

**Accept gift of a section of land alongside  
Le Masurier development Rue de Funchal for the  
purpose of widening the public footpath, and to  
approve an agreement for the demolition of the  
Party Wall between Nelson Street Car Park and Le  
Masurier site**

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For consideration by the Parish Assembly  
on 19 August 2020 at 7pm

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**PARISH OF ST HELIER**

**P01.2020**



## PROPOSITION

**THE PARISHIONERS are asked to take into consideration and if deemed advisable to approve:**

the recommendation of the Roads Committee and Procureurs du Bien Public

1. To accept a gift of a section of land alongside the Le Masurier development in Rue de Funchal for the purpose of widening the public footpath; and
2. To approve the demolition of the party wall ("Party Wall") between Nelson Street Car Park and the site being developed by LMF Jersey Investments Limited ("LMF") and to permit LMF to construct the Northern façade of Block E on the centre line of the Party Wall, create openings on the first, second and third floors of Block E towards the Car Park and have access onto the Car Park to carry out such works and future maintenance, on the payment by LMF to the Parish of the sum of **£70,000**, together with lost revenues on car parking spaces and professional fees.

The Assembly to authorise the Connétable (or in his absence the Senior Procureur) and at least one Procureur du Bien Public to pass a contract with LMF paying all reasonable legal costs associated with the transfer.

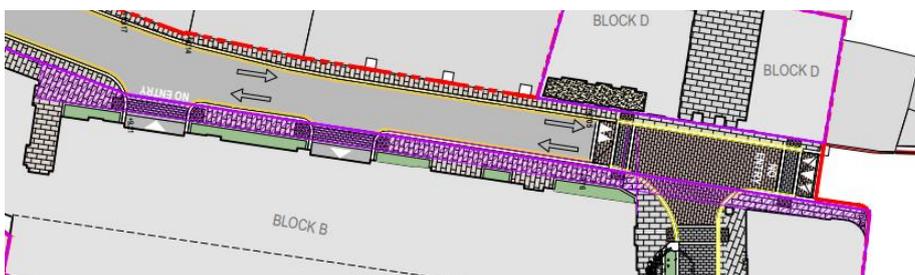
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### Report

#### **1. Rue de Funchal footpath:**

The Parish Assembly is asked to approve accepting the gift to transfer approximately 116.5 sq m/ 1,254 sq ft of land for the purpose of widening the public footpath. The contract of transfer of the land will need to be passed with the owner paying all reasonable legal costs associated with the transfer.

The footpath along the length of the development is to be resurfaced at the expense of the owner, including the proposed extended section of footpath, with the pavement specification to be agreed with the Parish.

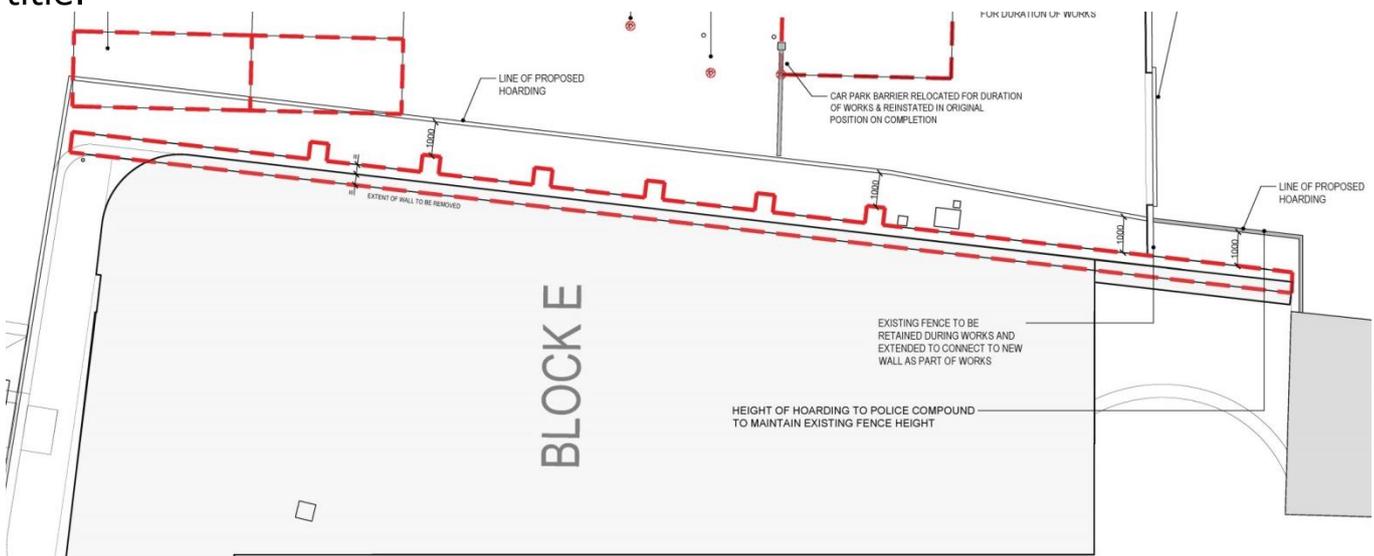


**Pic 1** The purple cross hatch indicates the area to be ceded to the Parish at no cost.

## **2. Party Wall between Nelson Street Car Park and Le Masurier site:**

Parishioners will be aware that works on the site owned by LMF Jersey Investments Limited ("LMF"), a company in the Le Masurier Group of companies, lying between Bath Street and Rue de Funchal are underway, with demolition works well-advanced. Part of the works will be to create Block E adjacent to the Car Park, and LMF would like to demolish the Party Wall and construct the Northern façade of Block E on the line of the mid-point of the Party Wall.

The demolition of the Party Wall requires the consent of the Parish. In addition, LMF will require legal rights of access onto the Nelson Street Car Park to construct Block E, and thereafter to maintain, repair, decorate etc the Northern façade of Block E, and will need the right to keep openings on the first, second and third floors of Block E towards the Car Park. All these arrangements need to be recorded in a contract passed before Court, so that they bind not only the Parish and LMF but also their respective successors in title.



**Pic 2** The red dotted line along Block E shows the Party Wall which is to be demolished.

### **Valuation:**

The Parish has obtained a valuation from an independent RICS surveyor at CBRE, an internationally renowned firm of commercial property agents and valuers, who has recommended to the Parish to require a payment of £70,000 to reflect the commercial benefit to LMF (on an equitable value basis) in respect of the grant of these rights and LMF has agreed to pay this amount. .

In addition LMF will pay to the Parish compensation for the temporary loss of parking spaces occasioned by the works and to pay the Parish's professional cost.

**Background on the development and considerations:**

LMF is undertaking significant public realm improvements pursuant to a Planning Obligation Agreement to carry out road improvements outside of the site on Bath Street and Rue de Funchal which will create significant improvements, including resurfacing of the pavements and carriageway, and providing a link from Rue du Funchal into Halkett Place.

In order to minimise any future impact on the Car Park the Parish has;

- 1 limited LMF's access to just one metre parallel to the Northern façade of Block E;
- 2 retained a right to join against the ground floor of the Northern façade of Block E;
- 3 imposed a maximum height restriction of 12.655 metres on the height of Block E.

The £70,000 will be used for the provision of public realm improvements to benefit parishioners.



**Pic 3** Site plan showing the improvements



**Pic 4** New Premier Inn Hotel view from Bath Street