to accommodate that height in an elegant form.
- Proposals of the major developments to be accompanied by a thorough height analysis.

GP6 - VIEWS

- Ensuring protection and enhancement of the existing views.
- New buildings to frame the views
- Proposals of the major developments to be accompanied community by views analysis.



Figure 3.3 SPG General Principles

3. Planning Context

3.2 SPG Summary

3.2.2 KOS Requirements Summary

The SPG identifies several sites or areas that are either currently vacant; in need of improvement; under used; or likely to be re-developed over the short to medium term. These sites are known as Key Opportunity Sites and their development will be instrumental in creating, or contributing to, a distinct sense of place for southwest St Helier and in helping build the area as a vibrant hub for the community.

KOS included into the site boundaries are demonstrated in Figure 3.4 and the summary of the SPG requirements to these plots is provided on the next page.



Figure 3.4 KOS boundaries

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3.2 SPG Summary

3.2.2 KOS Requirements Summary

KOS1 - ESPLANADE QUARTER (EAST)

- The essential – and expected - element in any new development of this site will be the provision of inviting, safe and attractive open space together with pedestrian and cycle links that clearly offers a physical and new cultural link between town and the Waterfront.
- 520 public car-parking spaces should be provided within the Esplanade Quarter Area (this could be achieved by splitting the provision in or across this site and KOS 2 and KOS 3). The actual number of public car-parking spaces required to be provided may be reviewed in light of current planning policy and associated guidance and as work progresses on the government’s Sustainable Transport Strategy.
- The quantum of car parking provision required will be assessed upon the receipt of detailed development proposals.
- Additional office buildings to supplement those already at the IFC Jersey, residential and / or visitor accommodation and a cultural / leisure facility. Ground floor uses, particularly on office buildings, should contribute to the vibrancy of the area.
- It is acknowledged that the opportunity exists on KOS1 to significantly increase height to create a single, elegant landmark building of mixed use.

KOS 2 – ESPLANADE QUARTER (WEST)

- It is essential to successful placemaking that new public open space within KOS 2 and lines of connection with other open spaces and facilities within the area are planned first – before any building plots are mapped out.
- There will be a requirement to maintain and enhance the provision of public open space; associated café and ancillary facilities; and, provision of pedestrian, cycling and public transport infrastructure as part of any development proposal in this area.
- The site should provide for residential accommodation to help meet the island’s housing needs, with the potential for some leisure / recreational facilities and

- visitor accommodation. Small-scale commercial units at ground floor level may be acceptable where they complement other uses on and close to the site.
- The pattern of new development could take its cue from the historic waterside development on the northern side of the Esplanade with relatively narrow gables facing the sea punctuated by narrow lanes or pathways linking the sea to open space within the site and to KOS 1 and KOS 3. Cues could also be taken from successful examples of international waterfront developments where these would contribute to a sense of place that is identifiable and relevant to the island and to St Helier.
 - Building heights should be varied, but not exceed seven storeys without appropriate justification. Full consideration should be given to the maintenance and enhancement of views from and across the site towards Elizabeth Castle, Noirmont and Fort Regent, as well as into the site from the beach and the western approach into St Helier.

KOS 3 – AQUASPLASH / CINEWORLD

- Secure improved connectivity across La Route de la Libération and also through the site to better connect the Waterfront and town;
- Secure more relevant architecture and building forms that present attractive and inviting facades on all sides, visually re-connecting the site with town;
- Secure a good quality recreational / leisure hub to serve the island’s community. The provision of new or enhanced facilities here will be dependent on what provision is made at Fort Regent for such facilities. To this end, KOS3 and KOS9 (Fort Regent) must be considered in the light of any adopted sports / recreation facilities strategy. In the event that the majority of recreational uses are re-located elsewhere, KOS3 could accommodate a mixed use development of residential with some recreational use.
- Appropriate building heights would be dependent on the architecture and layout of building plots, but a ‘canyoning’ effect with tall buildings either side of La Route de la Libération should be avoided.

KOS 7 - LA ROUTE DE LA LIBÉRATION

- Improvements can be made to existing crossing points, especially at its junction with Gloucester Street, the roundabout and between the Steam Clock site and Liberation Square / Weighbridge Place.
- The construction of a well-designed bridge to connect both sides of the road in an inviting and safe manner should also be considered.
- In the longer term, the future of La Route de la Libération will be explored in greater detail as the expectations of the planning framework come to fruition. Consideration should be given to the transformation of this arterial road into a place in its own right – through changes to its vertical and lateral alignment, the reduction of traffic volumes and speeds and the relationship of buildings to it – to create more of a street.

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3.3 Planning Principles and Response to Planning Policies

A series of planning principles have been developed in response to the Local Plan, SPG and St Helier Urban Character Appraisal.

SUSTAINABILITY

An assessment of the proposal against the 2022 Bridging Island Plan, Design Guidance for St Helier (January 2013), SPG (2019), Jersey Energy Plan (Pathway 2050) (March 2014), Sustainable Transport Policy (2019) and Carbon Neutral Strategy (December 2019) is included within the submitted Sustainability Statement. The development has been designed to meet the highest standards of sustainable design and construction, including energy, water and waste saving measures together with open space, green and brown roofs and ecological enhancement measures.

COMMUNITY

In line with the SPG requirements, community and stakeholder engagement has been held throughout the development of the framework and the feedback received has informed the design decisions. A people-centred approach to engagement was promoted in order to connect Islanders, visitors and future communities with St Helier's waterfront and inform a design concepts where quality of life and environment is key. For further information on the community engagement process see Chapter 4 of this document.

CONNECTIVITY AND MOVEMENT (GP1)

- Connectivity analysis, indicating how building plots relate to a wider network of pedestrian / cyclist corridors and accessible spaces was undertaken.
- Ensuring efficient connectivity for pedestrians and cyclists - throughout the Site, as well as to the town centre and further afield.
- Providing safe crossings across la Route de la Libération - in line with the SPG recommendations for KOS 7,

the ideas of organising a footbridge across la Route de la Libération were tested. However, following the feedback received through community and stakeholder engagement sessions, the bridge was replaced with a level crossing.

- Supporting sustainable transport modes - the framework promotes walking and cycling by introducing a network of well-connected routes, secure private and public cycle parking and cycle hub with repair centre. The framework will also allow for a bus link to town to be provided on demand-driven basis as the phasing of the development progresses to enhance public transport connectivity.
- Providing sufficient parking and delivering adaptable parking strategies. SPG recommended to reprovide 520 public car parking spaces within the framework - this amount has been reduced to 335 due to additional parking provision off site. Underground residential parking has been provided at the ratio of 0.4 parking spaces per unit in line with IHE recommendations. Further detail on parking provision is presented in Chapters 6 and 7 of this document.

OPEN SPACE (GP2)

- Promoting a landscape-led framework approach.
- Contributing to the urban greening of St Helier.
- Enhancing biodiversity.
- Establishing an overall identity that will define the site;
- Introducing networks of public spaces well-connected by pedestrian and cycling routes.
- Exploring multi-level landscaping opportunities, introducing podium and roof-level amenity spaces for residents.
- Securing provision of public art, landscaping, play space and essential community facilities.
- Incorporating local community's feedback gathered through the engagement sessions into the public real design.

USES (GP3)

- Ensuring strong complementarity between the emerging

waterfront development and the existing town centre. This is considered a fundamental driver of all-round success of the Site and the island in general.

- Securing carefully crafted the mix of uses which will help to activate the Site and provide new points of attraction on the Waterfront.
- Introducing interim/ temporary uses and flexibility in general in order to make the development future-proof.
- Ensuring sufficient community facilities provision.

DESIGN (GP4)

- Respecting St Helier's character and existing urban grain.
- Following the SPG and St Helier Urban Character Appraisal recommendations, using the analysis of the historic context, materiality, development proportions and rhythm to work out the key design principles that could be applied to the new development in order for it to work seamlessly with the surroundings.
- Taking cues from successful examples of international waterfront developments where these would contribute to a sense of place that is identifiable and relevant to the island and to St Helier.
- Ensuring the quality of architecture, the use of sustainable materials and quality of public realm through the Design Codes.

BUILDING HEIGHT (GP5)

- Adopting a sensitive approach to massing through providing heights variation across the Site, avoiding monotonous massing and ensuring human scale.
- Maximum building heights have been set up at 8 storeys in line with St Helier Urban Character Appraisal recommendations. The building height of the G1 Gateway building (now referred to as the Apex building) has been reduced as part of the addendum design development to fall within the 8 story limit.
- Crafting the massing to ensure better solar to amenity spaces and public realm.

- A thorough height analysis has been undertaken by the Design Team in order to ensure appropriate development heights, and the feedback gathered through the community and stakeholder engagement sessions informed the final output.

VIEWS (GP6)

- Retaining and celebrating historic views of St Helier.
- Introduce new, exciting views and vistas.
- Frame existing cultural and natural assets.
- Embracing connections to the water

3. Planning Context

3.3 Planning Principles and Response to Planning Policies

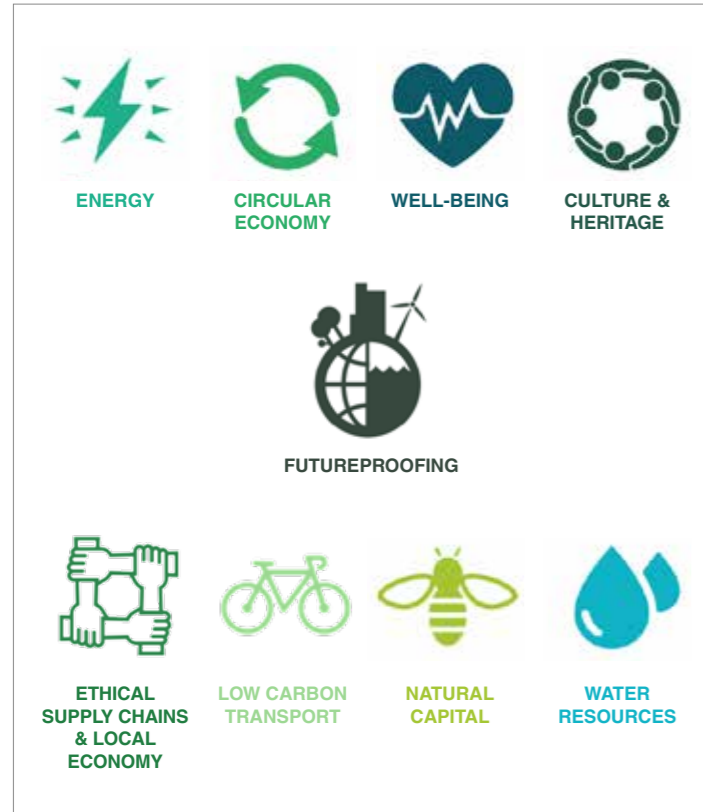


Figure 3.5 Sustainability themes set up for the Framework



Figure 3.6 Community. Framework engagement session, Jersey, July 2021



Figure 3.7 Connectivity. Cyclists in MediaCity, UK, Salford



Figure 3.8 Open spaces. Community yoga class in Elephant Park, London



Figure 3.9 Uses. Active use of the ground floors, Southbank, London



Figure 3.10 Design. Ensuring high-quality design. Western riverside, Bath



Figure 3.11 Building heights. Ensuring human scale. Floral Court, London



Figure 3.12 Views. View towards Elizabeth Castle