

## STATEMENT OF CASE

### FOR PUBLIC INQUIRY INTO P/2017/1023

**Demolish glasshouse and ancillary structures in Field 770. Construct 13 No. two bed and 14 No. three bed self-catering accommodation units and ancillary structures with associated hard and soft landscaping. Change of use of resulting agricultural field to car park, including hardstanding and associated works. Widen La Rue de la Frontiere and alter vehicular access. Construct bus shelter and form footpath to South-West of site. Construct terraced seating area to North of existing café. 3D model available. AMENDED DESCRIPTION: Additional plans and documents received in support of submission and in response to representations received. AMENDED PLANS RECEIVED. Environmental Impact Statement (EIS) submitted. FURTHER AMENDED DESCRIPTION: Additional plans received in response to previous Department for Infrastructure highway comments. FURTHER AMENDED PLANS RECEIVED at Retreat Farm, La Rue de la Frontiere, St. Lawrence/St. Mary**

#### **AND 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. AMENDED DESCRIPTION: Additional plans and documents received in support of submission and in response to representations received. AMENDED PLANS RECEIVED at Car Park and Field No. L78, Retreat Farm, La Rue des Varvots  
St. Lawrence**

## **INTRODUCTION**

This Statement of Case is submitted in accordance with Article 7 of the Planning and Building (Public Inquiries) (Jersey) Order 2008, by the Department of the Environment ('the Department') for the Public Inquiry relating to applications P/2017/0805 and P/2017/1023.

On 18<sup>th</sup> August 2017, the Minister for the Environment decided against determining the application for a new holiday village under P/2017/1023 because of the complex nature of the application given that if development were to go ahead, it would be a significant departure from the Island Plan. The site lies within the Green Zone wherein there is a presumption against development.

A second proposal by the applicant, under P/2017/0805 to demolish glasshouses in an adjoining field and to build a four bedroomed home, garage and swimming pool will also be considered as part of the Inquiry. The Minister decided that although this application itself doesn't warrant a public inquiry, it is closely related to the holiday village proposals and should be assessed by the Inspector at the same time so that a comprehensive solution for the area may be considered.

The public Inquiry is timetabled for 19<sup>th</sup> to 23<sup>rd</sup> February 2018.

This statement has been prepared by Officers of the Department and does not necessarily reflect the views of the Members of the Planning Committee, or the Minister, none of whom have had any involvement in its preparation and none of whom have had sight of its content prior to the release to the Public Inquiry.

This statement should be read in conjunction with the full suite of documents to be submitted to the Inquiry, including the application documentation, and all evidence from the Department which will include (inter alia) all consultation responses and representations received.

The Department will provide submissions on matters relevant to the consideration of the application, including the Island Plan policy framework and other material considerations. This will draw from public representations and the feedback of consultees. The Department maintain a neutral position in relation to the overall merits of the applications and intend their submissions to assist the Inspector in reaching a robust recommendation.

**1. THE SITES**

- 1.1 The Department are content that the applications sites are adequately described in the applicant's two Planning Statements dated October 2017 (holiday village) and December 2017 (new dwelling) (from para 5.0) and illustrated on the submitted Location Plan (Dated December 2017).
- 1.2 Commentary in relation to the context of the sites are also set out in the applicant's Planning Statements and at various points in the submitted Environmental Statement for the holiday village. We are sure that the Inspector will undertake site visits as necessary to ensure he is suitably familiar with the sites and the wider area.

**2. BRIEF DESCRIPTION OF THE PROPOSALS**

- 2.1 The application for the holiday village proposes the demolition of the existing glasshouse (a) and ancillary structures and the erection of 27no. two and three bed self-catering units together with the change of use of field to a car parking area. La Rue de la Frontiere would be widened and the existing site vehicular access would be altered. Other highway works will include the formation of a new footpath to the South-West of the site and the erection of a new bus stop.
- 2.2 The other application involves the demolition of existing glasshouse (b) and the construction of 1no. four bedroom detached single storey dwelling with detached three car garage and swimming pool with alteration of the existing vehicular access onto La Rue de la Frontiere and the return of land to the north to an agricultural field.

**3. THE RELEVANT PLANNING HISTORY**

- 3.1 The Department concurs with the summary provided by the applicant at Para 6.0 of both Planning Statements.
- 3.2 In April 2017, an application was submitted to construct 1no. three bed unit of staff accommodation to the west of the holiday village site. This application under reference P/2017/0519 has not yet been determined.

#### **4. A PLANNING POLICY OVERVIEW**

4.1 Article 19 of the Planning and Building (Jersey) Law 2002 sets out that all material considerations must be taken into account in the determination of an application for planning permission, and in general planning permission must be granted if the development proposed in the application is in accordance with the Island Plan. Permission may be granted for a proposal which is consistent with the Island Plan, if there is sufficient justification for doing so.

4.2 The Adopted Island Plan 2011 (Revised 2014) sets out detailed policies and objectives to guide the management of development across the island. The sites of both applications lie within the Green Zone as designated on the Island Plan Zoning Map. In the context of the applications, the following policies are considered to be relevant:

- SP1 – Spatial Strategy
- SP2 – Efficient Use of Resources
- SP3 – Sequential Approach to Development
- SP4 – Protecting the Natural & Historic Environment
- SP5 – Economic growth and diversification
- SP6 – Reducing Dependence on the Car
- SP7 – Better by Design
- GD1 – General Development Considerations
- GD4 – Planning Obligations
- GD6 – Contaminated Land
- GD7 – Design Quality
- GD8 – Percentage for Art

- NE1 – Conservation & Enhancement of Biological Diversity
- NE2 – Species Protection
- NE4 – Trees, Woodland & Boundary features
- NE7 – Green Zone

- HE 1 – Protecting Listed Buildings and places

- E1 – Protection of employment land
- ERE 7 – Derelict and redundant glasshouses
- EVE 1 – Visitor accommodation, tourism and cultural attractions

- TT2 – Footpath provision and enhancement and walking routes
- TT4 – Cycle parking
- TT7 – Better public transport

- TT8 – Access to public transport
- TT9 – Travel Action Plan

NR1 – Protection of water resources  
NR2 – Water capacity and conservation  
NR7 – Renewable energy n new development

WM1 – Waste Minimisation and new development

LWM2 – Foul sewerage facilities  
LWM3 – Surface water drainage facilities

- 4.3 The following adopted documents are also of some relevance to the consideration of the planning applications

Countryside Character Appraisal 1999  
A minimum Specification for New Housing Developments (PPN 6  
1994 and 2009)

## **5. KEY POLICY CONSIDERATIONS**

- 5.1 The Island Plan holds many policies that are, or could be, of relevance to development proposals of this nature. These are listed at 4.2 above. There now follows a summary of what the Department considers to be the key policy areas relevant to the applications.
- 5.2 Both sites are entirely within the Green Zone (Policy NE7) wherein there is a strong presumption against all forms of development. New buildings and other buildings within the Green Zone can only be justified where there is a strong justification related to the essential requirement for a countryside location and where alternative provision cannot be made or found within the Built-up Area.

### **A - HOLIDAY VILLAGE**

- 5.3 Policy EVE 1 of the Plan states that proposals for visitor accommodation, tourism and cultural attractions within this Zone will be determined in accordance with Policy NE 7. Policy NE 7 then goes on to advise that such developments may be permissible as an exception to policy but only where it is appropriate relative to existing buildings and its landscape context and it does not seriously harm landscape character. The policy position is clarified in the preamble by stating that 'New leisure and tourism buildings are unlikely to be favourably considered other than possibly small scale buildings or structures.'
- 5.4 The Department has previously stated that the principle of a holiday village in this location is an interesting concept, aligning itself with diversifying the rural economy whilst at the same time complying with the States' wider objectives of building up the tourism element within the economy. However, there is a balance to be found particularly as

new tourism development in the Green Zone needs a) to be sensitive and proportionate to the fragility and vulnerability of its landscape setting and b) given that the Countryside Character Appraisal Final Report 1999 confirms that within this area 'there is limited capacity to accept any new development and it is recommended that this area should have high levels of protection. Any development can have a very high impact in the long views that can be attained within this area. New development should be limited to the existing village areas at Trinity, St John, St Mary and St Ouen.'

- 5.5 There is a concern that whilst the scheme is indeed an interesting concept, that there is too much development proposed with the potential for a permanent impact in the landscape and thus not achieving Green Zone and sustainability objectives.
- 5.6 As a consequence of the above, the Department will be presenting evidence to the Inquiry to consider whether the location of the development successfully demonstrates compliance with Green Zone Policy.
- 5.7 This will consider the general presumptions and weight to be accorded to the Green Zone in the context of the Strategic Policy Framework of the Island Plan, particularly in the Spatial Strategy in Policy SP1 (which seeks to concentrate development in the Built-up Area) and SP2 (which requires that development makes the most efficient and effective use of land and other resources to deliver a more sustainable form and pattern of development), which is further reflected in SP3 (Sequential Approach to Development).

## **B – NEW DWELLING**

- 5.8 Policy NE 7 specifically excludes, subject to specified exceptions, the development of a new dwelling and also excludes without exception, the redevelopment of glasshouses involving demolition and replacement with a building or buildings within the Green Zone.
- 5.9 The proposed dwelling to replace glasshouse (b) would not fall into one of the potentially permissible exceptions listed in NE 7 and it is noted that the glasshouse is also subject to a condition requiring its removal in the event that it falls into disuse or disrepair.
- 5.10 Policy ERE 7 of the Plan serves to facilitate the clearance of derelict and redundant glasshouses that blight the island's landscape. In this respect it states 'There is a presumption against the redevelopment of redundant and derelict glasshouses for other uses, unless the alternative use is directly related to agriculture or diversification of agricultural activity'. A new dwelling, as proposed, is not considered to be directly related to agriculture, nor to diversification.

- 5.11 ERE 7 also goes on to state that 'Where glasshouses are no longer viable to the horticultural industry and a 'disuse and disrepair' condition is attached to the planning permission, then the landowner will be required to comply with that Condition.' This technically opens the way for the Department to serve a Breach of Condition Notice if it is proven that the glass is no longer viable. If however, glasshouse 'b' is proven to be viable but considered surplus to the requirements of the existing user, then ERE 7 indicates that the glass should be retained in the industry and advertised for sale or rent.
- 5.12 It is also worth noting that glasshouse 'b' appears to be relatively modern glass, forming the working landscape of the area and does not constitute an 'eyesore' in the typical sense of the term (para 5.160 of the policy preamble refers). The clearance of the glasshouse and reversion of 1.75 acres to agriculture would not justify a clear departure from policy. For this reason it is also considered that the proposal for a new dwelling could not be considered favourably as enabling development under Policy ERE 3.
- 5.13 Finally, the erection of a dwelling in this location would also run counter to the three specified tests within the Spatial Strategy of the Island Plan under Policy SP 1.

## **6. CONCLUSIONS**

- 6.1 The Department has reviewed the submitted applications in order to consider whether as a package, they represent a good site solution. Given that the disuse/disrepair condition exists on glasshouse (b) and the amount of development proposed for the holiday village element, we conclude that the quantum of impact in the landscape and in sustainability terms, it is not an appropriate balance in this Green Zone location, contrary to the Island Plan.
- 6.2 As a consequence, there is no sufficient justification (even with economic benefits) for the Minister to approve under Article 19 (3) of the Planning and Building (Jersey) Law 2002.

## **7. OTHER MATTERS**

- 7.1 The Department can confirm that a list of potential conditions will be drafted, on a 'without prejudice' basis ahead of the Inquiry for consideration, as necessary by the Inspector.

**C. E. JONES DIP TP, MRTPI MCM**  
**5<sup>th</sup> January 2018**