

STATES OF JERSEY



RETAIL POLICY (S.R.6/2014): RESPONSE OF THE MINISTER FOR PLANNING AND ENVIRONMENT

**Presented to the States on 25th July 2014
by the Minister for Planning and Environment**

STATES GREFFE

**RETAIL POLICY (S.R.6/2014): RESPONSE OF THE MINISTER FOR
PLANNING AND ENVIRONMENT**

Ministerial Response to: S.R.6/2014
Review title: Retail Policy
Scrutiny Panel: Economic Affairs Scrutiny Panel

FINDINGS

The Findings of the Scrutiny Panel that are relevant to the Minister for Planning and Environment are listed below, with the Minister’s responses alongside them.

	Findings	Minister for Planning and Environment Comments (DoE)
6	The Economic Development Department created avoidable confusion and delays to its own and the Panel’s work in relation to retail, by developing the draft Retail Development Plan with inadequate inclusion of and communication with other stakeholders, and failing to notify the Panel of the ongoing work despite procedural requirements to do so.	DoE: The Department of the Environment would welcome engagement as part of the development of any Retail Development Plan.
36	Although visually attractive and creating an often improved atmosphere, it is difficult to strike the right balance between pedestrianisation and the needs of retailers to service premises. Pedestrian priority initiatives, already seen in some parts of the Island, appear to provide an appropriate compromise.	<p>DoE: The Minister for Planning and Environment does not consider it to be difficult to strike a balance between competing uses of road space, if it is clear what the objectives are for different parts of the public realm.</p> <p>If we want a town centre that is attractive to people as a place to shop and socialise, and to spend time and money in so doing, then greater priority needs to be given to pedestrians to create a more attractive environment: it is only people who are on foot who spend money in shops.</p> <p>This is already recognised in the 2011 Island Plan (see pp. 303–306 Island Plan 2011: travel and transport chapter)</p> <p><i>8.42 Complete pedestrianisation of town streets is not envisaged during the Plan period, but continued investment in the public realm and an extension of pedestrian priority is considered necessary to support the viability and vitality of the town centre.</i></p>

	Findings	Minister for Planning and Environment Comments (DoE)
		<p>Proposal 23</p> <p><i>Pedestrian priority</i></p> <p><i>The following areas have been identified as pedestrian priority areas. The implementation of measures to extend and enhance the public realm in these locations will be supported and approved by the Minister for Planning and Environment, following public consultation and engagement with key stakeholders –</i></p> <ul style="list-style-type: none"> • <i>Halkett Place (south of Waterloo Street);</i> • <i>Library Place, Vine Street and Church Street;</i> • <i>Dumaresq Street (western end);</i> • <i>Hue Street;</i> • <i>Oxford Road(southern end).</i> <p><i>The following areas have been identified as areas where there is a presumption in favour of the reclamation of road space to extend and improve the public realm. Applications to change the use of these areas to public open space and the implementation of measures to improve the public realm will be supported.</i></p> <ul style="list-style-type: none"> • <i>Area between Liberation Square and Weighbridge Square;</i> • <i>Gloucester Street (eastern end) between Parade Gardens.</i> <p><i>Extensions to, and reviews of, the pedestrian priority zones will be assessed over the Plan period, specifically in relation to further work undertaken in St Helier Regeneration Zones.</i></p> <p><i>To realise these proposals requires some political championing and resource to pursue them to implementation.</i></p> <p><i>The Minister for Planning and Environment has, in partnership with other stakeholders, already delivered successful town centre enhancement schemes, giving more space and priority to pedestrians and thus promoting retail vitality, at Broad Street; Charing Cross/York Street; Sand Street; New Street; Colomberie/Green Street; and</i></p>

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		La Motte Street, under the auspices of the St. Helier Street Life Programme, which was supported by capital funds.
37	Maximising the physical attraction and the ease of moving through town were identified as important means of encouraging people to choose to shop in town. However, inadequate pavements and clumsily placed bollards and street furniture were cited as examples of existing physical barriers that negatively impact on the ability of people to enjoy the experience of shopping in town.	<p>DoE: The Minister for Planning and Environment considers that fundamental to the regeneration of St. Helier is the development of a comprehensive Movement Strategy for the town, which defines objectives for the pattern of movement into and around the town for all modes of transport – pedestrian; bike, bus, van and car – and which includes a series of proposals and actions for investment to improve travel by each mode.</p> <p>At the detailed level, this should include a review of the adequacy of existing infrastructure to support the ease of walking into and around the town.</p> <p>This was an integral element of the St. Helier Street Life Programme schemes referred to at 36 above.</p>
38	The covered markets should be a ‘jewel in the crown’ of Jersey’s retail sector, acting to stimulate footfall in town and attracting shoppers to a vibrant retail core. Presently however, whilst architecturally attractive, the markets fail to live up to such expectations, and radical change has been widely called for to improve on the tired atmosphere and generally underwhelming offering.	<p>DoE: The Minister for Planning and Environment considers that part of the attraction of the covered markets is the sale of fresh produce, which is part of their heritage and vibrancy, the essential character of which is important to retain in any consideration of radical change.</p>
40	Issues regarding parking featured in almost all submissions received by the Panel during the Review. Parking matters present a very real challenge to retailers, but there are workable initiatives that could help improve the situation.	<p>DoE: See 37 above and 41 below: any Movement Strategy would need to include car parking considerations.</p>
41	Overall capacity amongst town’s car parks is adequate to accommodate demand from commuters and shoppers, but the geographic distribution of spaces is not. The north of town is under-served by the current car parking provision, and Pier Road car park is too frequently under-capacity.	<p>DoE: The St Helier Parking Needs Study (June 2013) reviewed the provision of and need for public and private parking in the town. It presented a series of recommendations, two of which are as follows –</p> <p><i>Recommendation 5. The primary intent is for the Ann Court site to deliver affordable housing. It is in a central urban location</i></p>

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		<p><i>suitable for low parking provision for residents. 200 parking spaces delivered as part of the larger footprint site development should be allocated as public short-stay parking, with a further limited number set aside for residential use.</i></p> <p>Recommendation 6. <i>A site in North Town suitable for acquisition and conversion into a surface car park able to provide at least 200 spaces is sought. The car park should permit and enable long-stay. Between 20 to 50 parking bays should be separately operated/demarcated to serve a primary short-stay purpose.</i></p>
42	<p>Minden Place is a vital shopper car park, but, as with others, it is outdated and requires significant refurbishment, modernisation, or complete replacement.</p>	<p>DoE: The St Helier Parking Needs Study (June 2013) reviewed the provision of parking at Minden Place, and set out the following recommendation –</p> <p>Recommendation 8. <i>Once additional car park capacity is established within North Town at Ann Court and another site, Minden Place car park is brought forward for refurbishment or replacement as a premium car park or the site is brought forward for redevelopment with minimal on-site parking.</i></p>
44	<p>There is wide acknowledgement and support for more bus services to be provided to help people access town at points other than Liberation Station, along with a service that would link urban areas whilst penetrating towards the town centre. The latter could encourage more shoppers to visit town and other retail areas such as Les Quennevais Parade.</p>	<p>DoE: See 37 and 41 above: any Movement Strategy would need to include travel by bus.</p>
45	<p>There is some confusion over the status and continued relevance of existing planning strategies for town, notably the North of St. Helier Master Plan.</p>	<p>DoE: The States of Jersey’s overall strategy for the town of St. Helier is clearly set out in the Island Plan 2011 (pp.128–129 Built Environment Chapter): this was approved by the States in June 2011.</p> <p>The North St Helier Masterplan is adopted along with extant supplementary planning guidance, as are a series of site-specific development briefs for this area, including sites at Jersey Gas and Le Masurier’s land in Bath Street. The North St. Helier Masterplan has, in accord with the recommendations contained within it, been supplemented and</p>

	Findings	Minister for Planning and Environment Comments (DoE)
		updated by the St. Helier Parking Needs Study: the status of the recommendations within this study, relative to the positions of the Minister for Planning and Environment and Transport and Technical Services, are clearly set out.
46	The current withdrawal of proposals for development around Bath Street by Le Masurier's has been a significant setback for retail regeneration opportunities in that area.	<p>DoE: As stated (at 47) below, the retail core is contracting and shifting. The regeneration opportunities in and around the Bath Street area will be principally residentially-led, not retail-led.</p> <p>The Minister's adopted planning guidance for this area, which is consistent with the 2011 Island Plan, states –</p> <p><i>The regeneration of this area provides an opportunity to breathe new life and vitality into this part of town, and whilst residential or community-based provision might provide the predominant form of development in terms of floorspace, it is important that a level of commercial floorspace in the area is maintained and renewed in accord with the Island Plan policy of protecting employment land and to increase vitality at ground floor. Accordingly, in formulating the commercial element of the scheme, the developer should have regard to the Island Plan policies: ER2 – Protection and promotion of St. Helier for shoppers; ER4 – Development of local shops; ER5 – Development of evening economy uses; ER6 – Take-away food outlets; ER7 – Large-scale food shops and ER8 – Large-scale non-food retailing.</i></p> <p><i>Specifically, there is an opportunity to refresh the retail offer of ground floor frontages that face on to the existing pedestrian thoroughfare of Bath Street in particular, as well as opportunity to create new commercial activity on new pedestrian routes, such as that between the Town Park and Halkett Place. The inclusion of such uses can add vitality, colour and movement to the area throughout the day and potentially into the evening.</i></p> <p><i>The Minister would also consider the provision of live/work units, as well as the provision of community and healthcare facilities to serve local needs.</i></p>

	Findings	Minister for Planning and Environment Comments (DoE)
47	<p>The town footprint and retail core is shifting south-westerly with the influence of the developing waterfront area. Additionally, there are indications that the town retail core could contract due to the challenging trading conditions, to be increasingly anchored by King Street and Queen Street.</p>	<p>DoE: The 2011 Island Plan already recognises and provides a planning policy framework which reflects the changing retail core of the town –</p> <p><i>5.54 Over many years, and for different reasons, the physical extent of the town's retail centre has contracted, reflecting changes in the pattern of shopping. The character of areas such as The Parade, Bath Street (beyond Minden Place), La Motte Street and Colomberie has changed and they have, for the most part, become secondary shopping areas. In some areas, such as Cheapside, David Place, New Street (north of Burrard Street) and the eastern end of Colomberie, they have become primarily local shopping areas, serving the residential areas surrounding them.</i></p> <p><i>5.55 Thus, there has been a long-term shift in retail activity away from the northern and outlying parts of the Town Centre. This shift in the centre of gravity is further emphasised by the prospect of further retailing on the Waterfront with a specialist retail focus, including the developments at Liberty Wharf, the Esplanade Quarter and Castle Quays. Currently, however, they are poorly linked to the town centre.</i></p> <p><i>5.56 The strategy is to redefine the retail centre. Within its boundary, primary retail frontages are identified, where uses will be restricted to retail and a limited number of catering outlets. Secondary retail frontages are also identified, where greater flexibility of use will be allowed with retail, catering, banking, and professional services permitted, providing they provide an active frontage and a service to members of the public.</i></p>
48	<p>Despite certain improvements in Planning application processes, retailers continue to face challenges relating to change of use policies. The challenges can disproportionately affect small businesses and retailers with small premises. The time taken to gain relevant permissions and compliance with bye-laws such as those relating to the provision of toilet facilities were identified as being particularly</p>	<p>DoE: The Minister for Planning and Environment is undertaking a major review of the Planning and Building (General Development) (Jersey) Order 2011 in the second half of 2014. This Order defines various use classes and, importantly, allows premises to move within and between certain classes without planning permission. The Minister is happy to review this Order in the light of the Panel's views and will actively</p>

Findings	Minister for Planning and Environment Comments (DoE)
<p>challenging. Due to the impact of the shifting town footprint in increasing the number of change of use applications, such occurrences may become more frequent.</p>	<p>seek public opinion on whether the current level of control is appropriate.</p> <p>On the matter of toilet provision, the building bye-laws call for adequate provision to be made for staff in all work-places and for customers in shops that have a retail area in excess of 1,000 m². As the majority of shops in Jersey have retail areas less than 1,000m² the bye-laws tend to focus on the provision made for staff. Changes were made to the building bye-laws in 2007 aimed at achieving more inclusive design, and these call for wheelchair-accessible toilet facilities to be included as part of the overall sanitary provision when the use of a building changes to create shop premises. In the majority of cases involving small retail premises, a single wheelchair accessible WC in place of a standard WC is sufficient to meet the building bye-law requirements, and this can usually be accommodated without any significant problems. It is, however, recognised that there are occasions where space constraints are such that provision of a wheelchair-accessible toilet can be considered unduly onerous. In these cases, an applicant is able to propose alternative solutions to show his proposal achieves the objective of inclusive design. This is done in the form of a design access statement which sets out the designer's philosophy and approach to inclusive design. The access statement enables the Department to make an informed judgement about whether or not a proposal makes reasonable provision in terms of sanitary facilities for people who are likely to work in the building over its lifetime. The Department has accepted toilet facilities that are suitable for ambulant disabled people as an alternative to wheelchair-accessible toilet in change of use situations where floor space is severely restricted. In the Department's experience, the objective of achieving inclusive design can normally be met without too much difficulty. In cases where specific challenges exist, these can normally be resolved with an access statement.</p>

	Findings	Minister for Planning and Environment Comments (DoE)
51	Whilst King Street and Queen Street have retained robust occupancy levels, there have been instances of short- and, more significantly, long-term unoccupied shops outside of the retail core. There is currently no States policy designed to help address such detrimental occurrences.	DoE: This is not the case: planning policy contained in the 2011 Island Plan enables change of use of ground floor retail uses outside of the retail core.
52	Retail, tourist, traffic and general information signage is too often underwhelming, inconsistent and outdated. This is a matter that requires the co-operation and co-ordination of a number of stakeholder groups to improve, including retailers themselves and authorities such as Jersey Tourism (ED), other relevant States Departments and the Parish of St. Helier.	DoE: The Minister for Planning and Environment is happy to work with all relevant stakeholders to improve directional signage for the town. Of greater significance, however, is the physical legibility of the town and the ease of movement for pedestrians: if it is clear, from the nature of the physical environment, which way you need to go, there is less reliance on signage to tell you.
53	Increased use of flags and banners has been identified as a relatively quick and inexpensive means of refreshing and animating retail areas, although concerns were raised about the possible nature of the associated planning process, including by the Minister for Planning and Environment.	DoE: The Minister for Planning and Environment is due to review the Planning and Building (Display of Advertisements) (Jersey) Order 2006 in 2015. This will allow for further deregulation in this area. Of course, the Minister will also need to bear in mind the potential cumulative impact on public amenity of too much advertising.

RECOMMENDATIONS

The Recommendations of the Scrutiny Panel that are relevant to the Minister for Planning and Environment are listed below, with the Minister's responses alongside them.

	Recommendations	To	Accept/ Reject	Minister for Planning and Environment Comments (DoE)	Target date of action/ completion
2	Working with the stakeholders, the Minister for Economic Development should progress initiatives and plans to help address the challenges associated with the on-Island retail sector, and develop a new, more relevant and comprehensive overarching Retail Strategy.	ED		<p>DoE: A significant part of any such work will relate to policy affecting the location of physical retail space and the quality of the environment in which this takes place: linked to this are issues associated with transport and ease of movement. The Minister for Planning and Environment is responsible for planning policy and is leading the work of the "Future St. Helier" project and should, therefore, be involved as a key stakeholder in relation to the development of a new Retail Strategy.</p> <p>Any new Retail Strategy needs to be clear about the issues and challenges faced by convenience and comparison shopping.</p>	
14	Pedestrian priority initiatives should continue to be implemented, and a feasibility study of such a scheme in Halkett Place, from Amyson Corner along the length of the Central Market, should be co-ordinated as a priority by the Minister for Transport and Technical Services, with input from the Town Team or equivalent comprehensive stakeholder organisation.	TTS		<p>DoE: The 2011 Island Plan already provides the policy framework for the provision of further pedestrian priority in St. Helier (see response to Finding 36 above).</p> <p>To ensure that any schemes deliver optimum benefit that enhances the quality and character of the town centre (as opposed to just delivering a traffic management outcome), it is important to engage a range of skills, interests and perspectives at the design stage of any proposal.</p>	

	Recommendations	To	Accept/ Reject	Minister for Planning and Environment Comments (DoE)	Target date of action/ completion
15	Through the Town Team or equivalent body, the Minister for Economic Development should co-ordinate a plan to identify and implement relevant improvements to the physical town environment, including removal of 'physical barriers' that negatively impact on the ability of people to circulate easily through town.	ED & TTS		DoE: The Minister for Planning and Environment is leading the work that is focussing on the future of St. Helier. The development of a Movement Strategy for the town, to include specific proposals to enhance key pedestrian access routes and desire lines, is an integral element of this.	
16	A clear strategy should be developed by the Minister for Treasury and Resources (the Landlord) regarding the covered Markets. This should be informed by consultation with all relevant stakeholders on the wide range of initiatives and views held, and include assessment of a fundamental overhaul of the interior layouts and retail offering. Changes must also be considered to outdated opening hours.	T&R		DoE: The Minister for Planning and Environment considers that the character and vitality of the covered markets, provided in part through the sale of fresh produce, is an integral element of the retail offer of these buildings and the town centre: this should remain a primary consideration in any proposals to overhaul the retail offer.	
18	The Minister for Transport and Technical Services should undertake the necessary work with colleagues and other stakeholders to achieve the following – <ul style="list-style-type: none"> ● A clear decision on the future provision of north of town car parking. ● The roll-out of automatic number plate recognition systems (or similar) in all covered car parks to end the predominance of scratch-cards. ● A fully developed strategy for the phased modernisation and refurbishment of all car parks. ● A review of all initiatives, including charging structures, 	TTS & P&E /T&R		DoE: Clear recommendations, in relation to the provision of parking in the north of St. Helier, are set out in the The St Helier Parking Needs Study (June 2013) (see responses to Findings 41 and 42 above). Resources are required to progress these proposals to implementation.	

	Recommendations	To	Accept/ Reject	Minister for Planning and Environment Comments (DoE)	Target date of action/ completion
	that might encourage a more appropriate distribution of commuter and shopper parking.				
19	The Minister for Transport and Technical Services should work with Liberty Bus to develop proposals for more buses to access town at points other than Liberation Station, and a service that would link a range of urban areas whilst also penetrating towards the town centre.	TTS		DoE: The Minister for Planning and Environment is leading the work that is focussing on the future of St. Helier. The development of a Movement Strategy for the town, to include specific proposals to enhance bus access routes, should be an integral element of this.	
21	The Minister for Planning and Environment should assess the merits of revising and/or clarifying the current strategies relating to development in town, notably with regard to their relevance to retail. This will be essential in providing a structure to the south-westerly shifting town footprint and potentially contracting retail core.	P&E	Reject	DoE: The Minister for Planning and Environment considers that the current planning framework for retail development is clear and is set out in the 2011 Island Plan, and is supplemented by specific supplementary planning guidance for the North of St. Helier and key sites within it.	
23	The Minister for Economic Development should work with the Town Team or equivalent body, and notably the representative from the Environment Department, to ensure that change of use processes and laws are as appropriate and efficient as possible.	ED/ P&E		DoE: The Minister for Planning and Environment is undertaking a major review of the Planning and Building (General Development) (Jersey) Order 2011 in the second half of 2014.	
25	The Minister for Planning and Environment should examine the planning process and legislation associated with flags and banners to ensure that they are as appropriate and efficient as possible.	P&E		DoE: The Minister for Planning and Environment is due to review the Planning and Building (Display of Advertisements) (Jersey) Order 2006 in 2015.	

CONCLUSION

The Minister for Planning and Environment welcomes the Scrutiny Panel's report on retailing.

Amongst other things, this has served to emphasize that there is a need to focus on the quality of the urban environment to ensure that, in particular, the town centre is a place that people want to visit. It needs to be easily accessible and it needs to provide an experience that is pleasant and unique, to ensure that it is somewhere that people want to spend time and money.

Greater emphasis and investment, therefore, needs to be focussed on the use and quality of the public realm – the streets, squares, parks and other public spaces, such as the covered markets – that form and influence our experience of using and visiting the town centre. There is also a need to look at the range of services, facilities and activities that different land uses and spaces can offer in the town centre.

This needs to be viewed in the context of the development and future of St. Helier as a whole, and needs to be considered in a holistic way to ensure that optimum delivery of outcomes and objectives that will help deliver a better St. Helier: the Minister for Planning and Environment is seeking to lead this piece of work, under the auspices of the "Future St. Helier" project, and will seek to engage and work with a range of interests, both within and outside of government.