

## **AB17 – PoE – Retreat Farm – Planning Assessment B Summary**

### **SUMMARY - PROOF OF EVIDENCE – PLANNING ASSESSMENT B**

In Respect of the following two Planning Applications, the subject of a planning inquiry (19-24 February 2018):

#### **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**

#### **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 DES VARVOTS, ST LAWRENCE (P/2017/0805) AND  
RETREAT FARM, LA RUE DE LA FRONTIERE, ST MARY (P/2017/1023**

**ON BEHALF OF**

**JAJ PROPERTIES LTD**

Prepared by Stephanie Steedman

2<sup>nd</sup> February 2018

## **1 Summary – Planning policy assessment and compliance and environmental impact assessment**

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- 1.1** My name is Stephanie Steedman and I am a Planning Consultant providing independent planning advice in Jersey. My business name is KEPlanning. I am a chartered Planner and hold a Post-graduate Diploma in Town and Country Planning from Heriott-Watt University. I also have an MA in Urban Design from Oxford-Brookes University and am a Practitioner Member of the Institute of Environmental Management and Assessment.
- 1.2** I have been working as a Planner since 1995, when I joined the States Department of Planning and Building Services. I left the Planning Department in 2006 and have worked since as an independent planning consultant covering a wide range of development types, including residential, commercial, mixed-use and tourism developments. I have a good working knowledge of the Island and how planning policy is applied to it.
- 1.3** My Masters thesis was about re-imagining St Helier as a tourism destination and, as a result, I have knowledge about the history of Jersey tourism.
- 1.4** I have been working in environmental impact assessment (EIA) in Jersey since 2006 and have prepared a number of Environmental Impact Statements (EISs) covering a range of development types, including self-catering development, commercial, residential and mixed use developments.
- 1.5** I have also prepared Transport Statements, Landscape and Visual Impact Appraisals, Construction and Environmental Management Plans for a variety of schemes in the Island.
- 1.6** Given the range of planning policies, I give evidence myself and my evidence interfaces with, and also relies on, other evidence provided by other expert witnesses. I have also considered many of the comments made through representations to the scheme.

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1.7 In my Proof of Evidence I provide:

- an up to date narrative of relevant planning policy;
- building upon the Applicant's Statement of Cases, outline the key planning constraints and how these have influenced the design;
- outline adherence to planning policy, including any updates as necessary;
- explain the EIA process that has been followed for the scheme and the adherence to statutory provisions and guidance in preparing this EIS and supporting assessments;
- outline key environmental constraints of the project site and how those have influenced design; and
- explain the design mitigation and how the design of the scheme has responded to the need to incorporate design mitigation and what other design mitigation is proposed as part of the overall mitigation strategy.

## 2 The Applications

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2.1 The Minister has called this public inquiry to consider two planning applications, concerning land whose ownership is in the control of one Applicant and is bisected by an adjacent, established and popular tourism and leisure facility, the ownership of which is also within control of the Applicant, and to consider the potential for a comprehensive planning and environmental solution for the Site.

2.2 Both Applications seek to remove redundant glasshouse structures, which were constructed for a high-volume, horticultural, mail-order business, which use are not typical of other glasshouses in the island. The structures are fixed to and located on large areas of concrete, and surrounded by concreted hardstandings and

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compacted made ground, and which is bisected by integral in-ground infrastructure.

2.3 The Applications Sites straddle and each lie adjacent to “Tamba Park” (originally “Lion Park”), a leisure and tourism destination established when the Application Sites were operated for commercial/horticultural purposes. The sites, therefore, have a history of co-locational use and interdependence that remains.

2.4 Application P/2017/0805 seeks planning permission to remove a large glasshouse structure and remediate Field L78 to good quality agricultural use. Also proposed is the cessation of the permitted brownfield car park serving Tamba Park and the construction of a new dwelling on that brownfield..

2.5 Application P/2017/1023 seeks planning permission for removal of a large glasshouse structure and remediation of Field M770, a new consolidated car-park serving Tamba Park, and the construction of 27 self-catering lodges and associated ancillary structures to serve both new tourism accommodation and Tamba Park. An existing (small) car-park used for Tamba Park customers is retained and for self-catering visitors. There are associated highway improvements to the Primary Route Network at La Rue de La Frontiere to improve its safe use for all users and increase accessibility of the site by public transport bus near to Tamba Park.

### **Do Nothing or Do Something?**

2.6 I attach two diagrams showing the difference between ‘do nothing’ and ‘do something’. The Applications result in significant reductions in built floor area and consequently built volume.

## **3 Environmental considerations**

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3.1 As well as enabling third parties to be heard, the important planning purpose why the Minister’s reasons for called the inquiry is so that

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a comprehensive planning and environmental solution for both parts of the site may be considered.

**3.2** To support this aim, and to ensure compliance with the Planning Law, an Environmental Impact Assessment has also been prepared. In response to the scheme proposed, it was recognised by the Department of the Environment that an EIA was needed. It was requested and commissioned after the planning applications were accepted and validated and its inherently iterative nature has resulted in new information being provided during the life of the Planning Applications and also to new plans being issued to address identified concerns and to confirm the guarantee and delivery of planning and environmental solutions.

**3.3** The iterative nature of the EIA process, has led to new plans being issued, may appear confusing but the process has been beneficial in addressing expressed concerns expressed by statutory consultees, neighbours and the public.

### **Foul drainage:**

**3.4** The development will improve local drainage infrastructure by removing existing connections from the glasshouse accommodation and constructing new infrastructure. The self-catering lodges and ancillary buildings will be provided with a new private connection to the foul sewerage system. It will not add to the existing foul system, which it is understood has reached capacity.

### **Surface water drainage:**

**3.5** The Applications remove a very large area of impermeable structure of glass and concrete surfaces from the land, which currently operates to direct surface water to a permitted on-site reservoir/pond. This water body discharges surface water to a stream to the north. The Applications will remediate Fields M770 and L78 to a naturalised and permeable condition that enables them

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to provide natural surfacewater drainage attenuation and also appropriately retain water in these proposed functional agricultural fields (presently denied by ground surface conditions). Measures have also been incorporated in the scheme to naturally attenuate surface water and prevent surface water run-off escaping onto the public highway.

### **Restoration of land condition**

**3.6** An important planning and environmental benefit proposed by the Applications is the comprehensive restoration of the quality of the land itself to good agricultural land and so restore Fields M770 and L78 to the Island's agricultural landbank.

**3.7** Whilst originally built on functional agricultural fields, the historical permitted use of the Sites is commercial horticulture in buildings comprising glasshouses. Their very specialist and intensive operation resulted in the land being capped with concrete and modified to provide in-ground infrastructure. The results of these interventions blocked light to extensive areas of the ground and impeded water penetration, and compacted the soil structure, so as to have made the quality of the very ground itself unfit for other agricultural uses. The land itself is, therefore, damaged. The landscape character is also damaged by the presence of the two vast glasshouse buildings.

**3.8** The Applications will result in the land of the Application sites being restored to a quality that can allow crops to be grown and of Field L78 to such immediate functionality and contribute towards the Island's agriculture industry.

### **Landscape**

**3.9** The landscape character of the Application Sites is dominated by two very large glasshouses, which are not typical of the landscape features identified as important local character in the Countryside Character Appraisal (1999). Their visually dominant presence also

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affects the appearance of the landscape viewed from La Rue de La Frontiere and from La Rue des Varvots.

**3.10** The development proposed would result in a landscape of more open character and appearance, with repairs to field boundaries in line with guidance management for hedgrows, and new sympathetic planting throughout the site. If approval were granted a restored landscape would also result.

**3.11** The development proposed by Application P/2017/0805 would also have the benefit of enhancing the character of the adjacent building group, which includes in particular, a Listed Building (Grade 3): Retreat Farm house itself. The Heritage Assessment considers that changes that would result from development being approved in this location are positive to that setting.

**3.12** To facilitate improved public access a section of roadside bank and trees would be replaced. This would result in the loss of some mature landscaping. The impact of this, has been balanced against the very significant landscape improvements that would be delivered if planning permission is granted.

### **Biodiversity**

**3.13** Ecological assessment of the Sites have confirmed that, in their current condition, the Sites currently have low ecological value, apart from existing planted boundaries. The presence of the glasshouses inhibits passage across the Sites for fauna.

**3.14** The development removes the barriers to movement formed by the glasshouses and proposes significant areas of new planting, which will be chosen to increase opportunities for local biodiversity as well as reflect local distinctiveness.

**3.15** The section of roadside bank and trees has been assessed for potential ecological value. The Natural Environment Team has not objected to the replacement of this section of field boundary with a new boundary, but has requested further assessment prior to any

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felling of trees. This can be resolved by imposition of an appropriately worded planning condition.

### Transport

**3.16** Tamba Park is an established (and permitted by P/2016/0503) facility but is currently ill-served by public transport and has two separate (permitted) car parks (the southernmost of which is accessed from a Green Lane where non-vehicle users have priority). Whilst seeking permission for self-catering lodges and a single dwelling, the Applications provide the opportunity for car-parking for the adjacent Tamba Park facility to be consolidated. Removing Tamba Park's primary vehicle access from a narrow parish Green Lane road, which is itself unsuitable for use to serve a major tourism/leisure attraction, to a single, improved access from the Primary Route Network, which is already used by some Tamba Park customers, is considered to be an important planning and environmental benefit.

**3.17** The proposal also includes measures that increase sustainable transport choices for visitors to the Site.

### Conclusion

**3.18** It is my opinion that the EIA process has helped to deliver comprehensive environmental solutions for both sites. **Planning policy context**

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**4.1** The Planning and Building (Jersey) Law 2002 requires an assessment of compliance with “the Island Plan (planning policies) under Article 19.

**4.2** The Minister must also take account the “extent to which the proposed development complies with relevant guidelines and other policies” and the findings of an environmental impact statement undertaken to support the decision-making process.

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**4.3** I have assessed the development proposed and consider that it is in accordance with the Revised 2011 Island Plan (2014) as a whole, taking the individual policies and considerations them together, and having regard to all material considerations, relevant draft and adopted supplementary planning guidance and other policies.

**4.4** In the event that the Planning Inspector may consider differently and that not all particular planning policies are here complied with, it is almost impossible for a given development to comply with each and every policy in a development plan because different policies may pull in different directions. Here, taken as a whole the proposal nevertheless complies overall “with the Island Plan” taken as a whole, as recognised by Article 19(2).

**4.5** The Applications comply with the strategic aims of the Island Plan:

- The need to make the best use of land and find appropriate alternative uses for sites that have become redundant and have the potential to detract from the Island’s character in accordance with Policy SP1(2), SP2 and SP3.
- The need to support the island’s economy and deliver productivity-led activity that supports the island across a range of indicators including the environment in accordance with Policy SP5
- Through the demonstrable environmental gains arising from the restoration of landscape character and land quality the development delivers the protection and enhancement of the Island’s environment and landscape character and historic character in accordance with Policy SP4.

**4.6** Through its compliance with strategic policy aims and the delivery of environmental benefits (outlined in the section above), it is my opinion that the Applications also comply with the specific policies of the Island Plan (set out in detail in my Proof).

### Other considerations

4.7 The impact of development proposals upon the amenities of neighbours has been carefully considered and through mitigation measures, which include:

i) the implementation of Construction and Environmental Management Plans to manage the impacts of construction activity; and,

ii) management and physical measures to control noise and light,

it is my opinion that the development proposed can take place without causing unreasonable harm to the amenities of neighbours.

## 5 Material considerations

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5.1 In determining planning applications for planning permission, the Minister for Planning and Environment is required to take into account all material considerations. The policies of the Island Plan are the primary consideration and Article 19(2) of the Planning and Jersey Law 2002 identifies that all development should be in accordance “with the Island Plan” unless there is sufficient justification for granting planning permission that is inconsistent with the Plan. The Article implicitly requires an overall balance of different policies to be drawn.

5.2 The need for the Application development responds to the purpose of the Island Plan policies to make the best use of land, restore landscape character, protect land for employment uses and provide for new development proposals where it can be demonstrated that they meet the tests of Island Plan policies.

5.3 The development proposed represents a unique opportunity to realise both strategic and specific policy aims. The package of measures proposed retains the majority of the site in employment use, restores landscape character and provides for the minimum

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amount of development to replace the eastern glasshouse block, whilst ensuring demonstrable environmental improvements.

**5.4** The development in each of the Applications is appropriate. It is considered that the development is provided in accordance with strategic policies.

**5.5** The policy tests of the Island Plan have been addressed and are complied, and if it is found not in all regards, in most regards.

**5.6** On the basis of the mitigation measures that are included with the proposal, it is my opinion that there is sufficient justification for the Minister to properly allow the approval of planning permission of both Planning Applications, subject to a POA to ensure delivery of the comprehensive planning and environmental benefits that have been identified and are proposed by this project.