

P/2017/1023 AND P/2017/0805
RETREAT FARM, ST LAWRENCE/ST MARY
DEPARTMENT OF THE ENVIRONMENT
PROOF OF EVIDENCE



APPENDIX E

PLANNING COMMITTEE REPORT FOR P/2017/0519

C. JONES DIP TP MRTPI MCMJ
30 JANUARY 2018

Report for Planning Committee Site Visit

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| 1. Application Number | P/2017/0519 |
| 2. Site Address | Retreat Farm, La Rue de la Frontiere, St. Mary, JE3 3EG. |
| 3. Applicant | Tamba Ltd |
| 4. Description | Construct 1 No. three bed unit of Staff accomodation to West of site. |
| 5. Type | Major Application |
| 6. Date Validated | 20/04/2017 |
| 7. Site Notice Certificate Date | 16/05/2017 |
| 8. Zones & Constraints | Green Zone Primary Route Network Water Pollution Safeguard Area |

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| Summary | <p>Whilst the site is located within the Green Zone, where there is a general presumption against all forms of development for whatever purpose, Policy H 9 confirms that exceptions for staff accommodation units may be made on the basis of a proven need.</p> <p>Where exceptions are made, every effort should be made to ensure that the impact of the proposed development on the character and appearance of the area is minimised.</p> <p>In this particular instance, the applicant has made a case for a new staff accommodation unit and has produced a development that is well designed and located on a site which is well screened to reduce its impact.</p> |
| Department Recommendation | APPROVE |

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| 9. Site Description & Existing Use | Existing roughly flat car parking area with a collection of sheds/storage buildings, moveable structure, eurobin and an area of stone/hardcore storage resulting from the demolition of the |
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existing buildings on site.

The site which is located in the western edge of the Tamba Park/Retreat Farm operation is well screened by existing mature landscaping and set back from La Rue de la Frontiere road frontage.

To the front of the site and directly adjoining the road frontage is an existing pumping station building.

10. Proposed Development

The erection of a single storey 'ARC' building measuring 19.746m long x 7.8m wide x 3.4m high and comprising principally 3no. bedrooms, kitchen, lounge, dining room and bathroom. The building will have a floor area of 125 sqm.

The new building will provide a unit of staff accommodation at Tamba Park and in support of the proposals, the applicant has confirmed that the new accommodation is a reflection of the current business operations of Tamba Park with the increasing necessity to require 'on-site' supervision and security at all times.

As such, it cannot be located remotely from the site to which it is serving. In addition, there are no existing buildings on site that can be used, adapted or sub-divided to provide for this function.

The applicant has confirmed that all existing buildings and materials be removed from the area of the proposed new managers accommodation, with the exception of just one small timber shed retained in the car park area which serves the garden/landscape maintenance function for the park.

11. Relevant Planning History

The planning history of the site is extensive. The permission for the original greenhouses dates from 1967, and in June 1979 permission was granted for the irrigation reservoirs to the north, with planning conditions which required a natural landscape and the retention of meadow area.

In the mid-1980's a small shop for flower sales and gifts was established, followed by a café. The northern grounds were then opened to the public, with planning permission (3199/DA of September 1991) requiring access from the south-eastern car park, through the shop / café. This established the arrangement of the site which then operated as the Lion Park / Jersey Goldsmiths complex.

Various other permission then added to the range of uses authorised for the site, in particular:

- model village (3199/JA, March 1993)
- barbeque servery (3199/XA, June 1997)
- children's play hut (P/2005/1313, August 2005)
- screening room for outdoor cinema (P/2007/2895, February 2008).

It has also been confirmed by the Department (correspondence in mid-2001) that the tourist use of the site is not ancillary to the wider agricultural growing use, and is a distinct use in its own right.

The Lion Park / Goldsmiths tourist complex closed in 2013 and Tamba Park reopened in summer 2015.

2016 – P/2016/0503 - RETROSPECTIVE: Change of use of land to form car park to West of site. Construct various structures including aviaries, storage buildings, cafe and seating area. Install various animatronic sculptures to North of site. Construct children's play area to North-West of site. Install 6 No. air conditioning units to North elevation of cafe seating area. Construct fence and acoustic fence to boundaries. Approved in November 2016 following the completion of a Planning Obligation Agreement.

2017 – P/2017/0805 - Demolish glasshouses to Field No. L78. Alter vehicular access onto La Rue de la Frontiere. Construct 1 No. four bedroom single storey house, detached three car garage and swimming pool to car park South of Field No. L78 with associated landscaping and parking. 3D MODEL AVAILABLE. Not yet determined.

12. Consultations

Environmental Health in its letter dated 21.4.17 states 'No objections.'

Land Controls and Agricultural Development Section of DoE in its letter dated 7.6.17 states (precis) 'The Section must object to this application as it is not for an agricultural requirement.'

Population Office of the Housing Department in its letter dated 27.4.17 states 'The creation of any units under the Control of Housing and Work (Jersey) Law 2012 deems the unit to be Qualified and therefore must be occupied by Entitled or Licensed individuals.'

Natural Environment Team in their letter dated 23.5.17 states (precis) 'An initial ecological assessment of the development site is required to assess the potential for the likely presence of protected species on site. If the initial survey indicates any possible species then a full ecological survey with mitigation may be required.'

All consultations are attached with the background papers

13. Representations

The application has been advertised on site, in the local newspaper and at www.gov.je. The proposal has generated a total of 19 letters of objection. The grounds of objection are listed as follows:

- The land is designated as agricultural land within the Green Zone with a general presumption against all forms of development for whatever purpose;

- The land is within the Countryside Character Area;
- There were previously several units of accommodation that could have been used but which were developed and sold off for financial gain;
- The unit is a trial run for future visitor accommodation;
- This is a cynical attempt to have the land re-zoned for residential purposes;
- There will be further disruption to the peace and quiet of this rural location;
- The development will set a further precedent for new residential development;
- There are foul water drainage issues, and
- The development will exacerbate flooding in the area.

Applicant's agent in their letter dated 12.6.17 in response to the grounds of objection received states (precis) as follows:

- The application site is developed land, it has never been presented as an agricultural field;
- The site already contains offices, ancillary buildings and stores used in conjunction with Tamba Park;
- The proposal seeks to make best use of the land in line with Policy SP 2 of the Island Plan;
- The current vehicle activity associated with this access will be reduced with the single dwelling use;
- The site is very well screened from outside the site;
- The design is of high quality;
- The new structure has been designed with a sustainable surface water drainage solution;
- There will be a reduction in hardstanding and increased landscaping to reduce flooding concerns;
- The former buildings converted to residential units at Retreat Farm involved work being undertaken prior to the applicant firstly owning the glasshouse site and then undertaking the Tamba Park business;

All letters of representation and responses are attached with the background papers

14. Planning Assessment

a) Overarching policy constraints

SP 1 (Spatial Strategy) states that development will be concentrated within the island's Built-up Area and planning permission for development will only be given where it is appropriate to the coast or countryside and of brownfield land which meets an identified need and where it is appropriate to do so.

The proposed development meets an identified site/business need which is appropriate to its countryside location.

SP 2 (Efficient use of resources) states 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 new building replaces former recently demolished buildings on site, providing a low impact sustainable form of development.

SP 4 (Protecting the natural and historic environment), seek to direct new development into the Built Up Area and away from the countryside.

Whilst the development is located outside of the Built-up area, the site is well screened and will not as a consequence have a detrimental impact upon the open countryside.

SP 7 (Better by design) states that all development must be of a high quality design that maintains and enhances the character and appearance of the area of the island within which it is located.

The proposal is to construct a single storey 'Green Unit' modular building with timber walls and a green roof. The design of the proposed development is acceptable for this countryside location.

Policy GD1 (General Development Considerations) sets out general development considerations against which all applications will be assessed. These include sustainability, landscape and environmental impact, impact on neighbouring uses and occupiers, economic impact, transport, heritage issues and design quality.

The proposed accommodation unit is a well-designed sustainable building not impacting on neighbours and with little traffic generation. It will not seriously harm the character of the countryside.

Policy GD7 (Design Quality) requires a high quality of design and use of appropriate materials, taking into account issues such as scale, massing, context, topography and the use of existing features of the site.

The proposal is to construct a single storey modular building with timber walls and a green roof. The design of the proposed development is acceptable for this countryside location. This will not be visually incongruous in this rural location.

NE7 (Green Zone) gives a high level of protection from development and there will be a general presumption against all forms of development.

However, the Green Zone contains most of the island's working countryside and an exception to the normal policy presumption against development, may relate to the provision of staff and key

agricultural workers' accommodation, in accordance with Policy H 9 below.

In addition, any new development of this nature must not cause serious harm to the landscape character of the area.

The development is in accordance with the requirements of Policy H9. The scale, form and design of the proposal results in a development which respects its rural context in the landscape, demonstrates environmental credentials and will not result in serious landscape harm.

The Green Zone also includes a number of distinct character areas and due regard is had to the supplementary planning guidance contained in the Countryside Character Appraisal (December 1999) in determining development proposals within the zone.

The application site is located within Area E6 (Central Plateau: Valley Heads) which states that there is limited capacity to accept new development and it is recommended that this area should have high levels of protection as any development can have a very high impact on long views that can be obtained within the area and that new development should be limited to the existing village areas of Trinity, St John, St Mary and St Ouen.

Notwithstanding the above, there is also a need to provide for the reasonable expectation of residents to improve their homes and businesses to undertake economic activity and provide employment, having regard to the capacity of the landscape to accommodate development without serious harm.

The proposal will not have an adverse impact on the landscape character of the area by virtue of its design, materials chosen and well screened site.

Policy ERE 1 (Safeguarding agricultural land) states that there is a presumption against the permanent loss of good agricultural land for development or other purposes.

The land has not been used for any form of agriculture for some considerable time and as such is not considered suitable for that purpose.

Policy H 9 (Staff and key worker accommodation) confirms that such accommodation should be provided in the Built-up Area and be of a standard that is in accordance with guidance for housing.

Planning permission for staff accommodation outside the Built-up Area will not be permitted unless it is demonstrated that the proposal: is essential to the proper function of the business; cannot be provided on a site within the boundary of the Built-up Area and still meet functional need; cannot be provided by an existing building, either on or off site, and still meet the functional need;

cannot be provided by re-arranging, sub-dividing or extending an existing building on site; where possible is located within or adjacent to the existing business premises, or other buildings on the site; and is of a size appropriate to its functional need.

Where exceptions are to be made, every effort should be made to ensure that the impact of the provision of staff accommodation on the character of the countryside is minimised.

The applicant has satisfactorily demonstrated that the requirement for the new modestly sized unit is essential to the overall running of the business and that this chosen location is the most suitable given that there are no existing buildings available within Tamba Park itself.

In addition, the building design proposed is mindful of its landscaped context and will not have any adverse impact on the character and appearance of the area.

Policy NR 1 (Protection of water resource) confirms that developments that would have an unacceptable impact on the aquatic environment, including surface water and groundwater quality and quantity will not be permitted.

See assessment in part f) below.

Policy LWM 2 (Foul sewerage facilities) requires developments to connect to the foul system except exceptional circumstances why this cannot be achieved can be demonstrated.

The development can connect to the foul system.

Policy LWM 3 (Surface Water drainage facilities) expects proposals for new development to incorporate Sustainable Drainage Systems (SuDs) into overall designs wherever practical.

See assessment in part f) below.

**b) Scale
Form, Siting &
Design**

Single storey modular building set well back into the site adjacent to the staff entrance to Tamba Park. Development will comprise timber walls and a green roof which are considered materials for this rural location.

**c) Impact on the
Landscape/Street**

Although within a rural location, the site is well screened from the road and from other adjoining boundaries by well-established screening. There will not be any impact on the landscape as a consequence.

**d) Impact on
Neighbours**

The siting of the new building will result in a development that is some 75m away from the property 'La Sergente' to the South-West and 'La Chenotene' to the North-West. Given these distances, the fact that the site is well screened and the low visual impact of the building it is considered that there will be no impact on

neighbouring amenities or privacy.

e) Access, Car Parking & Highways Considerations

The proposal will utilise the existing vehicular access off La Rue de la Frontiere. Adequate space exists within the site for parking and turning. In addition, given that the current storage/office/park maintenance and parking use will be extinguished with the new staff unit, it is considered that there will be a reduction in vehicular movements using the access.

f) Foul Sewage & Surface Water Disposal

Foul drainage to the existing foul drainage infrastructure with surface water to soakaways. The new building will have a green roof which will collect and store rainwater, with excess rainwater being collected and stored for reuse/recycling.

The introduction of diminished hard surfacing, with increased soft landscaping and managed rainwater run-off are measures that will mitigate the concerns of historic surface water drainage.

g) Landscaping

Well screened by existing vegetation.

h) Planning Obligations

A Planning Obligation Agreement will be required to secure occupancy of the new unit to be linked to the Tamba Park operation.

i) Other Matters

The new residential unit is in compliance with the Department's published minimum space standard specifications for new residential development.

15. Conclusion

The need for new staff accommodation on site to serve the Tamba Park operation is accepted. The applicant has produced a well-designed single storey modular building with environmental credentials which is mindful of its rural context.

No other suitable buildings exist on site and as a consequence, the site chosen is well screened and will not impact on the amenities of any immediately adjoining residents.

16. Department Recommendation

If the Committee are minded to APPROVE the application then this should be subject to, within 3 months of this endorsement: the applicant entering into a suitable Planning Obligation Agreement pursuant to Article 25 of the Planning and Building (Jersey) Law 2002 (as amended) to secure the following:

That the occupation of the staff unit shall be limited to a person solely employed in the Tamba Park business occupying the plot edged red on the attached plan and any resident dependants.

If the Planning Obligation Agreement is not completed within 3 months then the application shall be returned to the Committee for their further consideration.

17. Conditions

Prior to their first use on site, samples of all external materials to

be used (including any hard landscaping materials) shall be submitted to and approved in writing by the Department of the Environment. The approved materials shall be implemented in full and thereafter retained as such.

To promote good design and to safeguard the character and appearance of the surrounding area, in accordance with Policies GD1 and GD7 of the Adopted Island Plan 2011 (Revised 2014).

No external storage of materials, equipment, waste, goods and/or other products shall take place on site.

To protect the amenities of the occupiers of neighbouring properties and the visual amenities of the surrounding area, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

Before any development first commences on site, an initial ecological assessment of the site shall be required to assess the potential for any protected species on site. The results of the initial ecological assessment shall then be submitted to the Department of the Environment agreed in writing and if based on the results, a further full ecological survey is required, then this shall be undertaken and the results, together with mitigation measures required further submitted to and approved in writing by the Department. The required mitigation measures shall then be implemented in accordance with a timetable to be agreed with the Department of the Environment.

To ensure the protection of all protected species in accordance with Policies NE 1, NE 2 and NE 4 of the Adopted Island Plan 2011 (Revised 2014).

18. Reason for Approval

The proposed development has been assessed against Policies SP 1; SP 2; SP 4; SP 7; GD 1; GD 7; NE 7; ERE 1; H 9; NR 1; LWM 2 and LWM 3 of the Adopted Island Plan 2011 (Revised 2014). In this instance, there is considered to be sufficient justification for new development in the Green Zone having due regard all of the material considerations raised and the precise needs of the applicant to provide a new staff accommodation unit in the countryside in conjunction with the existing business operation in accordance with the aims of the relevant Island Plan policy context.

In addition, the representation raised to the scheme on the grounds of a) The land is designated as agricultural land within the Green Zone with a general presumption against all forms of development for whatever purpose; b) The land is within the Countryside Character Area; c) There were previously several units of accommodation that could have been used but which were developed and sold off for financial gain; d) The unit is a trial run for future visitor accommodation; e) This is a cynical attempt to

have the land re-zoned for residential purposes; f) There will be further disruption to the peace and quiet of this rural location; g) The development will set a further precedent for new residential development; h) There are foul water drainage issues, and i) The development will exacerbate flooding in the area have been assessed.

However, it is considered that the proposal accords with the terms of Policies GD 1, ERE 1, NE 7, LWM 2, LWM 3 and H 9 of the Adopted 2011 Island Plan (Revised 2014) in that it does not have an unreasonable impact on the loss of agricultural land; the new building is located in close proximity to the existing Tamba Park operation on site; in the case of precedent, no case is so similar as to be determinative; it does not impact on neighbouring amenities; it can be drained and accessed and suitable parking arrangements are available and the occupancy of the proposal can be controlled by Planning Obligation Agreement.

19. Background Papers

1:2500 Location Plan
4 consultation responses
19 letters of objection
2 responses from agent/ applicant

20. Drawings

Location Plan
Design Statement
Proposed Site Plan and Proposed Images 100-01
Proposed Floor Plans, Elevations and Section 101-01