

STATES OF JERSEY



ANNUAL BUSINESS PLAN 2007: PROPERTY PLAN (P.34/2007) – SECOND AMENDMENT

Lodged au Greffe on 3rd April 2007
by Senator B.E. Shenton

STATES GREFFE

ANNUAL BUSINESS PLAN 2007: PROPERTY PLAN (P.34/2007) – SECOND AMENDMENT

At the end of the proposition, after the words “as detailed in Appendix A” insert the words, “except 1 Oxford Road, St. Helier, offices and workshop (ER1515/1)”

SENATOR B.E. SHENTON

REPORT

“It is somewhat ironic that the Department charged with the preservation of our historic buildings is also responsible for their dilapidation and destruction”.

I apologise to States Members for both the late submission of this amendment, and the lack of detail within this brief report. I was contacted by concerned members of the public only a couple of weeks ago and Standing Orders dictate that the deadline for lodging this amendment is very close.

I therefore shall arrange for further information to be submitted to all members prior to the debate and would ask the Council of Ministers to refrain from making any negative comments on this amendment until they have received these papers.

Separately I am investigating whether the powers of the Planning Department in respect of historic buildings, and specifically their Sites of Special Interest and the somewhat arbitrary Buildings of Local Interest, conform to human rights legislation. The Buildings of Local Interest powers, for example, would appear to be illegal as there is no independent power to which an appeal can be made. To quote from the planning website –

“Any appeal will be considered and determined by the Minister for Planning and Environment. If the Minister concludes that a building does not meet the criteria for registration it will remove the building from the Register and will not reconsider the matter for three years from the date of its decision.”

The Oxford Road property is one of several left to the States ‘for the benefit of the aged, infirm and needy residents of the Island’ by Mr. Harold Le Seilleur, who died in 1996. In May 2003 a proposition to sell the property for £356,000 was rejected by the States. Unfortunately, since being left to the States this property has generated no benefit and has incurred only costs.

As an SSI there are significant Planning requirements which constrain the development potential. The existing form and structure must be retained or rebuilt in like manner. The effect of the SSI is to reduce the potential value of the site, given the poor condition of the existing structure. An appeal by Property Holdings against the designation of this property as an SSI was rejected in December 2006.

To quote from the proposition – “the property is now in a dilapidated state”. This is as a result of years of neglect. My concern is that the very laws designed to protect it have in fact significantly contributed to its deterioration. Whilst I appreciate that legislation should be in place to protect our historic buildings I feel that these are often applied in such a heavy-handed manner that the property effectively becomes useless and consequently falls into disrepair. The revised ‘Historic Building and Development Brief (MD-PE-2007-0040) states –

“The need to find a user and use for this historic building is recognised, but the uses previously suggested are considered a little restrictive.”

This is a massive under-statement. The restrictions placed on the site coupled with Jersey’s high renovation costs rendered the building completely useless and resulted in its slow destruction. The revised brief continues to lack any understanding of the real world. I note that the Planning and Environment Department subsequently requested that the Jersey Heritage Trust undertake an appraisal of the property ahead of discussions with the Ministerial Registration and Listing Advisory Group. Yet I cannot find anyone within this body with the qualifications to offer anything other than subjective unresearched advice. As such their recommendation, whilst entirely predictable and in some ways laudable, is irrelevant. To them an antique spade that has had 6 handles and 7 blades during its life is still an antique— even if the new handle was fitted last week and the new blade the week before. If an historic building requires so much work that little of the original is left, it is no more than an expensive Disneyland pastiche expensively reconstructed to satisfy those that cannot tell the difference between a reproduction and the original.

I feel that all planning decisions should pass a ‘reasonableness’ test and perhaps a more commonsense approach is required. The following written question has been submitted to the Minister of Planning and a reply should be

forthcoming at the next States sitting –

“Would the Minister advise members whether the various Planning restrictions placed by the Planning and Environment Department, particularly those relating to properties designated as Sites of Special Interest such as the Le Seilleur offices and workshop in Oxford Road, are human rights compliant?”

By sheer coincidence a few days after my question was lodged, R.31/2007 – Sites of Special Interest and Buildings of Local Interest: financial implications – report dropped through my letter box. This report, not independently produced, was a response to a proposition in 2004 and a question in 2006 and the timing of its publication could not have been more apt (from planning’s viewpoint). This basically confirmed that financial implications of a listing are very high whilst you are alive! (You need to read the report – over whole-life you get some money back because when you die you can sell the house for more money.)

The Le Seilleur property was willed to the Island for the benefit of Islanders. The actions of the States since acquisition has been reprehensible, and now we have destroyed the soul of the building we want to dispose of it at a fire-sale price because it is proving an embarrassment. The property sits on the edge of what will be the new Town Park and I am confident that with a little forethought, a little common sense from planning, and some hard work, that the property can and will benefit the community.

There are no financial or manpower implications in respect of this amendment.

**Register of Buildings and Sites of Architectural, Archaeological and Historical Importance – Review of 1 Oxford Road (Le Seelleur workshops), St. Helier.
(MD-PE-2006-0228)**

Introduction A decision made (01/12/2006) regarding Review of 1 Oxford Road (Le Seelleur workshops), St. Helier.

Decision

Subject:	Review of 1 Oxford Road (Le Seelleur workshops), St. Helier		
Decision reference:	MD-PE-2006-0228	Exempt clause(s):	None
Type of report (oral or written):	Oral and written	Report file ref:	HE1255
Person giving report (if oral): Curator of Historic Buildings: Jersey Heritage Trust			
Written report – author: Curator of Historic Buildings: Jersey Heritage Trust			
Written Report Title: Register of Buildings and Sites of Architectural, Archaeological and Historical Importance – Review of 1 Oxford Road (Le Seelleur workshops), St. Helier			
Decision(s): The Minister for Planning and Environment determined to: 1. retain 1 Oxford Road (Le Seelleur workshops), St. Helier on the Register as a proposed Site of Special Interest 2. authorise officers to progress with the preparation of the formal process of adding this site to the List of SSIs, to be the subject of a further report to the Minister			
Reason(s) for decision: 1 Oxford Road (Le Seelleur workshops) satisfies the published criteria for registration as a pSSI.			
Action required: 1. Advise Property Holdings of decision 2. Notify Development Control – Urban Team of decision 3. Prepare Notice of Intention to List for further consideration of the Minister			
Signature: <i>(Minister/ Assistant Minister)</i>		Date of Decision: 1 December 2006	

PLANNING AND ENVIRONMENT

Register of Buildings and Sites of Architectural, Archaeological and Historical Importance

Review of 1 Oxford Road (Le Seelleur workshops), St. Helier

Purpose of the Report

The purpose of this report is for the Minister to review the existing registration of 1 Oxford Road, having regard to the States strategic objective 'to protect the best of the Island's architectural heritage' and a key objective of the Island Plan 2002 to protect and promote Jersey's built, cultural and archaeological heritage.

Background

1 Oxford Road (Le Seelleur workshops) was included in the 1992 Historic Buildings Register as grade 1.

The Jersey Building Heritage Sub-Committee confirmed the building as a pSSI during its review of all registered buildings in St. Helier in 2002.

Property Holdings, on behalf of the Minister for Health and Social Services, requested the registered status of the property be reviewed in August 2006 (correspondence attached). The Planning and Environment Department subsequently requested that the Jersey Heritage Trust undertake an appraisal of the property ahead of discussions with the Ministerial Registration and Listing Advisory Group.

The Curator of Historic Buildings carried out an inspection of the workshops on 18 October.

MRLAG carried out a detailed internal and external inspection of 1 Oxford Road (Le Seelleur workshops) at its meeting on 13 November.

Discussion

It was noted that the workshops at 1 Oxford Road date back to 1845 (with later alterations), and are a relatively rare survival of an historical industrial building on the edge of the town centre.

It was agreed that the workshops retain their historic form with only minor alterations. Members observed that the buildings are of unusual construction with a mixture of granite and brick with timber boarded upper floors containing extensive glazing. It was noted that the interior of the building is unusual for its large open plan areas at first floor level supported by a mixture of structural cross walls and closely spaced piers at ground floor level. Although very utilitarian, it was agreed that there are internal details of interest such as heavily joisted flooring and brick piers formed with rounded corners, and that the open nature of the workshops with walls of glazing and natural light contribute significantly to the distinctive character and special interest of the building.

Taking these factors into consideration, it was agreed that 1 Oxford Road merits retention on the Register as a proposed Site of Special Interest.

Recommendation

1 Oxford Road (Le Seelleur workshops) should be retained on the Historic Buildings Register as a proposed Site of Special Interest.

It is further recommended that the Minister authorises officers to progress with the preparation of the formal process of adding this site to the List of SSIs, to be the subject of a further report to the Minister.

Reason(s) for Decision

1 Oxford Road (Le Seelleur workshops) satisfies the published criteria for registration as a pSSI.

Action Required

- Advise Property Holdings of decision
- Notify Development Control – Urban Team of decision
- Prepare Notice of Intention to List for further consideration of the Minister.

Written by:	Roger Hills Curator of Historic Buildings - Jersey Heritage Trust
Approved by:	Janet Dore Principal Historic Buildings Advisor
Endorsed by:	Kevin Pilley Assistant Director

Attachments:

Representation from Property Holdings

Location plan

Assessment form and photographs, October 2006

Photographs 1988

HE1255

14 November 2006

STATES OF JERSEY

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No. 1, OXFORD ROAD, ST. HELIER: PROPOSED SALE

**Lodged au Greffe on 29th April 2003
by the Health and Social Services Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to authorise the sale by the public to Fensom Ltd. of the property No. 1 Oxford Road, St. Helier for the sum of £356,000, with each party being responsible for its own legal fees; and
- (b) to authorise the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public.

HEALTH AND SOCIAL SERVICES COMMITTEE

- Notes:
- 1. The Environment and Public Services Committee supports the report and proposition of the Health and Social Services Committee to accept the tender of £365,000 from Fensom Limited for the purchase of the Le Seilleur Workshop.
 - 2. The Finance and Economics Committee agrees to the sale of the property known as No. 1 Oxford Road, St. Helier to Fensom Limited for a consideration of £356,000.

REPORT

By his last Will and testament of immovable estate, dated 28th December 1988, the late Mr. Harold Ernest Le Seelleur most generously devised the whole of his immovable estate, subject to certain life enjoyments, to the States of Jersey, for the benefit of the aged, infirm, and needy residents of the Island.

At the time of his death, on 10th October 1996, Mr. Le Seelleur's estate consisted of several properties of which No. 1 Oxford Road was one. Following approval by the States that the properties be administered by the Health and Social Services Committee, a report was prepared which recommended that the Oxford Road premises be sold to pay for urgent maintenance and repairs to the remaining properties in the portfolio. This action was also approved by the executrices of Mr. Le Seelleur's Will, with whom Mr. Le Seelleur had requested such matters be discussed following his death.

The Oxford Road offices and workshop were subsequently offered to all other States Departments prior to being sold on the open market as is customary when States property is disposed of. As a result, the Employment and Social Security Committee advised the Health and Social Services Committee of their wish to acquire the property for the purpose of developing it into a workshop for their Special Needs Employment Service. During the period January 1998 through to August 2002 that Committee tried, without success, to raise the capital required to develop the property.

There being no other suitable States use for the building, it was put out to tender in the open market. The tenders were received back on 14th February 2003 and were considered on their merits and proposed use of the building.

Following consultation with the executrices of Mr. Le Seelleur's Will and discussions at Committee, it has been decided to recommend the acceptance of the tender received from Fensom Ltd. to purchase the freehold of No. 1 Oxford Road, offices and workshop, for the sum of £356,000. The intention of the company is to expand their business into the town premises by running a tearoom/restaurant, with some community facilities, giving people working and living in the area an attraction.

The Committee therefore seeks approval of the States to the sale.

The financial implications of this proposition are self-explanatory and there are no manpower implications for the States.

**THE STATES assembled on Tuesday,
13th May 2003 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

No. 1 Oxford Road, St. Helier: proposed sale- P.52/2003

THE STATES commenced consideration of a proposition of the Health and Social Services Committee concerning the proposed sale of No. 1 Oxford Road, St. Helier. After discussion, Senator Wendy Kinnard sought leave to propose that the matter be referred back to the Committee. The Bailiff ruled that, in accordance with Standing Order 26(1), the effect of such a proposition would be to negative the question and it was therefore disallowed.

THE STATES resumed consideration of the proposition and, after further discussion, the Deputy of St. Johr sought leave to propose that the States move on to the next item on the Order Paper. The Bailiff ruled that, in accordance with Standing Order 27(1), it appeared that the proposition was an abuse of the procedure of the States and it was therefore disallowed.

THE STATES resumed consideration of the proposition and after further discussion, Senator Christopher Gerard Pellow Lakeman sought leave to propose that the matter be referred back to the Committee. The Bailiff ruled that, in accordance with Standing Order 26(1), the effect of such a proposition would be to negative the question and it was therefore disallowed.

THE STATES rejected the proposition of the Health and Social Services Committee, requesting them to –

- (a) authorise the sale by the public to Fensom Ltd. of the property No. 1 Oxford Road, St. Helier, for the sum of £356,000, with each party being responsible for its own legal fees; and
- (b) authorise the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the public.

Members present voted as follows –

“Pour” (15)

Senators

Le Sueur, M. Vibert, E. Vibert.

Connétables

Trinity, St. Lawrence.

Deputies

St. Martin, Dubras(L), Voisin(L), Scott Warren(S), Le Hérisssier(S), Bridge(H), Ferguson(B), St. Mai Taylor(C), Hilton(H).

“Contre” (29)

Senators

Syvret, Walker, Kinnard, Le Claire, Lakeman, Routier, Ozouf.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement.

Deputies

Trinity, Duhamel(S), Breckon(S), Huet(H), St. John, Baudains(C), Dorey(H), Troy(B), Farnham(S), Fox(H), Southern(H), Bernstein(B), Ryan(H), Grouville, St. Peter, De Faye(H).