

Department of the Environment  
**Planning and Building Services**  
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## **DOE 03 - SUMMARY - PROOF OF EVIDENCE**

### **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

## **1. BACKGROUND**

- 1.1** My name is Christopher Jones. I am a Senior Planning Officer in the Development Control Section of Planning and Building Services, Department of the Environment, States of Jersey and I have written the Proof of Evidence.
- 1.2** I have been a Chartered Town Planner since 1990, with approximately 40 years' experience, consisting of about 10 years in my present role acting as case officer for some of the largest planning applications submitted to the Department. Prior to this I have held junior and senior positions within a number of Planning Departments of Local Authorities in England. I hold a Post Graduate Diploma in Town Planning.

## **2. INTRODUCTION**

- 2.1** It is not uncommon for such issues to pull in apparently competing directions, and so need to be given relative 'weight' in an assessment to enable a balanced conclusion to be reached. The Department's Proof of Evidence aims to review the weight to be given to relevant issues.
- 2.2** The most appropriate starting point is the specific zoning and in this instance, the application sites are within the Green Zone where Policy NE 7 of the Revised 2011 Island Plan sets the relevant context.

## **3. STRATEGIC POLICY CONTEXT**

### **Strategic Plan**

- 3.1** The hierarchy of current policy can be traced back to the States of Jersey Strategic Plan 2015-18.
- 3.2** The Strategic Plan identifies a series of 'Goals', which include to *'Increase the performance of the local economy, encourage economic diversification and improve job opportunities for local people'* and *'Protect and enhance the Island's natural and built environment.'*

### **Island Plan**

- 3.3** The Strategic Policy Framework of the Island Plan sets out five key strategic principles which determine how land is used in Jersey, these being:

## **Sustainable Development:**

## **Protection of the Environment:**

## **Economic Growth and Diversification:**

## **Travel and Transport, and**

## **Quality of Design**

- 3.4** Policy SP 1 of the Revised Island Plan considers the Spatial Strategy and sets out that:

*'Development will be concentrated within the Island's Built-up Area, as defined on the Proposals Map, and in particular, within the Town of St Helier.*

- 3.5** The Island Plan then establishes a Sequential Approach to Development, articulated through Policy SP3, which will be applied to the assessment of all development applications. The supporting text (para 2.20) sets out that development which requires a site outside the Built-Up Area must be justified and be sited where it causes least harm to the character and appearance of the landscape.

- 3.6** The Protection of the Natural and Historic Environment is then given further emphasis in Policy SP4 and the associated supporting text. Paragraph 2.22 of the Island Plan sets this scene by establishing "The Island's coast, countryside and historic environment are what makes Jersey unique...highly distinctive, visually appealing and one of the Island's greatest assets."

- 3.7** Alongside the other strategic objectives, the States seeks to maintain a strong, sustainable and diverse economy and as a consequence, Policy SP 5 entitled Economic Growth and Diversification sets out:

*'A high priority will be given to the maintenance and diversification of the economy and support for new and existing businesses, particularly where development can attract small footprint/high value business from elsewhere and foster innovation.*

With the focus being within the Built-up Area.

- 3.8** By focusing development within the existing built-up urban area, modes of transport other than the private car should be more viable. Policy SP6 of the Island Plan seeks to reduce the Dependence on the Private Car, and

acknowledges that spatial planning policies are one part of a package to reduce car use.

- 3.9** This review of the key elements of the Strategic Policy Framework gives clear context to the prominent emphasis to be placed on the Green Zone policy as a tool to generally resist development in support of the overall Spatial Strategy of the Island Plan, and to support more sustainable patterns of development, alongside the protection of the innate character of the countryside as a valued asset and part of the inherent qualities of what makes Jersey unique. Essentially, to direct development to the Built-up Area.

#### **4. GREEN ZONE POLICY**

- 4.1** Whilst there is a general presumption against any development in the Green Zone, it is a “living landscape” containing a great number of buildings and a variety of land uses. As a consequence, Policy NE7 does not establish a “moratorium” against development, but instead sets out a series of categories of development which may exceptionally be considered, with the key tests for both developments proposed being whether or not there is a strong justification related to the essential requirement for a countryside location and if alternative provision cannot be found or made within the Built-up Area and the context to be able to accommodate development without serious harm to landscape character.

- 4.2** Policy NE7 sets out that:

*“The Green Zone, as designated on the Proposals Map, will be given a high level of protection from development and there will be a general presumption against all forms of development, including but not limited to:*

- *the development of a new dwelling*
- *the re-development of glasshouse(s) involving demolition and replacement with a building(s) or conversion for another use, or their conversion to a non-employment use in line with para 2.158.*

*Specific listed planning exceptions may be permissible, and only where they do not cause serious harm to landscape character:*

- 4.3** *The re-development of an employment building(s), involving demolition and replacement for another use, but only where:*
- a) *the redundancy of employment use is proven and*
  - b) *it gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use and improved design and appearance of the land and building(s).*

**4.4** *New cultural and tourism development, but only where it:*

- a) is appropriate relative to existing buildings and its landscape context, and*
- b) does not seriously harm landscape character.*

**4.5** In respect of cultural and tourism uses, para 2.159 confirms that new or extended cultural or tourism developments within the Green Zone need to be sensitive and proportionate to the fragility and vulnerability of its landscape setting.

**4.6** Para 2.162 also confirms that leisure and tourism activities can also generate a requirement for ancillary services and buildings. New leisure and tourism buildings are unlikely to be favourably considered other than possibly small scale buildings or structures such as kiosks.

## **5. THE HOLIDAY VILLAGE**

**5.1** In respect of 4.6 above, it is difficult to see how the erection of 27no. holiday lodges and other structures to house a reception area and gym etc, could be regarded as being 'small scale' or as being 'appropriate relative to existing buildings and landscape and landscape context, especially as any new tourism development needs to be sensitive and proportionate to the fragility and vulnerability of its landscape setting.

**5.2** In order to assess the proposal in respect of landscape impact, the CCA Dated December 1999, identifies the site as lying within the E6 Central Plateau: Valley Heads Character Area.

**5.3** The essential character of this area is of an intact, productive agricultural landscape with a characteristic 'patchwork' of arable and pasture fields enclosed by mixed hedgerows, with a particularly distinctive feature of the area being the long views across the interior, often encompassing the church spires and steeples of the main settlements.

**5.4** The Appraisal then confirms that there *is 'limited capacity to accept any new development and it recommends that this area should have high levels of protection as any development can have a very high impact in the long views that can be obtained within this area.'* The Appraisal then concludes that new development should then be *'limited to the existing village areas at Trinity, St John, St Mary and St. Ouen,'* rather than an area such as the application site.

**5.5** Policy ERE 7 sets out the general policy presumption for derelict and redundant glasshouses with the general policy presumption against the redevelopment of such sites for other uses, unless the alternative use is directly related to agriculture or the diversification of agricultural activity.

**5.6** The policy then goes on to state that in exceptional circumstances, the development of such sites may be considered for non-agricultural

purposes, provided that the amount of development permitted will be the minimum required to ensure a demonstrable environmental improvement of the site by the removal of the glasshouses and any contaminated material, the reduction in the area of buildings and the repair to the landscape and accords with Policy GD 1 'General Development Considerations.'

- 5.7** In economic terms, the pre-ambles to Policy EVE 1 (Visitor Accommodation, tourism and cultural attractions) confirms at para 5.169 *that 'A strong and high quality visitor product is a key ingredient of a successful tourist destination. In order for Jersey to compete in the future, it will have to ensure that its product grows and changes to meet different expectations. The Island Plan has a role to play by supporting and enabling the tourism industry to compete sustainably to the benefit of the Island.'*
- 5.8** And further at para 5.170 the Plan confirms that *'For tourism to be able to compete successfully, the industry will need to respond to ever-increasing consumer expectations and the needs of its target markets. Jersey will find it hard to compete effectively in the market place with its existing accommodation stock if it is not sufficiently diverse or modern in the facilities it provides.'*
- 5.9** The Island Plan recognises the dilemma between policies to protect and enhance the coasts and countryside and policies which seek to facilitate developments in the tourism industry to enable visitors to enjoy the Island's environment. The dilemma can be resolved within the Island Plan policy context if proposals for new tourist related accommodation recognise the sensitivity of the areas covered by policies for the countryside.
- 5.10** Proposals for new or extended tourism and cultural attractions will therefore be considered in accordance with the advice appropriate to the particular zoning of the site and where there is a presumption against development, there is a requirement for clear evidence to support the case.
- 5.11** Whilst 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 and building up the Island's tourism offer, there is clearly a balance to be found, given the policy presumption against new development in the Green Zone location.
- 5.12** Turning back to the requirements of Policy ERE 7, no evidence has been provided to justify the applicant's requirements for 27no. units and whether this number of units and the cost of provision etc is commensurate with the amount required to clear the site and set the holiday village in operation. This is a clear requisite of the policy.
- 5.13** In addition, the area of the holiday village and new car parking area directly adjoining to the South will be constructed on the footprint of the existing glasshouse, whereby the same policy requires a reduction in the area of buildings and the repair to the landscape.

- 5.14 In previous discussions with the applicant, the Department had discussed the possible potential of a much smaller number of high quality designed units within an extensive landscape setting on the site, not the cramped proposal as submitted.

## 6. THE NEW DWELLING

- 6.1 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.
- 6.2 The proposed dwelling would not fall into one of the potentially permissible exceptions listed in NE 7. In addition, the glasshouse in question is subject to a Condition requiring its removal in the event that it falls into disuse or disrepair.
- 6.3 Policy ERE 7 serves to facilitate the clearance of derelict and redundant glasshouses that blight Jersey's landscape. At Retreat Farm, the Department queries whether or not the glasshouses actually blight the landscape, as opposed to being an accepted part of the landscape. Nonetheless, the policy states that *'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.'*
- 6.4 The policy then 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.'* Given the existence of a condition to this effect, the glasshouse block should therefore be removed, if necessary through the effective enforcement of the original condition.

## 7. TRANSPORT IMPACT

- 7.1 The applications have been accompanied by a Transport Assessment which has been reviewed by the Transport Policy section of the Department for Infrastructure.
- 7.2 Their consultation responses confirm support for the proposals on pure technical grounds, subject to the provision of various road improvements, a bus stop, and various other conditions as suggested.
- 7.3 However, the requirements for access widening, road widening and a new bus stop are at the expense of landscape character in that existing trees/hedging are being removed and replaced with a wider road, pedestrian refuge, a new road crossing with surface changes and a new bus shelter.

**7.4** Whilst it is acknowledged that new trees and hedging is being replaced, this is at the expense of the current landscape character of the country lane.

**7.5** In addition, a new 168 space car park is to be provided on the Southern section of the Western glasshouse site which suggests that despite the best interests in trying to promote a more sustainable transport package, the vast amount of journeys to and from the site will be by car, which is contrary to sustainable objectives.

## **8. LOSS OF AGRICULTURAL LAND**

**8.1** The consultation response from the Environmental Land Control section of the Department of the Environment dated 11<sup>th</sup> September 2017 objects to the proposal to demolish the existing Western glasshouse (referred to as Field MY770), given that this land has an agricultural restriction imposed upon it such that it cannot be occupied by anyone other than a bona fide inhabitant of the island who is wholly or mainly engaged in work of an agricultural nature. In addition, the field should only be used for agricultural or horticultural purposes only.

## **9. DESIGN**

**9.1** Policy SP7 “Better by Design” establishes that the maintenance and enhancement of the Island’s distinctive character and environment also requires good design.

**9.2** This objective is reinforced by the more detailed content of Policy GD7 “Design Quality” which requires that all development should deliver a quality of design which respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and built context.

**9.3** Whilst the Department has noted the innovative design of the proposed dwelling and indeed the proposed ‘eco-pod’ design of the ancillary buildings proposed within the holiday village, one of the reasons for considering this as an interesting concept was the design led solution to new tourism accommodation in this rural location. In this respect, the Department were of the opinion that all the proposed holiday units would be of the same innovative ‘eco-pod’ design.

**9.4** The Department now notes that (aside from the ancillary buildings on the holiday village site) that the proposed two and three bed units of accommodation now comprise a series of ordinary timber clad chalets located in very close proximity to each other.

**9.5** It is considered that these lodge designs do not satisfy the high design quality requirements for this highly sensitive Green Zone location.



## **10. CONCLUSIONS**

**10.1** The Proof has sought to provide a context to the relevant planning policy framework, and then identify the performance of both the applications against the key considerations of the relevant policies.

**10.2** As a reminder, the key issues are as follows:

- Impact of both developments in the Green Zone
- Economic/tourism case
- Number, design and appearance of holiday lodges
- Need for a new dwelling

These have been subsequently debated at the Inquiry.