

# PLANNING STATEMENT

# SOUTH WEST ST HELIER VISIONING FRAMEWORK

DECEMBER 2021



### INTRODUCTION AND OVERVIEW

MSPlanning have been working with Jersey Development Company on the exciting proposals for the SW St Helier Visioning Framework, as part of a wider team led by Gillespies, with Heta Architects, plus integrated technical support from AECOM, WSP and Waterman, coupled with community and stakeholder engagement led by Icen Projects.

This work has culminated in the submission of this outline planning application, and this Planning Statement forms an integral part of the bundle of supporting documentation prepared by the project team.

The purpose of this Planning Statement is to objectively review the proposals in the light of the adopted Island Plan, being the Revised 2011 Island Plan (2014) ("Island Plan") and in the context of other material considerations.

Other material consideration will include wider Government Policy, Supplementary Planning Guidance and the Bridging Island Plan ("BIP") which was published in a draft form for consultation in spring 2021, and has just concluded its Examination in Public.

It is envisaged that the BIP will be adopted in spring 2022, at which time it will supersede the current Island Plan. This Planning Statement may therefore need to be revised following the adoption of the BIP, to take account of the final new policy framework.

This outline planning application follows the publication, by the Minister for the Environment of "The South West St. Helier Planning Framework" in December 2019, which is adopted as Supplementary Planning Guidance.

One of the key tasks from the adopted Planning Framework SPG was to ensure that the community expectations were woven-in to the project. This has remained uppermost in the work undertaken by Jersey Development Company and despite the challenges of the covid-19 pandemic there has been a significant emphasis on, and public interest in, in the consultation process which has been unprecedented in its form and scope and has resulted in a useful feedback that has been embedded in the proposals.

The adopted Planning Framework SPG sets out the aspirations of the community for the Waterfront and this new application represents a further step to realise this vision.

The new application is in outline form and will require future individual reserved matters applications to show the form of the development, including the final architecture, the materials, and the fully detailed landscape context, and these applications will be phased over approximately the next 12 years.

The description of the development, as set out in the planning application forms, is:

*"... Outline planning application (with all matters reserved). Demolish existing structures. Phased construction of new development comprising up to 1001 residential dwellings, retail and commercial uses, leisure, arts and cultural facilities, social infrastructure, public and private open spaces, basement car parking, new pedestrian and vehicular access and other associated landscape and infrastructure works including relocated slipway and works to the sea wall..."*

The high-level outcomes from this application include:

- helping to reconnect the old town of St Helier with the new waterfront by addressing the barrier caused by La Route De La Liberation and providing a coherently-delivered community of new homes and businesses, within a series of landscaped spaces;
- helping to meet the pressing development needs of the island in a sustainable manner, by making the most efficient and effective use of land in a spatially appropriate location, so helping to both reduce the need to travel and to reduce pressures for greenfield land release;
- helping to deliver long-term climate resilience by, for example, improving flood defences, to the benefit of St Helier businesses and residents.

### THE OUTLINE APPLICATION

This is an outline application, with all matters reserved. It seeks to establish whether the development is acceptable in principle and is supported by:

- |                                |  |
|--------------------------------|--|
| Parameter plans in relation to | (1) scale and massing                      |
|                                | (2) siting, and                            |
|                                | (3) means of access                        |
| Design Codes in relation to    | (4) external appearance and materials, and |
|                                | (5) landscape.                             |

It is the first part of a two-stage planning process, and will be followed by subsequent reserved matters applications, for individual phases, which will confirm the final form and appearance of the buildings and the detailed site arrangements. These reserved matters applications will each be subject to prior public consultation and engagement, as clearly expressed in the adopted Framework SPG.

Under the Planning and Building (Environmental Impact) (Jersey) Order 2006 the proposed development also needs to be subject to an Environmental Impact Assessment (EIA) and an Environmental Impact Statement (EIS) accompanies the application.

The level of flexibility sought in any outline application must be balanced against the requirements of the Environmental Impact Assessment Regulations to provide sufficient information to enable the “likely significant effects” to be assessed.

This position has been set out in UK case law, which established that the level of information submitted should be sufficient to enable the main or likely significant effects on the environment to be assessed, and the mitigation measures to be described.

Guidance from the Planning Inspectorate in the UK confirms that the need for flexibility should align with a “worst case presentation in the Environmental Impact Assessment process”. In this application, the EIA thresholds have been set by clearly defined parameter plans which establish the maximum development envelopes, in three dimensions, and are sufficiently detailed to enable a robust environmental assessment to take place. They allow for the identification of the likely significant effects, and the identification of mitigation as necessary.

This approach has also previously been endorsed in Jersey with the Planning Inspector for 2018 ‘Our Hospital’ outline planning application confirming that:

*“the form of the application in ‘Outline’, supported by maximum parameters and design guidance, is a legitimate and valid form of planning application. It does enable the broad acceptability of the proposal to be assessed in Planning terms.”*

At this outline stage the scheme is therefore controlled by the parameter plans which specify the maximum extent of the component parts of the development. These parameter plans are to be read in conjunction with the accompanying Design Codes which, together, provide the decision-maker with the necessary certainty about the final forms of the development to be delivered, whilst enabling a further stage of design evolution to take place.

Although the planning application does not contain as much detail as a full application, the combination of the parameter plans and the Design Codes will set an overall maximum scale of development and enable the decision maker to make reasonable judgments about not only the Environmental Impact Assessment, plus also have a degree of certainty – through the principles established in the Codes – about the content of the future reserved matters applications, which are to be brought forward on a phased basis.

The Design and Access Statement contains an extensive narrative explaining how the parameter plans and Design Codes have been produced. They also contain illustrative material that depicts one way in which the parameter plans and Design Codes may be applied and the scheme built out. The purpose of these illustrations is to demonstrate how the parameter plans and Design Codes can work in tandem, to give an idea of how the final buildings, landscape and wider public realm may look. For the avoidance of doubt, any illustrations therefore do not represent a final design for which planning permission is being sought in this outline application and will be subject to phased reserved matters applications in due course.

The proposed phasing is set out within Section 6 of the Design and Access Statement and each future phase will be subject to individual reserved matters applications guided by appropriately worded conditions attached to the original outline planning consent, which requires delivery in accordance with the parameter plans and Design Codes.

### THE SITE AND PLANNING HISTORY

The site is approximately 11.55 hectares in area and is situated between the Esplanade and St Aubins Bay.

The full extent of the red edge is shown on the application drawings and whilst the predominant current use is surface car parking, there are also public gardens, plus leisure and recreational uses (including a swimming pool, multi-screen cinema and 'fast food' outlets).

The site is bisected by the dual-carriageway and underpass of La Route De La Liberation, which is the main east-west road passing through St Helier and was delivered in the late 1980's as part of the "West of Albert" land reclamation project which moved the foreshore from the Esplanade to its current position and delivered the Elizabeth Harbour ferry terminal and Elizabeth Marina.

The full extent of the West of Albert project covers approximately 23 hectares and the "New Waterfront" land that has emerged from the reclamation (finished in the late 1990's) now contains a variety of developments that have been delivered since that time.

To the south-western (seaward) extent, the developments have included:

- Harbour Reach apartments, completed in 2006;
- Radisson Blu hotel, completed in 2007;
- Castle Quay apartments, completed between 2008 and 2011.

The Horizon development is also on-site at present, where 280 apartments are being delivered across three buildings of 9, 10 and 11 stories, which are due to be completed over the next couple of years.

Nearer town (to the north-eastern extent of the reclaimed land) the developments have included:

- The Waterfront car park (across two basement levels, with Marina Gardens on top) completed in 2000;
- Victoria and Albert apartments, completed in 2003;
- Aquasplash swimming pool, Cineworld cinema complex and fast-food outlets, completed in 2003; and

- The International Finance Centre, where two office buildings were delivered in 2017 / 2018, and two further office buildings benefit from full planning permission (one of which has just commenced on site).

The Waterfront is physically detached from the core of St Helier by the dual carriageway and has a character which is also detached from the rest of town. This is perhaps due to the relative immaturity of the area and lack of architectural coherence from the incremental nature of some of the early developments, which emerged from the need for quick delivery as the first sites were made available on a plot-by-plot basis as the reclamation project was completed.

It is noteworthy that the Esplanade represents the extent of land which was reclaimed from the sea in the 18th and 19th centuries, itself being a further phase in the evolution of the town of St Helier, where the original 'natural' shoreline is just to the south-western side of the town Church (now Bond Street).

In relation to the recent planning history, there are two lapsed proposals for residential developments to the north of the Radisson hotel, being:

- Zephyrus (58 apartments with ground floor retail use, across 5 buildings of 6 storeys each, originally granted in February 2010 and renewed until July 2021); and
- Westwater (11 apartments in a 6 storey building, originally approved in 2010, renewed until July 2021).

Planning guidance for the Waterfront area was previously set out in the "Masterplan for the Esplanade Quarter" produced by Hopkins Architects. This Masterplan evolved from Supplementary Planning Guidance for the Jersey Waterfront (April 2006) wherein there was an acknowledgement that there needed to be a more coherent approach to development.

The Hopkins Masterplan aimed to "*seamlessly integrate the Old Town with the Waterfront*" by sinking the dual carriageway. The space above the newly-sunken road would then become a new financial quarter providing an estimated 620,000 square feet of office space, plus over 300 new apartments, a boutique hotel and a range of shops restaurants and bars. This would be set out on a formal grid with colonnaded squares to create a place "of the 21st century" but also being "unmistakably Jersey".

The Masterplan was adopted by the Minister in April 2008 and is indeed referenced in Policy BE2 of the adopted Island Plan. Following adoption of the Masterplan, an outline planning application (reference PP/2008/1680) was then brought forward for the full range of works envisaged in the Masterplan, with the description of development being:

*“16 separate building blocks ranging from 5 to 9 storeys high comprising offices, retail and restaurants, 388 residential apartments, 65 self-catering units, wintergardens, a boutique hotel, public open spaces, 2 floors of underground car parking comprising of 900 private spaces and 520 public spaces and associated works including a new underground road tunnel and other associated roadworks and landscaping.”*

This application was approved in July 2010, but during the determination period the economic situation altered significantly (with the global financial crisis) which called into question the deliverability of the project, in particular, as it required the upfront investment in the sinking of the road.

To manage this situation, in March 2011 a Minor Amendment was made to the Masterplan, which moved away from a single-phase approach, and confirmed that the sinking of the road would not occur as an early phase.

The next chapter of the planning history was a series of individual planning applications starting in 2012, for office buildings on the Esplanade car park element of the Masterplan site. Two of these buildings are now complete and occupied. Following the approval at Planning Committee in April 2015 of what is now IFC5, a Third Party Appeal was lodged, and an Independent Planning Inspector presided over a Hearing. In March 2016 he reported to the Minister with a recommendation that the Appeal be dismissed and the decision upheld. The Minister endorsed this recommendation, and noted that the Inspectors Report questioned whether there was a need to update the Masterplan to provide a sound basis for future decision-making.

This feedback was the catalyst for the Minister to reconsider the approach to the Waterfront, with an expanded scope, and the embedded involvement of the community - identified as being of paramount importance. To this end, and with guidance from the Design Council, the Minister facilitated a series of interactive workshops involving individuals, interest groups, local business owners and Government subsidiary companies.

The key and consistent messages from the workshops are set out at paragraph 1.13 of the adopted Framework SPG, being that

- the 2008 Masterplan should be rescinded as it is overly prescriptive and resulted in development that has not respected or reacted to the character of St Helier;
- the Masterplan should be replaced with a more flexible and adaptable planning framework focusing on connectivity and place making rather than on use;
- the new framework should encourage excellence in architecture and create a sense of pride and belonging in the community;
- the Esplanade Quarter should be seen in a wider context as it forms an important hub and cannot be viewed in isolation;
- the sinking of La Route De La Liberation would cause significantly more problems than it would solve;
- development in the area should not be solely office led, it needs a mix of uses and activities;
- key views and vistas should be identified and enhanced where possible;
- delivery of the 2008 Masterplan was not properly secured and the community felt disenfranchised from the planning and development process.

This feedback was embedded in the South West St. Helier Planning Framework and the new outline application builds on its aspirations and represents a further important step towards the delivery of its objectives.

Jersey Development Company announced their current project with a consultation launch in October 2020. This involved a website, with introductory videos to meet the team and recap the work from the Design Council. This was accompanied by widespread media engagement requesting feedback from the public. Throughout the evolution of the proposals the team have continued to engage with the public and an extensive range of organisations across government, businesses and the 3rd sector, often utilising innovative and high-tech multi-format approaches, necessary due to the restrictions of the pandemic. Section 4 of the Design and Access Statement takes the reader through the chronology of activities and provides a summary of the feedback, plus the actions taken by the team and woven into the proposals.

### THE PROPOSALS

As set out earlier, the description of development is:

*“... Outline planning application (with all matters reserved). Demolish existing structures. Phased construction of new development comprising up to 1001 residential dwellings, retail and commercial uses, leisure, arts and cultural facilities, social infrastructure, public and private open spaces, basement car parking, new pedestrian and vehicular access and other associated landscape and infrastructure works including relocated slipway and works to the sea wall...”*

The parameter plans set out the maximum 3-dimensional forms, and show the plots, their dimensions, the access and circulation, maximum horizontal and vertical extents, including basement, plus the mix of uses, the public realm and the amenity space.

In order to facilitate this work, the majority of the existing structures would be cleared (including the leisure complex and the kiosks in the northern part of the site) with the exception of the Listed bunker, Listed sea wall and the Waterfront Gardens car park.

For flood defence purposes, the sea wall would be reconstructed, 1.2m higher than the current level, with the existing slipway filled-in and a new slipway delivered to the north-west. The land within the site would be altered to tie-in with these revised levels, generally rising from the east to the west.

The land around the reclaimed slip would become new public realm, with a linear area of landscaped open space providing sports courts, and play facilities, stretching towards the new slip where improved facilities would be provided for the amphibious vehicle trips to Elizabeth Castle. This would provide a landscaped and active arrival to St Helier from the west, and this same space links back into the heart of the site through a series of parks, to a large lawned area adjacent to a new outdoor lido swimming pool, and public Waterfront Square facing the sea.

These spaces then link south west through a network of streets and laneways, to a new public open space connecting the Central and Esplanade Squares. In turn, these spaces continue through pocket squares and a sheltered landscaped network of pedestrian routes, to the present

Marina Gardens where the proposals include rejuvenation by adding additional planting, play equipment and a new kiosk café.

The minimum sizes of these spaces are established through the parameter plans, with their form, use and character controlled through the Design Codes.

The balance of the development would comprise:

- Up to 1,001 residential units (comprising a mix of 1, 2 and 3 bedroom units);
- Up to 1,346 m<sup>2</sup> GFA retail space (Class A);
- Up to 7,352 m<sup>2</sup> GFA leisure space (Class H);
- Up to 2,168 m<sup>2</sup> GFA arts, cultural and community floor space (Class G and Class I);
- Up to 17,025 m<sup>2</sup> GFA office space (Class C);
- Up to 3,386 m<sup>2</sup> GFA food and beverage space (Class B / Class M); and
- Up to 1,024 m<sup>2</sup> GFA social infrastructure;

The mix of residential units is not submitted for approval at this stage, and will be confirmed in the further reserved matters applications. An indicative mix of 43% x 1-bed (432 units), 37% x 2-bed (374 units) and 20% x 3-bed (195 units) has been used for the assumptions in the outline application.

The floorspace has been generally arranged to support different character areas. For example, the food / drink, leisure and retail elements are positioned to benefit from the seaside and parkside aspects, with a vibrant and lively character. Arts / cultural uses are located where they front onto the main public squares, presenting a more formal and civic character. The central elements of the site then have residential uses down to the ground floor, presenting a calm and domestic character.

The proposed buildings would be in seven parcels (annotated as A to G on the drawings) which are then broken-down into specific plots and given number references (A1, A2 etc). In addition, P1 – P4 represent the proposed pavilions in the landscaped areas.

The maximum extent of each plot is then set out on the parameter plans, in three dimensions, with the parameter plans also showing the ground floor uses, and key access points.

The maximum plot heights are expressed as metres AOD, with proposed heights being from 5 to 7 storeys, with accents of 8 storeys. The exception to this is Plot G1 where a gateway building is proposed for the corner of the Esplanade and La Route de la Liberation of up to 12 storeys. The evolution of these forms is shown in the DAS, which includes consideration of the townscape impacts, the relationships at street level and factors important to the 'liveability' for residents – such as sunlight / daylight and other amenity issues.

A basement is proposed below the site, being single level across the majority and double level under Plot F1 which links to the existing Waterfront car park. Vehicular access would predominantly be via Rue de L'Etou with a ramp at the western roundabout to enter the basement. The basement under F1 would be separate and accessed via the current Waterfront car park arrangements. A total of 414 spaces would be provided for the residents (comprising 393 private spaces and 21 car club spaces), plus 85 spaces for the operational requirements of the non-residential uses and the reprovision of 335 public car parking spaces (140 under Plot F and 195 spaces via Rue d L'Etou). 283 motorcycle spaces would also be provided within the underground car parks.

Provision is also made for 2,538 cycle spaces, being:

- 1765 long-stay cycle spaces within the basement for the residents; plus
- 393 spaces in a new cycle hub, being 234 long stay cycle spaces and 159 commuter spaces and also to include e-bike hire, a changing area and repair space; plus
- 326 short stay spaces along secondary streets, to cater for visitors and support the non-residential uses, of which 58 are for e-bike hire; plus
- 54 spaces at plot P1, to support the Elizabeth Castle ticket office.

The ground-plane would be free from vehicles other than for limited servicing, with pedestrian and cycle access integrated throughout the site, including a segregated cycle lane parallel to La Route de la Liberation. The physical barrier of the dual carriageway is addressed by three new signalised at-grade crossing points which re-prioritise the pedestrian and de-engineer the road to provide direct connectivity across the dual carriageway, linking new public squares. The streets and lanes all have a logical hierarchy referenced back to the character of each space.

The architectural delivery of the buildings also links back to the typologies which have been developed for each character area. These are expressed in the Design Codes, where the narrative takes its structure from the Urban Character Appraisal work undertaken for the Government of Jersey by Willie Miller Urban Design (and which has been taken forward as adopted SPG, Design Guidance for St Helier). This structure enables a clear approach, to consider a range of characteristics, and to be applied in a consistent manner.

The application is also accompanied by series of strategy documents, including such matters as Operational Waste Management, Drainage, Lighting, Energy and other Sustainability matters. These explain the approach the applicant intends to take for these topics, with the key matters transferred into the Design Codes, to then be taken forward into the Reserved Matters applications, to be submitted for each phase of the development, and delivered from 2024 to 2033.

This is a compelling package, which takes forward the important objectives of the South West St Helier Framework. It has been produced through a comprehensive analysis of the site, engagement with consultees and the community, and with a detailed understanding of technical delivery. It is presented in a clear manner and proposes a contextual and coherent development, which will be a significant asset for the Island, to meet pressing development needs in a sustainable manner, deliver climate change resilience and, importantly, reconnect the town to the Waterfront.

### OVERVIEW OF PLANNING FRAMEWORK

The statutory context of the planning system is set by the Planning and Building (Jersey) Law 2002.

Article 7 of the Law mandates that land is not to be developed without permission, with Article 8 then providing the Minister with the authority to grant permission by Order, and Article 9 requiring an application for planning permission for all other forms of development.

Article 19 of the Law establishes the “plan-led” system and requires that:

*“all material considerations shall be taken into account in the determination of an application for planning permission.”*

and

*“in general planning permission shall be granted if the development proposed in the application is in accordance with the island plan.”*

The “plan” to which the Law refers is the Island Plan. This is in two parts, being a 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). The written statement itself is then split into two parts, with the first section setting out the Strategic Policy Framework (being the over-arching objectives of the Plan) and the second part then providing the site-specific and technical policies.

There can only be one Island Plan, and the current version is the 2011 Island Plan (Revised 2014). It was originally published as a draft in September 2009, with an Examination in Public in September 2010, and final approval by the States Assembly on 29 June 2011. It is intended to cover a 10-year period, and will be replaced in spring 2022 by the Bridging Island Plan (see later in this Planning Statement).

This legal structure 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 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.

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 an acknowledgement that individual policies with the different parts of the Island Plan might not pull in the same direction in every instance, and that there might be tensions across different policy objectives.

As per Article 19 of the Law, alongside the Island Plan, the decision-maker is also required to take account of “all material considerations”. Such considerations will include other Government policy, Supplementary Planning Guidance adopted by the Minister on site-specific / technical matters, or emerging policy which has not yet got formal status. Although all applications are to be determined on their own merits, a planning history, or the ‘precedent’ of similar applications can also be material considerations.

In every case, the decision-maker will have to prescribe due weight to particular policies and considerations. In this instance, for example, there is the South West St Helier Planning Framework, recently adopted by the Minister as Supplementary Planning Guidance, which will be a material consideration of significant weight.

The overall determination will then be based on a mature ‘planning balance’ to consider whether the proposal is in accordance with the Island Plan.

The next elements of this Statement are therefore structured to review the hierarchy of policies, starting with high-level Government policies, then move to the policy framework within the Island Plan, before reviewing any other material considerations. It provides a precis of the policy objectives, and a commentary in response to its objectives – where relevant referencing other supporting material submitted with the application. It then concludes by providing an assessment of the overall planning balance.



### GOVERNMENT OF JERSEY COMMON STRATEGIC POLICY (2018-2022)

#### Common Strategic Policy 2018 - 2022



Each Government publishes a series of strategic policies for their four-year term of office setting out their high-level ambitions. This sits at the peak of the policy hierarchy and contains five strategic priorities where Ministers will focus their efforts:

- we'll put children first;
- we'll improve islanders' wellbeing and mental and physical health;
- we'll create a sustainable, vibrant economy and skilled local workforce for the future;
- we'll reduce income inequality and improve the standard of living ;
- we'll protect and value our environment;

Also within the Common Strategic Policy are a series of themes which include an objective to *"make St Helier a more desirable place to live, work, do business and visit."*

This application is considered to directly accord with the Common Strategic Policy for several reasons, including that it provides quantitative and qualitative improvements to the housing stock which will maintain a dynamic housing market and address the acknowledged shortage of housing across all sectors in the island.

It is acknowledged in the Common Strategic Policy that living in overcrowded or poor-quality housing can hold children back throughout their childhood. The application will provide high quality accommodation, which can support downsizing and rightsizing which will in-turn free up

stock in other parts of the market.

Further, the project itself will facilitate a vibrant new residential and commercial waterfront which will sustain jobs and support a new community in this part of St Helier. Alongside this, the improvements to the flood defences will support the continued economic development of St Helier as the capital of the island and help provide climate resilience to support a long-term sustainable economy.

By optimising the density of development this project also makes best use of a brownfield resource in a highly sustainable location which has the ability to support active modes of travel and reduce reliance on the private car. At a strategic level this will also reduce the need to release greenfield land for new residential development, and will therefore protect the wider natural environment of the island.

This project also delivers best practice in relation to sustainable development considering, for example, the approach to drainage, energy efficiency, and the incorporation of renewable technologies. The whole development will be in a landscape-led context which will include significant gains in relation to habitats and biodiversity, plus enhanced access to nature in an area which is currently dominated by hard surfacing.

The incorporation of active leisure opportunities including formal and informal provision will also support physical and mental well-being for all, being accessible to both residents and visitors.

All these characteristics support the theme of *"making St Helier a more desirable place to live, work do business and visit"* by de-engineering the road and remedying the poor physical connexions between the Waterfront and the heart of town. The new residents will be able to generate footfall to both sustain on-site local services and support the continued vitality and viability of the wider town centre.

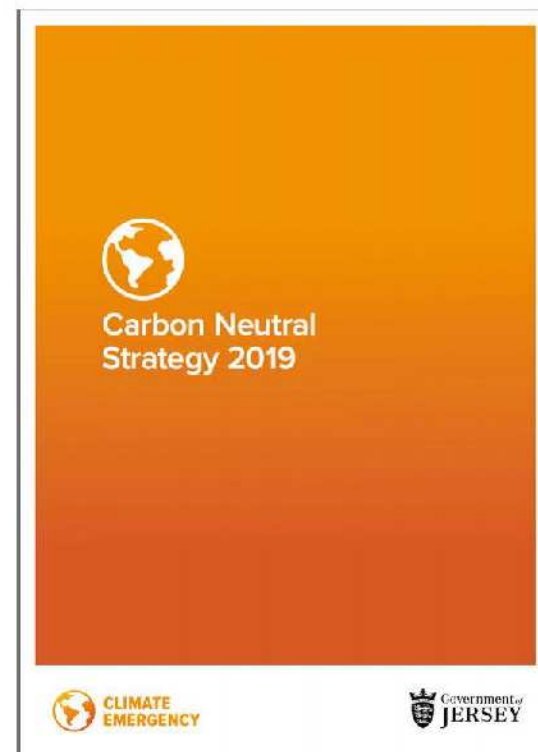
It is considered that the proposal clearly aligns with the objectives of the Common Strategic Policy.

### CARBON NEUTRAL STRATEGY 2019

In May 2019 the States Assembly declared a climate emergency. Following on from this, the Government have developed a “pathway” to achieve carbon neutrality by 2030.

This pathway builds upon the Jersey Energy Plan 2050 (March 2014) which developed three priorities, being:

- **Demand management** - by making a series of policy interventions which include ensuring energy efficiency for new buildings and low carbon / renewable energy installation in new developments;
- **Energy security** - To ensure a resilient supply of energy which requires that new developments should contribute through the provision of on-site renewables.
- **Energy affordability** - ensuring that energy is affordable to all members of society.



The carbon neutral strategy builds on these priorities and focuses on a package of carbon abatement policies which include heating and transport, with the objective of significantly reducing Jersey's carbon emissions. Regardless of how well these policies perform there is an acknowledgement that solutions will not be available for all activities and Jersey will therefore undertake carbon offsetting.

This remains developing policy and it is currently envisaged that the Carbon Neutral Roadmap “Preferred Strategy” will be published in December 2021 and this will consider recommendations made by the Citizens Assembly on Climate Change and Jersey’s Climate Change Conversation.

The development is well placed to support whatever strategy emerges from this initiative.

### SUSTAINABLE TRANSPORT POLICY FRAMEWORK 2020-2030

This framework sets out the Governments vision for a future transport system and establishes the questions that will need to be addressed for this to happen. There is a clear acknowledgement that a car dominated transport system is no longer sustainable and not in the best interest of the islands future.

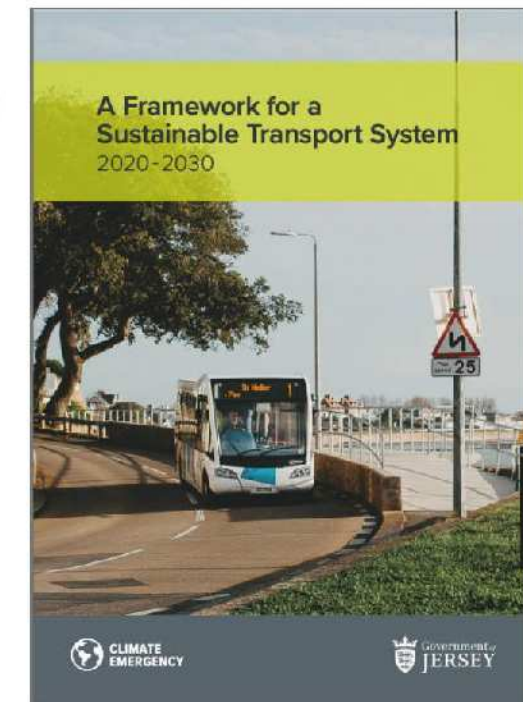
One of the challenges at a strategic level, but relevant to St Helier in particular, is the need to critically appraise the roads and streets to explore how a better environment might be created, which is more inviting, pleasant and safe for people to use and visit.

The transport system should promote active travel and well-being, to incorporate well connected neighbourhoods and places with safe and attractive infrastructure supporting choices that make walking, cycling and taking the bus the preference on a small island.

The framework acknowledges that car parking provision is a major influence on how people choose to travel and the pattern of development in the island. Where and how cars are parked can in turn be a major factor in the quality of a place. Parking standards should be applied flexibly and allow fully provision of lower levels of parking and the creation of high-quality places. Where an area is well served by sustainable transport modes, more restrictive and possibly maximum standards will be optimal.

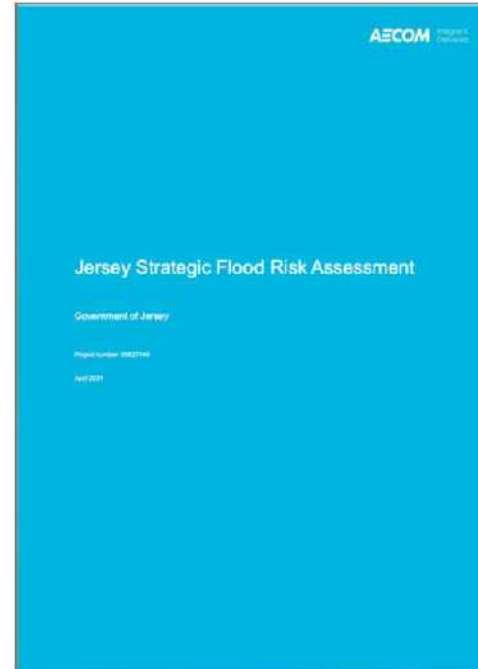
Promotion of cycling and walking will align with Government aspirations to promote an active island. Case studies are set out within the Framework, showing how investments in sustainable transport infrastructure can have positive effects on people's health and well-being.

The Government workstreams to build on the Framework have been delayed, however the current application aligns with the aspirations of the Framework and can be at the fore of delivering its objectives.



### JERSEY STRATEGIC FLOOD RISK ASSESSMENT (APRIL 2021)

The Strategic Flood Risk Assessment was commissioned by the Government of Jersey and provides an island-wide review of the risks associated with flooding from all sources, including the effects of climate change. It also provides guidance on the mitigation of flooding and identifies potential opportunities to reduce flooding. It supports the long-term policy development position in relation to Island resilience and will be fed into the Bridging Island Plan.



The assessment identifies that the Jersey coastline has evolved overtime and the physical features of the coast have influenced the way in which the urban environment inland has been developed. Climate change is predicted to cause rising water levels, which will cause increased wave heights and increase severity and occurrence of storms which will increase the risk of coastal flooding on the island in the future.

The majority of the Parish of St. Helier is not in an area at risk of coastal flooding, but there is a high risk of flood water along the coast, in parts of the town, around the port of St Helier and at Havre Des Pas. This is predicted to be exacerbated by climate change with parts of the ports and the town centre affected in short term scenarios (2040 / 2070).

In relation to recent records, it is identified in the Flood Risk Assessment that:

- 3 January 2018 - Storm Eleanor causes coastal flooding which closes roads. A section of sea wall collapses in St Helier, with Victoria Avenue closed and Gloucester Street / Esplanade flooded.
- 3 March 2014 - high tide and heavy wind combine to cause flooding which results in Victoria Avenue being closed.

- 8 March 2008 - Storm Johanna causes flooding, with water overtopping flood defences in several locations. Homes and businesses in Victoria Avenue, West Park, Esplanade, Gloucester Street and Seaton Place were flooded.
- 23 November 1984 - severe storm compatible with March 2008 causing flooding in St Helier, damage to the sea wall and properties flooded to Castle Street.

There are further records from 1965 and 1967, again considered comparable to the March 2008 event, with flooding affecting St. Helier and exacerbated by heavy rainfall.

In the St. Helier Coastal Management Unit, the short-term recommendation is to “maintain the defence line” which applies where existing defences provide a reasonable standard of protection, but which acknowledges that the level of flood protection may decrease in some locations, over time, due to climate change.

In the medium term (from 2040) the recommendation is “adaptive management” which includes improving the standard of flood protection and constructing new defences to proactively manage and mitigate coastal flooding.

The extent of flood risk in a 50-year scenario (2070) has been mapped by AECOM showing the situation with the current defences, and this validates the history shown in the Strategic Flood Risk Assessment (extract attached as relevant to the application site).

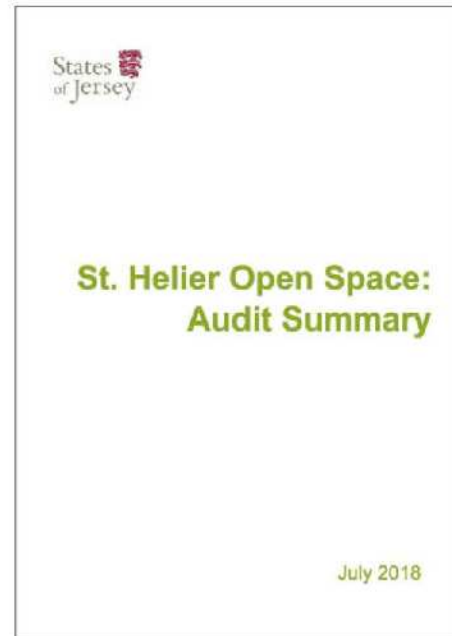
The proposal in this application will infill the slipway (to be replaced further north-west) and raise the sea wall, then introduce secondary layers of defence to protect against storm surge, so providing the necessary medium-term “adaptive management” advocated by the Strategic Flood Risk Assessment.



### ST HELIER OPEN SPACE AUDIT (2018)

The St Helier Open Space Audit explored where open space exists, and what type it is, then modelled this provision against future population scenarios, following a methodology published by CABE.

The analysis found that, in particular, equipped children's play facilities fell considerably below the standards. Only six play spaces were considered to be fully accessible to the public with other spaces being semi-private (within housing developments). Of the areas surveyed, the audit identified that none could be described as being disabled friendly or suitable for children with sensory processing issues.



The conclusions identified that there is a real lack of equipped play facilities across St. Helier. In terms of the spatial distribution of play facilities residents from the north west of town and the Waterfront area were noted as having the furthest to travel if they wished to access outdoor play equipment. The audit identifies that the Waterfront area forms parts of the South West St. Helier Planning Framework and it would be appropriate to explore what opportunities there may be for children's play to be incorporated into future plans.

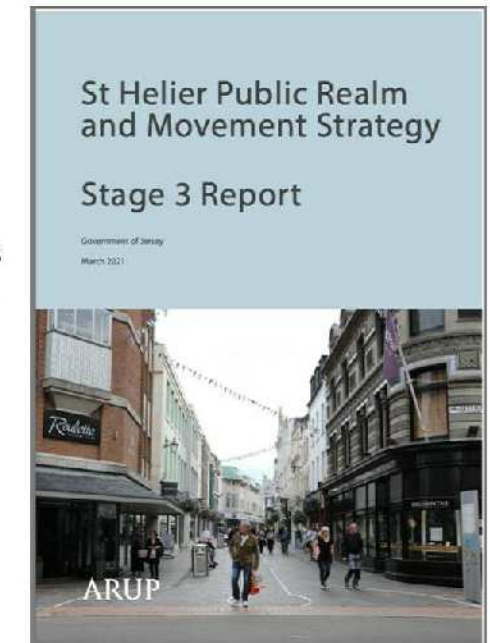
The Audit also reviewed civic spaces which are considered to support the function of the town and play a significant role in defining the character of a place, with their quality and appearance directly influencing perceptions of town centre quality and vitality. It was identified in the Audit that the Waterfront will provide opportunities for new civic spaces, both large and small, to enhance the character of the area, both in relation to the built environment and the potential for community uses.

The application responds directly to the issues identified in the Audit, by establishing a clear series of open spaces which support a variety of functions including sports, play for children and civic opportunities in both formal arrangements, and as part of a network of spaces.

### ST HELIER PUBLIC REALM AND MOVEMENT STRATEGY (MARCH 2021)

The Stage 3 report for the Public Realm and Movement Strategy seeks to provide a clear framework for the enhancement of St Helier's network of streets.

Seeking to address the severance caused by the Ring Road is highlighted as enabling a transformative change in movement patterns. This considers the challenges presented by the existing constraints caused by vehicular dominance, to re-prioritise the space for travel by walking and cycling, so increasing safety and permeability. It also seeks to create more meaningful linkages, extending activity and vitality from the central core of town to the waterfront.



The identified concepts for addressing the dominance of the ring road are all carried forward into this planning application and include:

- **Create and enhance the public realm** - to reclaim space for people, encouraging activity and increased greening, as a catalyst for the creation of culturally significant spaces that draw interest and provide areas for community engagements.
- **Connect key cultural assets** - streets should provide ease of access highlighting places that characterise St. Helier including improving access to the waterfront edge.
- **Reduce vehicular dominance** - The fundamental reprioritization of space can improve conditions for those travelling by active modes, whilst also maintaining its vehicular flows. Interventions could include reduced carriageway widths, at grade footways and crossing points, and greening. A reduction in vehicle dominance can significantly improve the sense of place, feeling of enjoyment of space, and improve perceived and actual safety. Opportunities include the creation of additional key linkages between the town centre and the waterfront to mitigate the severance to pedestrian and cycle connectivity.
- **Enhance vibrancy and animation** - creating spaces for people can bring activity and the vibrancy of the town centre all the way to the waterfront by creating opportunities for activity and play in safe, attractive environments.

### THE ISLAND PLAN POLICY REVIEW STRATEGIC POLICY FRAMEWORK

The first part of the Island Plan is the Strategic Policy Framework, which sets the over-arching objectives of the Plan and the general approach to guiding development in the Island.

Policy SP1 sets out the Spatial Strategy and seeks to concentrate development within the Islands Built-Up Area as defined on the Proposals Map, and in particular within the Town of St Helier.

The associated supporting text alongside this policy confirms that the island plan will encourage the reuse, redevelopment and regeneration of already developed land and buildings, encouraging higher development yields.

The application site is reclaimed brownfield land, it is within the Built-Up Area, and it is within the town of St Helier. As such it sits at the very top of the spatial hierarchy and the application therefore aligns with the objectives set by Policy SP1.

Policy SP2 requires that development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development.

The reasoned justification within the plan (paragraph 2.12) acknowledges that as a small island with limited resources, Jersey needs to make wise and efficient use of land, energy and buildings. The plan notes that there is a need to make the most effective and efficient use of land and buildings which have previously been developed.

At paragraph 2.15 the Island Plan sets out that:



*“a more sustainable approach to the development and redevelopment of land requires the application and delivery of higher densities and, in particular, greater housing yields than have generally been received in Jersey. If done well, imaginative design and layout of new development can produce a higher density of development – representing a more efficient use of land – without compromising the quality of the local environment. The density of existing development should not dictate that within new developments by stifle change or requiring replication of existing style. In locations with good access to amenities and services, it should be possible to increase the density of development to ensure a more efficient use of land, without compromising local character or design quality.”*

This application represents an opportunity to make the most efficient and effective use of a unique site, which sits right in the heart of St Helier. It proposes to do so in a way which is environmentally responsible by reference to supporting the need to reduce travel by the private car and, in accordance with the wider policy requirements, clearly endeavours to deliver a more sustainable form and pattern of development.

Policy SP3 reinforces the sequential approach to development (and the way in which it will be applied) in support of a more sustainable pattern of development, and the more efficient and effective use of land energy and buildings.

The application site is central within the town of St Helier and is right at the top of the spatial hierarchy. The Island Plan is clear that this is to be promoted and maintained as the focus for residential development, benefiting from its location at the heart of transport, social and economic infrastructure. This approach ensures that the maximum benefits are derived from existing infrastructure; that already developed land and buildings are most effectively and efficiently used; and, that the need to travel is minimised.

The application directly aligns with the objectives of Policy SP3.

Policy SP4 identifies that a high priority will be given to the protection of the natural and historic environments.

The Island Plan acknowledges that the natural and historic environments are factors which contribute to and define the unique character and identity of Jersey, and will be key considerations in the determination of planning applications.

The ecological context of the proposed development is set out in the application supporting documentation, including an Ecological Impact Assessment from Waterman, following survey work undertaken by Nurture Ecology for the terrestrial elements and AECOM for the marine environment. This work concludes there is limited biodiversity conservation value and enhancement measures are proposed to ensure that best practice measures are delivered to improve the biodiversity of the site, in-line with policy requirements.

The application is also accompanied by a comprehensive Heritage Impact Assessment (HIA) as part of the Environmental Statement which acknowledges that the application proposes a scale of development which is embedded into the adopted South West St Helier Planning Framework and that the development would relate well to its context, as established by the Esplanade and buildings constructed (or under construction) at the Waterfront - all of which has been approved within the same heritage context of the town of St. Helier, Elizabeth Castle, Fort Regent and the harbour area.

The HIA establishes that the setting of off-site heritage is within an environment that is already generally modernised and populated with tall buildings already up to 11 storeys high, and as such the impact of the proposal is minor and manageable within the context of making best use of site in the Built-Up Area. Similarly, the proposals for on-site listed buildings are found to be acceptable within the context of delivering the development requirements of the Framework.

As such, the application aligns with the objectives set by Policy SP4.

[Policy SP5 considers the need for Economic Growth and Diversification and gives a high priority to the maintenance and diversification of the economy.](#)

The Island Plan establishes that a high priority will be given to the maintenance and diversion of the economy including the protection and maintenance of existing employment land and floorspace for employment related use.

The application presents a truly mixed-use proposal which, although residential-led, acknowledges the benefits that a variety of land uses will deliver in support of sustainable community. Uses include proposals for office buildings to complement the existing International Finance Centre, through to leisure, food and drink, local needs retailing and other smaller scale commercial premises.

There will also be short-term benefits as the development is delivered, and according to the Royal Institute of Chartered Surveyors (RICS) for every pound spent on construction in the UK there is a payback through the multiplier effect of £2.84 for every £1 invested, being one of the highest of any sector in the economy. This may be further enhanced in an Island context, and the delivery of this project will therefore be a significant economic stimulus.

It is considered that the application aligns positively with the terms of Policy SP5.

[Policy SP6 requires that applications for new development such as housing should seek to reduce dependence on the car by, in particular, demonstrating that the proposal is immediately accessible to existing pedestrian links and public transport networks.](#)

The application is accompanied by an extensive Transport Assessment prepared by WSP. At the outset this establishes that the development site is located immediately to the south west of the town centre, and a within a short distance (to the east of the site) is the primary bus station connecting the whole island. The site is also served by existing cycle infrastructure and is in a sustainable location, providing numerous opportunities to reduce dependence on the private car and travel by a range of active modes which are prioritised by this application. On this basis, it is considered that the application meets the terms of Policy SP6.

[Policy SP7 considers Better by Design and has the objective of requiring that all development must maintain and enhance the character and appearance of the area of Jersey in which it is located.](#)

The application is accompanied by a comprehensive Design and Access Statement and Design Codes which, when read with the parameter plans, provide a compelling narrative which runs through an understanding of the site and its context, leading to a detailed justification of the

envisaged architectural approach in the context of the framework provided in the Design Guidance for St Helier (SPG).

This exhaustive work also explains how the rounds of engagement with the public, statutory consultees and other third sector bodies has been layered into the evolution of the proposals, reflecting the importance given to this in the South West St. Helier Framework. All the feedback from this unprecedented consultation work is summarised in the Design and Access Statement which includes the valuable inputs of the Jersey Architecture Commission, as a “critical friend”, and the numerous rounds of pre-application discussion with the Planning Department.

The need for Jersey relevance and a “sense of place” rooted in St Helier, yet relevant to a new Waterfront environment, has been uppermost in the thoughts of the project team throughout the evolution of the project. As such, the requirements of Policy SP7 are met by this application.

### THE ISLAND PLAN POLICY REVIEW DETAILED AND TECHNICAL POLICIES

Policy GD1 sets out six General Development Considerations which generally align with the Strategic Policy Framework and will apply to all forms of development.

(1) reflects the overall requirement to promote sustainable forms and patterns of development;

These issues have generally been considered in relation to Policies SP1, SP2 and SP3.

The detailed tests within this policy require that new development, in particular:  
(1)(a) Will not replace a building that is capable of being repaired or refurbished;

This issue has been subject of a significant amount of discussion recent years, following the Royal Court Judgment in the case of Therin-v-Minister For Planning And Environment and Warwick [2018]JCR098. This Judgment is known as “Pine Grove” being the property that was being considered by the application.

Paragraph 92 of the Pine Grove Judgment establishes 3 clear steps for an assessment against GD1 (1)(a). The first step is to establish whether the building is capable of being repaired or

refurbished. The second step is to assess whether the new development makes such efficient use of resources for the purposes of Policy SP2 that there is no breach, i.e. the negative sustainability effects are more than cancelled out by the sustainability / efficiency of the new scheme. The third step is then to consider whether, under Article 19, there is adequate justification for departing from this policy in the Island Plan.

This application does propose to clear several buildings from the site - primarily the existing Waterfront leisure complex, and the La Fregate cafe. In the context of the Pine Grove tests, this is justified by reference to the benefits of delivering the high-level outcomes which were identified in the early sections of this Statement. In particular, the project has unique benefits by helping to meet the pressing development needs of the island (particularly for new homes) through making the best use of a site with excellent spatial performance as part of a comprehensive project to provide a coherently delivered new community, which also addresses the long-held desire to reconnect the Old Town of St Helier with the new waterfront. It also includes a package of flood defence improvements which will benefit the economy of the whole island.

This should also be viewed in the context of the commentary within the Ministerially-adopted Supplementary Planning Guidance for the South West St. Helier Planning Framework, which identifies that the existing Aquasplash / Cineworld buildings “are not of any aesthetic value and present a brutal, visual barrier separating town from the waterfront. In effect, the buildings have turned their backs on town.” The adopted SPG identifies there is an opportunity to secure improved connectivity, better architecture and new / enhanced leisure facilities.

This is all delivered through the outline application, which is considered to be in accordance with Policy GD1(1)(a) by reference to the Pine Grove judgment, particularly when regard is had to the balance of the both the high-level sustainability benefits of the proposal, and the broader package of the complete sustainability strategy.

(1)(b) where possible makes efficient use of construction and demolition materials to avoid generation of waste.

The application is accompanied by a comprehensive review of the approach to phasing, including the excavation and piling necessary to facilitate the basement, with “Ground Conditions and Excavation Waste” also being a topic within the EIA.

It is intended, as far as possible, to use site-won material for the infilling and land raising - subject to detailed review of ground conditions and excavated material, with the balance being taken to La Collette on a phased basis.

An outline Site Waste Management Plan (SWMP) provides a framework document which sets out an approach that the principal contractor will confirm upon appointment and can be controlled by conditions attached to a grant of planning permission.

This approach will ensure the most-efficient use of resources in accordance with Policy GD1 (1)(b).

(1)(c) encourages energy efficiency through building design, materials, layout and orientation.

The application is accompanied by a Sustainability Statement which demonstrates a commitment, through a wide range of design and construction features, to deliver a sustainable development. These factors are embedded in the Design Codes, considering such factors as material selection / fabric efficiency against best practice standards, and so clearly meeting the terms of Policy GD1(1)(c).

(1)(d) is adequately services and includes the provision of satisfactory mains drainage.

All forms of servicing infrastructure are provided, and a Drainage Strategy has been developed for the outline planning submission which sets out how surface water run-off from the site will be managed with a Sustainable Urban Drainage Strategy, with discharge rates reduced by 20% when compared to the existing scenario. Foul will be directed to an existing sewer, upgraded as necessary.

All other servicing requirements are delivered in the application, which therefore accords with Policy GD1(1)(d)

(1)(e) improves facilities for storage and collection of refuse.

An operational waste management strategy document has been prepared by Waterman and accompanies the planning application. This shows how waste will be stored, managed and collected when the development is complete. This strategy has been developed in dialogue with the Parish of St. Helier and is cognisant of the phased delivery and the residential / non-residential mix.

This approach meets the requirements of Policy GD1(1)(e)

The next section of Policy GD1 reflects Policy SP4 and requires that development does not seriously harm the natural and historic environment, and in particular:

(2)(a) will not have an unreasonable impact on the countryside, biodiversity, archaeology or other heritage assets.

This site is in the Built-Up Area and, as reviewed earlier, the application is accompanied by a comprehensive suite of documentation including full ecological review and heritage impact assessment which ensures there are no unreasonable impacts on identified matters. As such the proposals align with the objectives of Policy GD1(2)(a).

(2)(b) will not have an unreasonable impact on important open space, natural or built features, including trees / woodland and wildlife corridors.

The application site includes two areas of Protected Open Space as designated on the proposals map accompanying the Island Plan. These areas are retained and enhanced in the outline proposals. The application is also accompanied by a detailed Arboricultural Report which is referenced in the Design and Access Statement, read together, this package of documentation shows how all efforts have been made to retain existing trees but primarily through changes to the site levels a number will need to be removed. Any loss is more than compensated by a new strategy that significantly increases the tree numbers on site, to the benefit of local biodiversity and the wider amenity value of the area.

The application therefore accords with the terms of Policy GD1(2)(b)



(2)(c) will not unreasonably affect the character and amenity of the area, having specific regard to the character of the coast and countryside.

This is a broad issue which has been at the fore of the design development process as articulated in the Design and Access Statement. There are various layers of policy and guidance which provide a matrix of considerations that have been layered into the evolution of this project.

The commentary in the Design and Access Statement plus the framework provided by the Design Codes clearly shows that this development will contribute positively to the character of the area and so accord with Policy GD1(2)(c)

The third section of GD1 sets out a requirement to avoid unreasonable harm to the amenities of neighbours, and provides a series of tests in criteria (a) to (e) which require a consideration of issues such as privacy, levels of light and emissions to the environment such as noise and dust.

The policy framework sets out that the tests are whether there is "unreasonable harm" judged against amenities that "owners and occupiers might expect to enjoy".

This position has been reinforced by Royal Court Judgments in *Winchester* and *Boyle* which placed a significant emphasis on the layers of planning policy that seek to focus new development into the Built-Up Area, and the implicit change to amenities that will emerge as a result of this strategy.

The EIA includes chapters on Air Quality and Noise & Vibration, which consider the situation both in the construction and the operational phase. Subject to the implementation of measures in the Construction Environmental Management Plan the residual effects would be negligible and therefore not significant.

Daylight, Sunlight and Overshadowing are also key considerations when reviewing impacts on amenities and there is also a chapter in the ES on this issue. An assessment has been undertaken in accordance with the BRE 'Best Practice' which, in conclusion, considers that the levels of daylight and sunlight retained by neighbouring properties are commensurate with those typically achieved in urban locations - and are therefore not unreasonable.

There is also a requirement in GD1(3)(d) that development take into account the need to design-out crime, and consider personal safety. This has been reviewed in the Crime Impact Assessment which accompanies the application, produced following dialogue with the States of Jersey Police.

It is therefore considered that the tests of Policy GD1(3) are met.

GD1(4) seeks to support and / or not detract from the maintenance and diversification of the economy;

This issue has been considered earlier, in relation to Policy SP5, and the application complies with its terms.

Paragraph (5) of Policy GD1 requires that development promotes reducing dependence on the private car;

This test very-much reflects the objectives of Policy SP6. This has been reviewed earlier and it is considered the requirements of Policy GD1(5) are met.

The final element of Policy GD(1) is criteria (6) and this requires that all development is of a high quality of design so that it maintains and enhances the character and appearance of the island.

This requirement echoes the terms of Policy SP7 which has been reviewed earlier - by reference to, in particular, the content of the DAS and Design Codes. The application therefore accords with the requirements of Policy GD(1)(6).

Policy GD3 relates to Density of Development and seeks to ensure that the highest reasonable density is achieved for all developments, commensurate with good design, adequate amenity space / parking and without unreasonable impact on adjoining properties.

The supporting text accompanying this policy is very clear that "a more sustainable approach to the development and redevelopment of land in accord with the strategic policies of the plan would require the application and delivery of higher densities and greater housing yields."

This policy is not an unrestricted drive for density, but it acknowledges that land is a limited resource and that it should be used effectively, whilst also considering how imaginative design and layout can support this objective without compromising the quality of the development or the local environment for adjoining neighbours.

The wording of this policy very much reflects the objectives that the team have had since the inception of the project, and which are articulated throughout the DAS and the Design Codes. It is considered that the structure of these documents shows how the application delivers to the “highest reasonable density”, ensures a high standard of design is achieved and provides excellent levels of amenity space in both private and communal / public areas, plus delivers all this in a package that does not have unreasonable impacts on joining properties. The application therefore accords with the tests within GD3.

[Policy GD4 relates to Planning Obligations, which may be required when a development results in a need for off-site infrastructure.](#)

Supplementary Planning Guidance issued in July 2017 is quite clear that a Planning Obligation Agreement may be required where, as a direct consequence of the development, additional infrastructure or amenities are required to be provided to enable the development to proceed. Any obligation must be reasonable and proportionate to the proposal, reflecting what is necessary to make the development acceptable in planning terms.

In this instance the proposals already deliver a significant amount of public infrastructure for example through the enhanced connectivity delivered by the new network of streets and lanes, plus (most significantly) the flood defence works which will benefit the commercial heart of St Helier in the long term.

[Policy GD4 sets out that the Minister will seek to protect or enhance the skyline, strategic views, important vistas, and the setting of landmark and listed buildings.](#)

The application is accompanied by a Townscape and Visual Impact Assessment with the locations having been pre-agreed with the Planning Department. This demonstrates that the development has been designed in order to integrate it into its surroundings by subdividing it into a series of character areas based upon land use and architectural typologies. This helps

assimilate it into the surrounding townscape and with public realm works, including new planting, the interface with surrounding streets will be enhanced.

The TVIA does acknowledge an impact in a specific long distance panoramic view (St John's Road) where there will be a noticeable loss of the view of the sea. Overall the development will create a more attractive, coherent and legible urban centre at the waterfront, in stark contrast to the current arrangement of ‘big box’ leisure buildings, car parks and vacant sites. On balance, the terms of Policy GD4 are met.

[Policy GD6 relates to contaminated land and requires that the developer has carried out a satisfactory suite of investigations and proposes a comprehensive programme of works to treat or remove the relevant materials.](#)

The site is reclaimed land and the application is accompanied by technical submissions from Waterman which review the situation comprehensively. They deliver a framework to include development-specific ground investigations, a programme of groundwater monitoring, the preparation of a formal remediation strategy and a Construction Environmental Management Plan, which come together to provide a full package of mitigation measures and controls in accordance with the requirements of this policy.

[Policy GD7 seeks to deliver a high-quality of design in all developments that respects, conserves and contributes positively to the diversity and distinctiveness of the built context.](#)

The policy sets out seven criteria against which this assessment will be made, these very much align with the same tests that have been reviewed previously in relation to Policy SP7 and GD1.

The analysis in the Design and Access Statement, plus the framework of the Design Codes means that the application is considered to comply with this policy in all regards.

[Policy GD8 relates to voluntary engagement with the percentage for art program.](#)

The applicant is willing to engage with this voluntary programme which would be delivered at the reserved matters stage of the process.

Policy NE1 establishes a presumption in favour of the conservation and enhancement of biological diversity.

Policy NE2 similarly relates to species protection and confirms that planning permission will only be granted for development that would not cause significant harm to species protected by law.

As reviewed in Policy SP4, the work undertaken by Nurture Ecology and AECOM, concludes there is limited biodiversity conservation value and enhancement measures are proposed to ensure that best practice measures are delivered to improve the biodiversity of the site.

The terms of these two policies are therefore met.

Policy NE3 confirms that planning permission will not be granted for development which would destroy or prejudice the integrity of wildlife corridors.

Policy NE4 is concerned with Trees, Woodland and Boundary features and seeks to protect them where they are of landscape, townscape, amenity, biodiversity or historical value.

As referenced in relation to Policy GD1(2)(b) the Arboricultural Report and DAS show how all efforts have been made to retain existing trees but primarily through changes to the site levels a number will need to be removed. Any loss is more than compensated by a new strategy that significantly increases the tree numbers on site to the benefit of local biodiversity and the wider amenity value of the area.

The requirements of these two policies are therefore met.

Policy HE1 establishes a presumption in favour of the preservation or enhancement of the special or particular interest of a listed building or place, and their setting.

As per the commentary in relation to Policy SP4, the comprehensive Heritage Impact Assessment (HIA) acknowledges that the application proposes a scale of development which is embedded into the adopted South West St Helier Planning Framework SPG and that the development relates well to its context, as established by the Esplanade and constructed (or

under construction) at the Waterfront - all of which has been approved within the same heritage context of the town of St. Helier, Elizabeth Castle, Fort Regent and the harbour area.

The HIA establishes that the setting of off-site heritage is within an environment that is already generally modernised and populated with tall buildings already up to 11 storeys high, and as such the impact of the proposal is minor and manageable within the context of making best use of site in the Built-Up Area. Similarly, the proposals for on-site listed buildings are found to be acceptable within the context of delivering the development requirements of the Framework.

Policy BE1 considers Town Centre Vitality and seeks to protect the vitality of the area, which depends on a vibrant mix of uses, and retain the primacy of the area as the focus for the Island's retail activity.

The mix of uses proposed in the outline application has been developed with reference to demographic modelling by WSP Economics and settles on an offer which relates to local-needs retailing to serve the new population, with some community function (health / medical etc) plus an element of focused food and drink uses to deliver vibrancy to the Waterfront Square. Elsewhere the commercial mix will (primarily) be replacement provision for the activities which are displaced in order to provide the new development (swimming pool, gym, cinema etc) and has had specific reference to the need to avoid comparison goods retailing which might compete with the town centre.

Policy BE2 refers to the Delivery of St Helier Waterfront, and sets out that this will be through the twin mechanisms of the 2006 Waterfront Supplementary Planning Guidance, and the 2008 Hopkins Masterplan.

As referenced earlier, both these documents have now been withdrawn by the Minister, and have been replaced by the South West St Helier Planning Framework, adopted as SPG in December 2019. This is reviewed later in this Statement.

Policy BE4 discusses the Shoreline Zone, which is a designation covering a thin strip around the coastal fringe of the application site. The policy seeks to maintain views to / from the foreshore / sea and seeks to maintain open spaces that are important for public views across the shoreline.

The application maintains the coastal strip covered by the Shoreline Zone designation as an open and undeveloped area, very much as existing. The extent of area which is accessible to the public will be enhanced with a quantitative and qualitative uplift in the open space, and this application therefore supports the objectives of BE4.

Policy BE5 refers to tall buildings, which are defined as those over 18m in height or rising more than 7m above their neighbours, and establishes that they will only be permitted where their height can be justified in a design statement in urban design terms and development which exceeds the height of buildings in the immediate vicinity will not be permitted.

The supporting text to this policy also identifies that the urban focus of the overall Island Plan strategy, and the stated objective of encouraging a more efficient use of land and higher density over the plan period, may increase the potential for the development of taller buildings.

The submitted Design and Access Statement plus the technical chapters within the Environmental Statement, such as the Townscape and Visual Impact Assessment, demonstrate how the proposed form is appropriate for the site.

The approach to tall buildings also considers the content of the St Helier Design Guidance and the Urban Character Appraisal Review of March 2021 which is considered later in this Statement. This is also layered into the content of the South West St. Helier Planning Framework SPG which provides guidance across the Key Opportunity Sites on the issue of height.

The St. Helier Design Guidance considers the identified 'character areas' are relevant for the purposes of considering the "immediate vicinity" and in this regard the Waterfront includes the Horizon development of 11 storeys, and has a height of +47.48m AOD.

It is considered that the proposals are justified in urban design terms and therefore they accord with Policy BE5.

Policy BE9 refers to Street Furniture and Materials, and it seeks to ensure that any street enhancements are designed to a high standard, appropriate to the area.

The application acknowledges this issue and supports the objectives of policy through, for example, the Furniture Strategy which is set out in the Design and Access Statement, and then confirmed in the Design Codes. Similarly, the approach to surface materials is set out, describing the manner in which the choice of material can enhance the character of the streets and support their hierarchy as spaces through which to move.

Policy BE10 sets out that the siting of roof plants, equipment or other structures on the roofs of new or existing buildings, where it projects above the roofline, will not normally be permitted. In exceptional circumstances where such equipment cannot be located within the building envelope, the plant must not unreasonably affect the character and amenity of the area or impact on neighbouring uses.

This issue has been reviewed in the application material and is specifically considered by the Design Codes.

Policy E1 repeats the position of Policy SP5 and establishes a presumption against development which results in the loss of land for employment use.

As has been set out previously in relation to Policy SP5, the mixed-use nature of the scheme ensures compliance with this test.

Policy EO1 directs new office development to locations which include the Esplanade Quarter.

This requirement is specifically taken-forward in the application, which proposes two office buildings on the site and therefore complies with the policy

Policy ER2 seeks to protect and promote St Helier for shopping.

This policy reflects the requirements of Policy BE1, as considered earlier.

The Housing section of the Island Plan emphasises that providing "adequate homes to meet all aspirations" is a challenge that "*we must strive to continually meet if our population is to be adequately housed in the medium to long term*".

This is underlined by paragraph 6.128 of the supporting text which states:

*"It is therefore proposed that the majority of the island's housing supply over the Plan period will come from development within the Built Up Area on sites which are not specifically identified for housing in the Island Plan. It is important that this new residential development is supported, where it accords with the Spatial Strategy, as it will contribute towards meeting a demand for homes; it will provide greater housing choice; and will also help to sustain and regenerate our urban centres, particularly St Helier."*

It is also notable that when drafted back in 2010, the Island Plan established an average requirement of 430 dwellings per year over the period 2013 to 2020, but the latest monitoring data shows that new housing has only been delivered at a rate of about 338 dwellings per annum (2013-2021).

In addition, the original Island Plan assumptions were based on a population growth projection of +325 persons per annum (over the plan period 2013-20), whereas in reality this averaged over +1,000 per annum, with the period 2015-2019 seeing average total change of +1,370 persons p.a.

As the end of the current plan period is reached, these factors combine to demonstrate an under-supply of housing.

Policy H4 considers the Housing Mix and requires that all new residential developments contribute to the latest housing needs, relative to the latest States-approved data.

Housing needs data can be obtained from several sources, and all show there are pressing needs across all types and tenures. The application has proposed an indicative mix of 43% x 1-bed (432 units), 37% x 2-bed (374 units) and 20% x 3-bed (195 units) which has been used for the assumptions in the outline application. As delivery is to be phased, the final mix for each element will be confirmed at the relevant Reserved Matters stage, so that it delivers in accordance with the latest housing needs.

Policy H6 establishes a presumption in favour of housing developments within the Built-Up Area and states that such proposals will be permitted provided they accord with the required Standards for housing.

This positive policy approach reflects the overall spatial strategy of the Island Plan as set out in the strategic policy framework and, as has already been reviewed, this application performs very well against those requirements.

In relation to compliance with Standards, the relevant requirements are set out in Supplementary Planning Guidance Notes 3 and 6, which are generally considered to be out of date, particularly in relation to car parking needs. As identified by Inspectors in numerous Appeals, the approach to minimum car parking standards is at odds with the emerging emphasis on support being given to sustainable travel and non-car modes. This has been identified in the submitted Transport Assessment which sets out the emphasis being given to modes other than the private car.

In relation to amenity space, the Island Plan sets out (at paragraph 4.64) that:

*"The application of 'one-size-fits-all' amenity space standards in such circumstances is not entirely appropriate. It is, therefore, proposed that in central St Helier, and perhaps other highly accessible urban locations, rather than requiring individual or communal gardens of a specific size to be provided, the developer should be required instead to demonstrate that every effort has been made to incorporate design features to ensure a high standard of amenity, for example, by the use of balconies and roofs as amenity areas, or some other amenity to be enjoyed by the residents."*

The approach taken in this outline application is considered enable the decision-maker to be clear on unit size, the availability of car parking (in the context of promoting active travel) and amenity space (both private and communal) with the final quantum to be confirmed at the relevant Reserved Matters stage of the determination process.

Policy SCO2 references Healthcare Facilities and SCO3 references Community Facilities. Both policies identify that such uses will be supported on existing sites or at other locations in the Built-Up Area.

The application proposes relatively small amounts of healthcare and community provision, and the terms of the policies are met as the site is within the Built-Up Area.

Policy SCO4 considers the Protection of Open Space, and the Minister establishes that the loss of open space will not be permitted except in certain specified circumstances. Policy SCO5 supports the Provision and Enhancement of Open Space.

The existing areas of Protected Open Space are preserved, enhanced and expanded by the proposals, leading to a quantitative and qualitative benefit and thus the terms of Policies SCO4 and SCO5 are met in the application

Policy TT2 establishes that the potential for new development, such as housing, to contribute to the provision of new or enhanced public footpaths will be considered relative to the justification of need, the nature of the developments and the character of the area.

The application contributes significantly to this objective by delivering a range of types of pedestrian routes, including the streets, lanes and squares within the scheme, the new crossings to address the barrier caused by la Route de la Liberation, and the wider network with links across the site.

As such it is considered that the application makes a large contribution to the objectives of this policy and its terms are therefore met.

Policy TT3 encourages support for cycle facilities and infrastructure, linked to residential areas and the local community cycle use and requires that cycle parking provision is made in all new developments.

This is echoed in Policy TT4 which requires cycle storage in new developments.

This application makes provision for over 2,500 cycle parking spaces, for both residents, visitors and commuters. Cycle infrastructure includes dedicated cycle lanes, and a cycle hub to include e-bike hire, a changing area and repair space. This exemplar provision accords with the tests in Policies TT3 and TT4.

Policy TT5 relates to road safety and requires that where appropriate, traffic and pedestrian safety measures, including improved crossing facilities, should be implemented on the network.

One of the primary objectives of the project is to address the severance caused by the dual carriageway, and this has been a long-term challenge with several options explored, and is now delivered through at-grade crossings to La Route De La Liberation which 'de-engineer' the road and enhance the residential environment, by introducing direct and barrier-free routes. This aligns with the objectives of the Movement Strategy and complies with the requirements of Policy TT5.

Policy TT7 references the need to support the infrastructure necessary for better public transport infrastructure and Policy TT8 establishes that where development proposals are likely to lead to a significant movement of people into and out of a site they should be within 400 metres of a bus service.

In this instance the site is positioned between 300m and 700m from the main bus station on the Island, with regular services passing immediately adjacent to the site in both directions, representing excellent accessibility. The Framework continues to support better access to buses, with improved access to bus-stops, the inclusion of new bus stops and support for a new hopper bus service from town to Rue de L'Etou. The application therefore complies with TT7 and TT8

Policy TT9 requires that residential developments with more than 50 units of accommodation will be required to submit a Travel Plan.

The Transport Assessment submitted with the application includes a Framework Travel Plan in support of the key aim of promoting safe and sustainable movements. The submission includes a framework to identify the strategic objectives that will lead to a reduction in the proportion of trips undertaken by the private car and increase the proportion undertaken by sustainable modes. It provides an outline to guide the overall detailed proposals which will emerge from particular occupiers and site management. This will include how specific targets can be set and monitored to achieve the intended objectives.

The requirements of Policy TT9 are therefore met.

Policy TT10 is relevant to Off-Street Public Car Parking and seeks to increase the proportion of short-stay parking and limit the quantity of long-stay car parking. The policy also identifies that the replacement of the public surface car park at the Esplanade with a new 520 space multi-storey car park will be approved.

The application re-provides 335 public car parking spaces as part of the Framework. This comprises 140 new spaces as an extension to the existing Waterfront car park, and 195 new spaces accessed from Rue de L'etau.

As is explained in the Transport Assessment accompanying the application, the car parking situation is constantly evolving. For example, since the production of the current Island Plan, the Government have adopted their Sustainable Transport Framework, which seeks to enable behavioural change and switch to active and sustainable travel. Additionally, the current Future Hospital application indicates that 236 car parking spaces at the Patriotic Street multi-storey car park will become vacant as a result of the Hospital relocation. This will therefore become 'new' provision in this south-west sector of the town centre. It is also noted in the Transport Assessment that there is a modest over-supply of car parking in the town centre generally.

As such it is considered that the proposal makes suitable provision, on the basis of the dynamic town centre parking situation, and the support for behavioural change towards active and sustainable travel.

[Policy NR1 considers the Protection of Water Resources and seeks to avoid unacceptable impacts on the aquatic environment by directing foul waste to the mains infrastructure and the minimization of surface run off.](#)

As set out earlier in relation to Policy GD1(1)(d), a Drainage Strategy has been developed for the outline planning submission which sets out how surface water run-off from the site will be managed with a Sustainable Urban Drainage Strategy, with discharge rates reduced by 20% when compared to the existing scenario. Foul will be directed to an existing sewer, upgraded as necessary.

[Policy NR2 establishes a requirement for new development proposals to incorporate all practicable water conservation and management measures to reduce water consumption.](#)

The Sustainability Statement submitted with the application establishes that, as confirmed within the Drainage Strategy, there are no constraints to the incorporation of smart systems that

combine water harvesting and water attenuation, and that the opportunity to examine these in detail will be considered at the reserved matters stage of the consenting process.

[Policy NR3 relates to Air Quality and seeks to avoid any development that would have a significantly adverse effect on air quality.](#)

This topic is considered within the Environmental Impact Assessment both for the construction and operational stage of the development. A range of measures to minimise or prevent dust and reduce exhaust emissions from construction activities will be set out in the Construction Environmental Management Plan and implemented during the demolition and construction works. Thereafter, it is considered that effects on air quality would be negligible.

[Policy NR7 establishes that residential developments of 10 or more units will be required to incorporate on site low carbon or renewable energy production to offset predicted carbon emissions by at least 10%.](#)

The intended approach is that each residential building will use external air source heat pumps located at roof level as the primary heating and cooling source. This approach offers highly energy efficient solutions which will feed an ambient loop system. Where possible photovoltaic panels would also be incorporated on the main roofscapes.

[Policy WM1 encourages waste minimisation and supports the recycling, re-use and recovery of resources.](#)

As set out in relation to Policy GD1(1)(e), the application is accompanied by a comprehensive appraisal of the waste management issues, with "Ground Conditions and Excavation Waste" also being a topic within the EIA.

An outline Site Waste Management Plan (SWMP) provides a framework document which sets out an approach that the principal contractor will confirm upon appointment and can be controlled by conditions attached to the grant of planning permission.

[Policy LWM1 considers Liquid Waste Minimisation and requires that applications include measures to minimise the amount of liquid waste effluent that needs to be managed.](#)

As with the requirements of Policy NR2, the Sustainability Statement and the Drainage Strategy explain how water will be conserved and usage reduced, so minimising the amount of liquid waste that needs to be managed. The approach is recorded in the Codes and will be confirmed at the Reserved Matters stage.

Policy LWM2 refers to Foul Sewerage Facilities and requires a system of mains drainage that connects to the mains foul public sewer.

There is an existing foul sewer running through the site, and this will be used for the development to connect to, therefore meeting the terms of this policy.

Policy LWM3 considers Surface Water Drainage Facilities and expects proposals to include sustainable drainage systems whenever practicable and to ensure that run-off is managed close to its source.

The Drainage Strategy and the DAS explain that, where appropriate, permeable surfaces have been integrated, additionally, as a large proportion of the development is built over the basement podium then the opportunity will be taken to include geo-cellular tanks, and other initiatives to increase water storage and assist with on-site water management. These matters are also recorded in the Design Codes, and will be set out in detail within the Reserved Matters application, thereby complying with the requirements of this policy.

### OTHER MATERIAL CONSIDERATIONS SOUTH WEST ST HELIER FRAMEWORK

As referenced in Policy BE2 of the Island Plan, the planning framework for the development of the St Helier Waterfront was set by the 2006 Supplementary Planning Guidance, and the 2008 Masterplan. The circumstances which led to these documents being withdrawn, and the adoption of the Planning Framework SPG is explained in the Planning History commentary earlier in this Statement.

The whole process was led by the feedback from community charettes, facilitated by the Design Council, and the ethos of engagement with the public and stakeholder groups is embedded throughout the Framework SPG - and has been key in the evolution of the current outline application, as has been set out in the DAS and the Community Consultation documents.

The Framework SPG is punctuated with a series of "Community Expectations" as set out under topic headings:

#### GP1: Connectivity and Movement

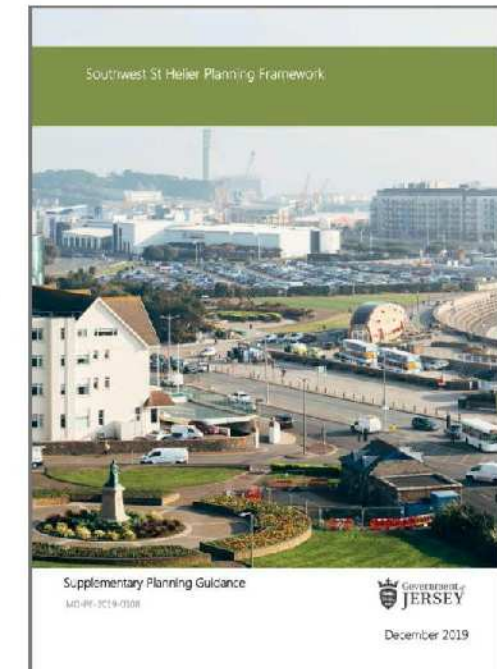
This considers the expectation of a reconnection between the sea and the community, without being threatened by vehicular traffic, and a network of interesting spaces to stop at and enjoy the view or the facilities offered.

#### GP2: Open Space

New spaces should be inviting, where Islanders can enjoy relaxing, playing and socialising safely with friends and family. Existing key views, vistas and landscaped corridors should be maintained.

#### GP3: Uses

The community expectation is for a vibrant community, which is inclusive and sustainable.





### GP4: Design

Architecture should be high quality and sustainable, creating pleasant spaces which integrate with the surrounding area.

### GP5: Building Height

The expectation is for interesting architecture, with active street frontages. Buildings should relate to a human scale and any tall building should be of an excellent quality

### GP6: Views

The requirement is for favourite views to remain enjoyed, and to still get open views of the sea, Elizabeth Castle, the historic harbours, Fort Regent and over the bay towards Noirmont.

The outline application uses these topics as the foundations of the Visioning Framework and aligns entirely with the same aspirations. The commentary in the Design and Access Statement explains the evolution of the proposals, and shows that these topics and community aspirations are at the heart of the proposals. These topics represent best practice in relation to urban design objectives and the project team have applied them consistently, and successfully, as the vision for the development has emerged.

The Framework SPG then identifies a series of “Key Opportunity Sites” (KOS) and provides site-specific guidance on the issues that will need to be considered by any proposals for the relevant areas.

The outline planning application covers KOS1, 2 and 3 as defined in the SPG.

### KOS1 Esplanade Quarter (East)



- This is considered to be a key site in terms of providing an opportunity to improve the connectivity between the town, the waterfront and commuter routes from the West.
- Any new development of this site will be expected to provide inviting, safe and attractive open space together with pedestrian and cycle links that clearly offer a physical and new cultural link between town and the Waterfront.
- 520 public car parking spaces should be provided (across KOS1, 2 and 3) with the actual number of public car parking spaces reviewed in the light of current policy and progress on the Governments Sustainable Transport Strategy.
- In addition to open space and pedestrian /cycle links, the site could also accommodate additional office buildings, residential and / or visitor accommodation and a cultural / leisure facility. Ground floor uses should contribute to the vibrancy of the area.
- building heights which exceed 7 storeys will require exceptional justification. It is acknowledged that the opportunity exists to significantly increase heights to create a single, elegant landmark building of mixed use.

All these factors are woven into the outline application. Providing the ‘at grade’ link across the dual carriage way is a key element of the outline application with the clear objective of linking town and the Waterfront. The mix of uses proposed in the application reflects the aspirations of the SPG, and in relation to the approach to height, which includes the Gateway building, this is justified through the analysis in the application documentation including the DAS and the ES, to be controlled through the Design Codes.

### KOS2 Esplanade Quarter (West)

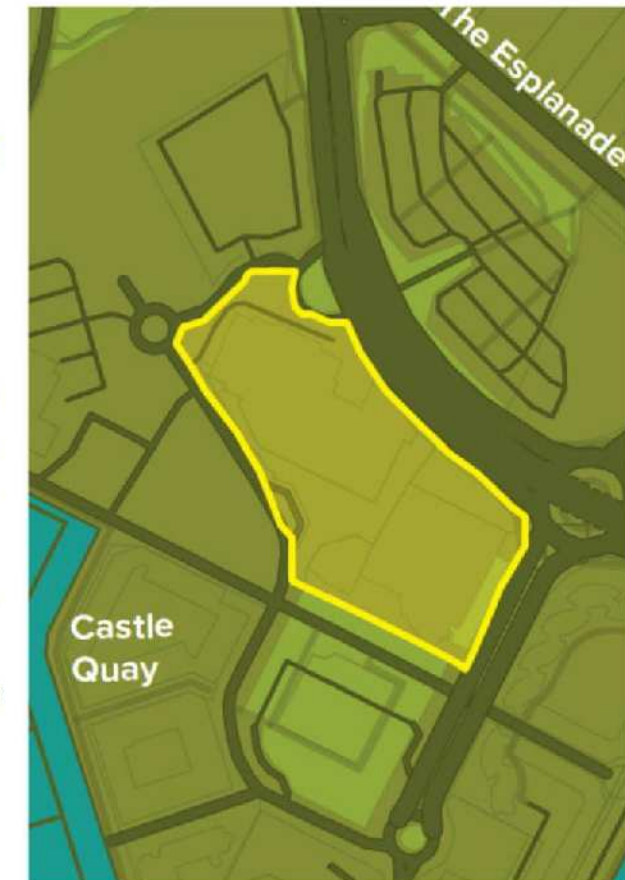
- This site should be looked at in conjunction with KOS1 and KOS3, as a real opportunity exists to create an attractive and safe link between the sites, connecting the Waterfront with town.
- It is essential to successful place making that public open spaces and lines of connection are planned out first, to ensure the person rather than the building or motor car will feel dominant and comfortable in the space.
- There will be a requirement to maintain and enhance the provision of open space, cafe and ancillary facilities and the provision of pedestrian, cycling and public transport infrastructure.
- The site should provide for residential accommodation to meet the islands housing needs, with the potential for some leisure / recreational facilities and visitor accommodation. Small scale commercial units at ground level may be acceptable where this complements other uses on or close to the site.
- The pattern of new developments could take its cue from the historic waterside development on the north side of the Esplanade or from successful examples of international waterfront developments, where they 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 7 storeys without appropriate justification.
- Full consideration should be given to the maintenance and enhancement of use towards Elizabeth Castle, Noirmont and Forts Regent;



Again, these objectives have been woven into the outline application with KOS2 delivering a residential-led development which is supported by commercial, recreational and public activities to create a vibrant waterside community. The building forms on the network of lanes and open spaces have been carefully considered to provide a sense of place that reflects the aspirations of the community as articulated through this SPG and the range of other consultation undertaken.

### KOS3 – Aquasplash / Cineworld

- The buildings themselves are not of any aesthetic value and present a brutal, visual barrier separating town from the Waterfront. In effect the buildings have turned their backs on town.
- KOS3 should be looked at in conjunction with KOS1 and KOS2.
- The opportunity exists to improve connectivity across La Route De La Liberation, and through the sites, to connect to the Waterfront.
- the opportunity exists to secure more relevant architecture and building forms that present attractive and inviting facades on all sides, visually reconnecting the site with town.
- the opportunity exists to secure a good quality recreational / leisure hub to serve the islands community, dependent on an emerging sports and recreational strategy
- These sites could accommodate a mixed-use development of residential with some recreational use, plus some of the car parking requirements referred to in KOS1.
- Appropriate building heights would be dependent on the architecture and layouts of plots, but a canyoning effect with tall buildings either side of La Route De La Liberation should be avoided.



The “Inspiring Active Places” document summarises the high-level sports strategy document produced by the Government of Jersey, considering potential investment requirements in public sport over the next 10 years. It identifies one of the drivers as being the life expectancy of the current Aquasplash swimming pool and the medium term end of its lease (2027).

The desire in the Inspiring Active Places strategy, for a replacement swimming pool and gym facility (to be the main provision for the island) is reflected in the Outline application, which includes these activities within the “Leisure Zone” in Plot F1.

The architectural approach set out within the DAS and Design Codes also proposes a building which is more expressive within the Waterfront townscape, with the ability to be a visual anchor at the southern end of the application site.

In summary, the SW St. Helier Planning Framework has been used by the project team as a clear expression of the intentions of the community for this area.

The work undertaken for the outline application has sought to move forward each and every element of the objectives within the SPG, and ensure that the outline application represents a further step on the path towards delivering these clear aspirations.

### OTHER MATERIAL CONSIDERATIONS DESIGN GUIDANCE FOR ST HELIER

Design Guidance for St. Helier was adopted as Supplementary Planning Guidance in January 2013.

It is based upon the “Willie Miller” St. Helier Urban Character Appraisal of 2005 and consists of three parts, being:

- overarching design principles;
- sets of guidelines for particular character areas; and
- advice on how the guidance should be applied.

It is quite clear that the guidance is:

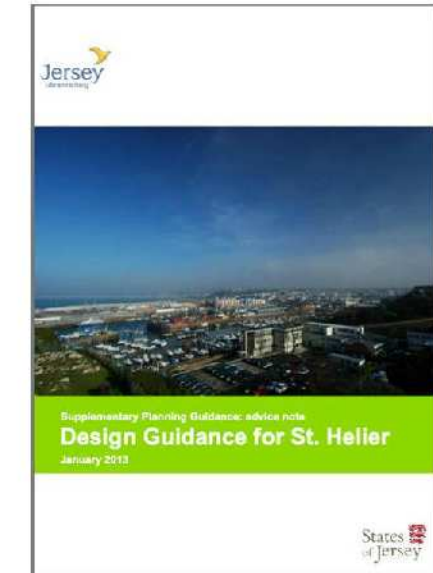
*“not intended to replace earlier masterplans or development briefs but to supplement and inform development aspirations in those areas. For the avoidance of doubt new development within the Esplanade Quarter will remain to be assessed under the terms of the Esplanade Masterplan and Design Codes prepared for that area. The original design guidance was prepared in 2006. It has been reviewed and amended in order to respond to changes which have taken place within St. Helier. Inevitably the guidance will need to be reviewed again in order that it recognises and adapts to change.”*

As referenced earlier in this Planning Statement, the Masterplan and Design Codes for the Esplanade Quarter have been withdrawn by the Minister and replaced by the SW St. Helier Planning Framework SPG (with its content also reviewed in this Statement).

In relation to overarching principles, the Design Guidance SPG identifies that:

*“Developments can be said to have been successful when:*

- *site planning and massing has responded to the larger context of the townscape and the region;*
- *architectural expression relates to a neighbourhood context;*
- *the street facade creates a safe and interactive pedestrian environment;*
- *public amenities and activities enliven adjacent streets and open spaces;*
- *arrangements for vehicular access and parking have minimal impact on the pedestrian environments.”*



The SPG then introduces requirements that all new development in St Helier should be assessed on its individual merits but also in accordance with the contribution it makes to the vitality of the town and to the quality of the wider townscape.

Specifically, it requires that new development should:

- **Minimise environmental harm**  
*Development should be designed, constructed and operated in an environmentally responsible manner. Design should include the reduction of energy, reduction of waste reduction of pollution and efficient use of materials. Development proposals should be assessed in terms of their environmental impacts and also their ability to be flexible and adapt to future change.*
- **Contributes to distinctiveness and integrate with surrounding townscape**  
*Development should help shape distinctive neighbourhoods and reinforce local identity. Reference should be made to relationships between forms and features, the use of landmarks, vistas, focal points, and any existing landscape that will give urban areas a unique character and memory.*
- **Improve first impressions and legibility**  
*New developments along key approaches and at entry points to the town should be of particularly high-quality design and architecture.*
- **Protect important views**  
*Views to and from established landmarks, hills and skylines should be protected and enhanced and the potential impact on strategic views from major access routes and public vantage points should be carefully considered.*
- **Make coherent layouts**  
*Development should form an integral part of a clear and coherent spatial structure and show robust connexions with the surrounding urban pattern. New developments should reinforce the indigenous blocks, grain and street pattern.*
- **Contributes to the vitality of the town**  
*Mixed uses and human scale give vitality and create attractive places that contribute to safe and vibrant towns. This fosters activity, and greater security, throughout the day and helps create a balanced community. Mixed use development can also reduce the need for commuting and car travel to facilities.*

- **Make positives relationships with public space**  
*New developments should enhance existing spaces and / or provide new open space to integrate and link development and create a shared community focus. Open spaces should be configured to provide visual interest and to accommodate activity. Buildings should provide a positive definition and enclosure to public space. Active frontages facing public space provide surveillance and encourage your range of activities to take place.*
- **Strengthen and extend the network of routes and spaces**  
*Development should aim to maximise the extent and quality of the existing street and public space network. The network should provide a choice of routes to maximise connectivity and linkages and aim to link areas of amenity recreation and environmental interest.*
- **Integrate car parking**  
*Almost all developments require car parking, and proposal should consider how to integrate parking without allowing it to dominate the development, the street scene or adjacent developments.*

These are fundamental principles of urban design and placemaking, usefully set out in a concise manner and are at the heart of this outline proposal. The content of the Design and Access Statement, shows the evolution of this project from its earliest iterations, and it is clear that these key principles are all embraced by the proposals and have been embedded into the project from the outset. Indeed, the scale of the application provides perhaps a unique opportunity to demonstrate how these principles can be applied in a macro townscape sense.

The second element of the SPG splits St Helier into different to Character Areas, and sets out assessment criteria considered to be distinct, definable and able to be applied as “guiding principles” to each of these Areas.

These criteria are:

1. **Horizontal / vertical**  
*This relates to the manner in an elevation contributes to the rhythm of the whole street. It refers to the emphasis formed from the predominant direction and proportion of the main building elements.*
2. **Turns the corner**  
*Corners are important elements of townscape as they define nodal points. The organic*

*and intricate street pattern of St Helier means that corners are often landmarks and can include ornate and detailed design or are subtly celebrated.*

### 3. **Colour**

*Historically the predominant colours found in town were characterised by a palette derived from indigenous natural materials. The development of synthetic paints allowed opportunities for far greater diversity of colour, and for the introduction of strong accent colours. Colour needs to be carefully considered as they can be discordant, but a limited palette will tend to produce a coherent harmonious townscape popular in seaside locations.*

### 4. **Materials**

*Stone and stucco were traditionally the two main materials forcing how they're building facades, which have now been supplemented by other materials as more diverse ranges became available overtime. The choice of material can produce harmony, diversity or disharmony depending on manipulation of the material and its unit size.*

### 5. **Massing**

*The mass of a building is a reflection of its height and footprint proportions. The scale of buildings affects the scale of streets and spaces, and is a strong determinant of urban character. Much of St Helier is of a markedly human scale, being buildings between 2 1/2 and 3 1/2 storeys in height. Cues should be taken from the immediate context to determine the appropriate height and massing of new developments.*

### 6. **Building line**

*The building line defines the edges and scale of a street and the consistent building line has a pronounced influence on the sense of cohesion along streets. The vast majority of St Helier streets have very consistent and uninterrupted building lines that can be easily identified and adopted in new developments. There are some examples of setbacks which have created attractive incidents in the streets, but this device should only be used occasionally.*

### 7. **Diversity / homogeneity**

*Some parts of the townscape are more consistent than others, and when a new development is taking place in an area that is conspicuously coordinated it is important that new buildings adopt elements of the significant local architectural theme. Where diversity is typical, however, a less contextual approach is acceptable.*

### 8. **Frontage proportion**

*The proportion of a building frontage is a function of the plot width and building height. These dimensions contribute to the underlying pattern and grain, as well as establishing a rhythm along the elevation of the street. This rhythm is reflected in the frontages, through the spacing of door and window opening, and the subdivision of gardens (etc). In many parts of St Helier there are strong and consistent patterns which contribute to the urban character of different neighbourhoods. An assessment of typical frontage proportions will help guide the design treatments.*

### 9. **Scale of detail**

*The details on a building elevation provide visual interest and give scale and character. There are many parts of town where simple robust detailing is typical. In other areas, delicate detailing and decorative additions are the norm. Where there is an observable pattern, new development should respect and complement that pattern.*

### 10. **Roof shapes and finishes**

*This refers to the treatment of the eaves line, roof plane and roof silhouette - all of which are important to St Helier, especially as there are several vantage points which look down upon the roofscape of town. Pitched roofs, flat roofs and mansards are all common in St Helier, so it is difficult to make blanket rules about what is appropriate. Reference should be made to immediate neighbours and careful consideration should be given to the overall composition and impact on the skyline.*

### 11. **Activity and streets interface**

*The treatment of the ground floor of a development will have a profound impact on the character and animation of the streets. The more transparent and active the ground floor, the safer and more interesting and attractive the streets feel. Proper consideration of these factors will ensure buildings make a suitable contribution to the vitality of the adjacent streets and the wider area.*

### 12. **Flanks**

*Flanks are rear or side elevations of buildings that become important where they are particularly conspicuous, including where they terminate a vista or mark an important junction. The articulation of the exposed elevation is important to avoid a blank or over-scaled appearance.*

The project team welcome this 'issue-by-issue' approach, which seeks to provide an objective basis for assessing design issues. Although the SPG specifically defers to the content of the 2006

SPG and the 2008 Masterplan, these have now been withdrawn, and the structure provided by this Design Guidance SPG has become a useful to articulate what is considered important in the context of design criteria which are specifically relevant to St Helier. As such, these headings have been used for much of the assessment and analysis in the DAS and Design Codes.

The specific Objectives for the New Waterfront are set out in Character Area 6, which identifies:

- *To raise the quality of development in the new waterfront area;*
- *To establish a quality business district;*
- *To build a network of connected streets and places that link easily to the traditional streets and the old town – no culs-de-sac, dead vehicle service areas or underused pedestrian areas;*
- *To build on the distinctive St Helier character rather than importing alien street, waterfront and building forms from world cities*
- *To protect views to Elizabeth Castle;*

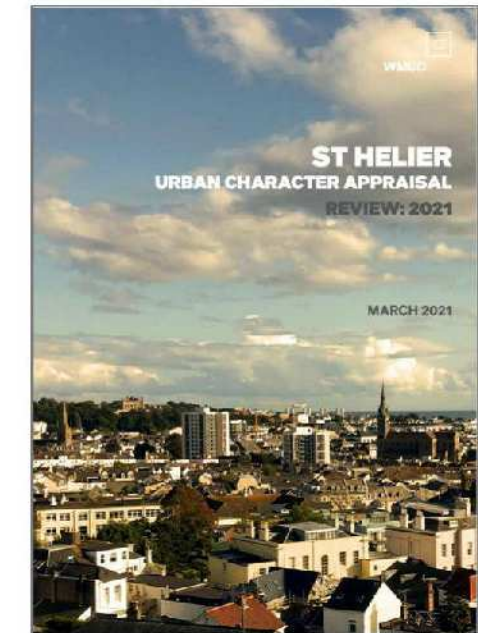
With reference back to the 12 criteria established earlier, the New Waterfront Guidance is:

CHARACTERISTIC	CRITERIA
1. Horizontal/Vertical	both
2. Turns the corner	opportunities throughout development area
3. Colour	waterfront palette
4. Materials	concrete, stucco, glass, steel, granite
5. Massing	subject to separate supplementary planning guidance
6. Building line	create new street system build to it - contrast street and quayside setbacks
7. Coordination	strong level of variety
8. Frontage proportion	take from Esplanade - older examples
9. Scale of Detail	robust, large for engineering and small for residential development
10. Roof shapes and finishes	not important to exercise too much control over this
11. Activity and street interface	very important along quaysides and links to town centre
12. Flanks	important to ensure that blank side elevations are minimised for large new build

It is relevant that the St. Helier Urban Character Appraisal has been subject to a recent review, also by Willie Miller Urban Design, which was published in March 2021 as a background paper to the Bridging Island Plan.

The brief was to update the Character Areas as defined in the 2005 appraisal, to provide a revised objective assessment of the nature of town and to help identify the capacity of different areas to absorb new development whilst ensuring that any proposed interventions are appropriate to the distinctive character of an area and its ability for change.

In relation to Character Area CA6 the “New Waterfront” the 2021 Review noted that:



*“a significant quantity of new development has taken place around the Elizabeth Marina, to the extent that the dominant character has become less obviously linked to that of historic St. Helier. Instead, the area has taken on a more global commercial style.*

*There is less vacant land here than in 2005, which is a positive factor and Waterfront Gardens are considerably more mature and pleasant. The landscaping along the northern part of La Route Du Port Elizabeth has also matured, but there is a sense of emptiness and lacking of activity in most pedestrian areas.*

*The objective set for this character area in 2005 included raising the quality of development, establishing a quality business district and building a network of streets that link easily with the traditional streets of the centre of St Helier. These objectives are still relatively remote aspirations but there are opportunities for change in the undeveloped areas.”*

The 2021 Review also advocates expanding the CA6 Character Area to the north and east to recognise that the Esplanade area has a similar style and should be united with an expanded New Waterfront zone. It is noted that the undeveloped land south of La Route De La Liberation will undoubtedly be filled in the “next five years” and that the development formats for this area will be of a similar style and height to existing buildings. The 2021 Review also identifies that there is a critical mass of higher density, taller and commercial architecture on both sides of La Route De La Liberation which now dominates the wider character area.

One of the most interesting sections in the 2021 Review is the discussion around “the development dilemma”. This commentary acknowledges that if population trends continue at the projected pace and that if the focus of new developments remains on St Helier, then the limited supply of developable sites suggests that the majority of new housing will inevitably be high density.

The review assumes that development of 6 to 8 storeys should only be acceptable where medium / tall or tall buildings have already become the norm, “for example at the New Waterfront and the Esplanade.”

At Section 3.4 of the 2021 Review it is identified that the buildings that have been delivered in the period since 2005 on the Esplanade and at the New Waterfront “set a tone for this part of St Helier in 2020 that is reasonably positive.”

It is identified that “the harbour and marina area has a 20th / 21st century character and is already predominantly 4 to 7 storeys in height so the context would not be sensitive to the introduction of more moderately tall contemporary structures”.

At the same time the 2021 Review is also clear that parts of the New Waterfront are prominent in town approach views, including from the sea and there is a particular sensitivity around views, such as to Elizabeth Castle.

It should be noted that the commentary within the 2021 Review does not seem to have any reference to the “Horizon” development of 9, 10 and 11 storeys which has now “topped out.”

The 2021 Review recaps that the original Urban Character Appraisal and subsequent Design Guidance for St Helier recommended a maximum height of six storeys but that the more detailed analysis carried out for the updated review suggests that this guidance can be “relaxed somewhat” without undermining the character and quality of the original Character Areas, and Figure 6.13 of the Review includes a recommendation of up to 8 storeys at the New Waterfront.

The 2021 Review also identifies that the sensitivity to change at the New Waterfront is now only low, and the upside of this is that the area can act as a “safety valve” for development that would be too damaging in other character areas, and that large residential developments are best suited to the less sensitive areas of St Helier, including the New Waterfront. It is also clearly referenced that the South West St Helier Planning Framework SPG (December 2019) sets out a constructive template for the future of the area.

The later sections of the 2021 Review provide updated New Waterfront Design Guidance, and set the Character Area objectives as:

- to raise the quality of development in the New Waterfront area;
- to establish a quality business district;
- to build a network of connected streets and places that link easily to the traditional streets of the Old Town without cul-de-sacs, dead vehicle service areas or under used pedestrian areas;
- To ensure a positive combination of uses within a human scale design framework, particularly, breaking down the size of ground floor retail and commercial units;
- to build on the distinctive St Helier character rather than importing alien streets, waterfront and building forms from world cities;
- to seek opportunities to moderate and adapt developments and associated public realm into more attractive places for people to develop a plan for the improvement of the ferry landing area and the route north to the Old Town;
- to protect views to Elizabeth Castle to develop more attractive walking and cycling infrastructure throughout the area with an emphasis on destinations, social hubs and circular routes.

The same 12 criteria from the original 2005 Urban Character Appraisal are taken forward into the 2013 Design Guidance SPG, and the updated Guidance table is reproduced below:

CHARACTERISTIC		CRITERIA
1	horizontal / vertical	both
2	turns the corner	opportunities throughout development area
3	colour	waterfront palette
4	materials	concrete, stucco, glass, steel, granite
5	massing	up to 8 storeys throughout but should step down to waterfront edge
6	building line	a consistent building line is needed on new streets; the setback should be narrower and contrast with the quayside setback
7	coordination	strong level of variety
8	frontage proportion	reference examples from the historic Esplanade
9	scale of detail	robust, large for engineering and small for residential development
10	roof shapes and finishes	not important to exercise too much control over this
11	activity and street interface	very important along quaysides and links to town centre
12	flanks	important to ensure that blank side elevations are minimised for large new build

### OTHER MATERIAL CONSIDERATIONS DRAFT BRIDGING ISLAND PLAN

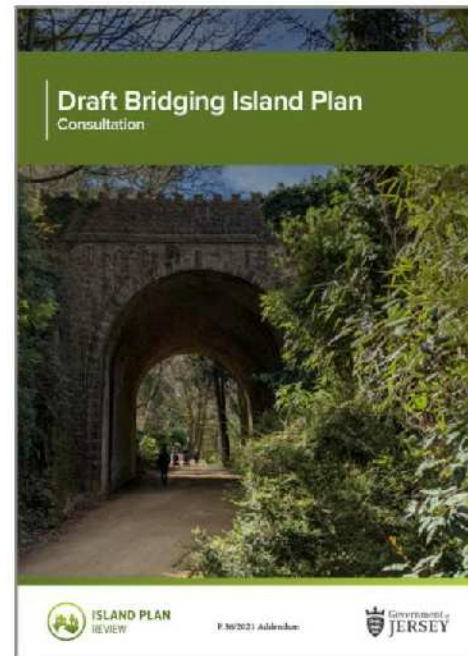
The current adopted 2011 Island Plan covers approximately a 10-year period and is due to be replaced in spring 2022 by a shorter-term Bridging Island Plan (to 2025), with this reduced period considered necessary due to the uncertainties around longer-term data assumptions as a result of covid-19 and Brexit.

A draft of the Bridging Island Plan (“BIP”) was published in April 2021 for a 12-week period for public consultations, closing in July. The Minister has now responded to this feedback and an Examination in Public concluded in early December, when Independent Inspectors reviewed the overall robustness of the Plan, and will now make recommendations to the Minister. A States Debate will then follow, and adoption is currently scheduled for spring 2022.

Although emerging policy does not have the same status in the assessment of planning applications under the Law, it can have some weight depending on how close to adoption it has reached. It is anticipated that the outline application will be determined under the terms of the Bridging Island Plan (post adoption) and whilst the outline application has been produced to the terms of the draft policies this element of the Planning Statement will need to be updated when the final policies are known. It is worthwhile at this juncture to review the over-arching strategic policy framework set by the draft BIP.

Policy SP1 of the BIP seeks to ensure meaningful and long-term reductions in carbon emissions, and sets out that the Island Plan will :

1. Direct growth to areas of previously developed land or locations which minimise the need to travel by private car;
2. Secure improvements to walking, cycling, public transport and active travel networks to promote the use of sustainable transport;



3. Direct growth to areas which are least vulnerable to the long-term impacts of climate change, including flood risk;
4. Support retention and appropriate reuse of existing buildings;
5. Ensure building design and the public realm is resilient and adaptable;
6. Reduce the carbon impact of new developments by requiring development to optimise land use to efficient forms of development which minimise energy demand;
7. Supports the delivery of renewable and low carbon energy schemes and innovative infrastructure which a transition to carbon neutrality;
8. Better protect and improve the islands infrastructure.

The headlines from this element of the BIP are positive, in particular, the re-affirmation of the need to focus on previously developed land and reduce the need to travel, which is very much at the heart of the current application. Indeed, the supporting text acknowledges that this focus “*will support the delivery of the new St. Helier Waterfront*”. There is also an acknowledgement of the impact of climate change, and the outline application obviously includes significant steps in this regard.

Policy SP2 sets out the overall spatial strategy and repeats the approach from the adopted Island Plan in relation to focusing development needs within the built-up area of St Helier, and to optimise the density of all new proposals.

The application presented in the Visioning Framework clearly aligns with this approach.

Policy SP3 considers place-making and establishes a requirement that all developments must reflect and enhance the unique character of the place where it is located. There are a series of criteria within the policy which include requirement to be responsive to its context; environmentally responsible, incorporate green infrastructure, provide the high standards of accessible design; make provision for all modes of transport; provide housing types that reflects local needs; and, have been developed by engagement with the local community.

Again, these are points which are all considered in the current application – as has been reviewed earlier in this document.



Policy SP4 identifies a requirement to protect and promote island identity, and establishes a requirement that all development should protect or improve the historic environment, make a positive contribution to local character and distinctiveness, respect the landscape, incorporate public art and support economic development.

The application is accompanied by a comprehensive bundle of supporting information including the Heritage Impact Assessment, the Environmental Statement and the Design and Access Statement which clearly show how these issues are common threads running through the proposals.

Policy SP5 establishes a requirement that developments are required to demonstrate how they will protect or improve the quality of the landscape and natural environment within which they are located including biodiversity and connected green networks.

This issue is at the heart of the application, with the Design and Access Statement explaining how a “landscape led” approach is right for this site and will clearly deliver the objectives set by this policy.

Policy SP6 seeks to support a sustainable island economy and protect employment land.

The application takes this objective forward in several ways, including by the delivery of improved flood defences - thereby enhancing the resilience of wider elements of St Helier and its economy. Also, the Visioning Framework includes two new office buildings to complement the existing buildings at the International Finance Centre, and the application also includes for an element of primarily local needs retailing - specifically to avoid undermining the vitality and viability of the core town centre.

Policy SP7 establishes a priority to plan for community needs. This policy considers such factors as ensuring that housing development making a positive contribution to the island's residential stock in terms a type and tenure. Developments are also required to contribute to a sense of place and contribute to community infrastructure.

The application is considered to perform strongly against these requirements, particularly as it delivers the long-awaited connectivity across La Route De La Liberation, so linking the Waterfront

with the rest of town. This has been a community aspiration for many years and is now an integral part of the proposals.

The DAS and Design Codes explain the manner in which the balance of the infrastructure will also support the establishment of a Waterfront community, embedded in a detailed understanding of the character of St. Helier, which will lead to the establishment of a quality environment for this community to flourish. Given the strategic focus on the town of St Helier, the BIP also expands its commentary to set out more detailed aspirations for the quality of the St Helier urban environment under a series of themes:

### A VIBRANT TOWN

- **CONNECT** - one of the key tasks is to address the current degree of severance caused by the ring road, including responding to the challenges presented by the Esplanade and La Route De La Liberation. This is specifically addressed in the Visioning Framework.
- **ENLIVEN** - the application responds to the challenge of delivering a more diverse range of uses within the heart of the town centre by delivering a new residential community and significant improvements to the public realm, thereby creating a more attractive environment in which to spend time.
- **ENHANCE** - the recognised need for higher density must be accompanied by the enhanced liveability of new homes and the neighbourhoods they help create, including access to open space, the coast and to community support infrastructure - all these points are supported by the Visioning Framework.

### A GROWING TOWN

- **INTEGRATE** - the pressing need for new housing will often mean developing at densities above the surrounding area, and this requires a design-led approach to optimising density based on an understanding of the sites attributes, its context, and the capacity for growth. This commentary also acknowledges that taller buildings can make a contribution to the sustainable densification of town, where they are carefully located and designed in context.
- **INTRODUCE** - this commentary acknowledges that the BIP will see the introduction of new and regenerated public infrastructure which specifically includes the continued delivery of the St Helier Waterfront, creating a new quarter for the town and improvements

to the pedestrian network, which supports safer more sustainable and active movement across and around town. The BIP specifically identifies that the Minister has already published SPG for parts of the town to encourage and enable development opportunities to meet the need of the Island. The BIP directly supports the delivery of the objectives of the South West St Helier Planning Framework (and the North Of Town Masterplan) both of which provide opportunities for new development and regeneration.

### A SUSTAINABLE TOWN

- **RESTORE** - this statement recognises that attractive and accessible parks, squares and streets make for a better quality of life and support physical and mental health and well-being. The Visioning Framework provides vital green infrastructure with open spaces and trees, which assist with water management, can mitigate and adapt to climate change, contribute to urban cooling, store carbon, and also provide important wildlife habitats.
- **PROTECT** - analysis of the character of town is an important tool to guide development and ensure it is integrated within the existing fabric, and the BIP text also acknowledges that it can serve to establish those parts of town where there is an opportunity to generate a new character and ensure that this complements and adds to the existing qualities of the town, such as at the New Waterfront.
- **PREPARE** – St Helier will need to adapt to, and mitigate, climate change, and the BIP identifies that the biggest challenge is to make town more resilient to the effects of sea level rise and wave overtopping. The application has this as one of the high-level benefits, but also considers the advantages of looking at a comprehensive package - such as how landscape and planting can assist with mitigating the impacts of high temperatures, how sustainable drainage can help manage surface water issues in urban areas, and how a new approach to energy can be part of a more sustainable building standard.

The general evolution of current policy into the BIP is considered to provide positive support for the Visioning Framework. It is, for example, noticeable that the height guidance from the 2021 Review of the Urban Character Appraisal is carried forward into the BIP where “up to 8 storeys” identified for the New Waterfront. Also, there is a clear understanding that the pressing housing needs (from the current plan period) need to be addressed, with a reliance on brownfield windfall opportunities, and there is an expectation that the majority of these are expected to be from the town of St Helier – which is exactly the context of the present outline application.

### THE PLANNING BALANCE

This Statement summarises the key planning considerations arising from the application, reviewed against the terms of the adopted Island Plan and other material considerations (which include wider Government initiatives, plus emerging policy and Supplementary Planning Guidance).

As with any project of this scale and nature there are both positive and negative aspects to be considered. For example, the introduction of ‘at grade’ pedestrian crossings to La Route De La Liberation means the traffic flows will be different to those experienced today. However, in highway terms the changes to vehicle queuing are not considered significant. This must also be viewed against finally achieving the long-held aspiration of reconnecting town with the Waterfront, which is set out in many of the policy documents reviewed in this Statement and in the context of the significant weight that Government policy now gives to sustainable and active travel modes.

Similarly, in relation to the scale of development, the TVIA and HIA identify some impacts but then settle the project in its surrounding built context and note a strong supportive emphasis for this form in the Framework SPG, the Design Guidance SPG and the Urban Character Appraisal Review – which itself considers the “development dilemma” that introduces the pressing need for new housing and the policy emphasis on delivery from brownfield windfall opportunities.

When looking across all the issues as summarised in this Statement, and the other supporting documents, the application has many positive elements - of a significant magnitude - not least the enhanced connectivity, flood protection and housing delivery.

This all occurs in a landscape-led framework, as part of a vibrant mixed-use development with offices, food and drink, leisure and cultural uses, supporting a destination Waterfront. Plus, a significant proportion of the site becomes new public realm, with a car-free network of squares, parks and lanes. Most importantly, it delivers all this in a package which is community-led, contextual in relation to its site and St Helier, coordinated within a clear and comprehensive framework, and is an exercise in sustainable development and positive placemaking.

It is considered that the planning balance is compelling, and that the application accords with the Island Plan (and all other material considerations). It should be welcomed as another positive step towards delivering the vision for the Waterfront and granted planning permission.