Planning and Building (Jersey) Law 2002

Article 115(5)

Report to the Minister for Planning and Environment

By

Jonathan G King BA(Hons) DipTP MRTPI

an Inspector appointed by the Judicial Greffe.

Appeal

by

Mr Timothy R Baudains

52a Le Clos Des Sables, St Brelade JE3 8GJ,

Application by Mr H Carre

Hearing held on 8th January 2019 at the Tribunal Offices, The Parade, St Helier

Department of the Environment Reference: P/2018/0171

52a Le Clos des Sables, St Brelade

- The appeal is made under Article 108 of the Law against a decision to grant outline planning permission under Article 19.
- The appeal is made by Mr Timothy R Baudains.
- The application Ref PP/2018/0171, is dated the February 2018.
- Planning permission was granted by notice dated 18th October 2018, subject to conditions.
- The development is described as: to construct one 2-bed dwelling with associated parking and landscaping to East of site at 52a Le Clos des Sables, St Brelade.

Summary of Recommendations

1. I **recommend** that the appeal should be **dismissed** and that permission should be granted subject to the conditions included in the Annex to this report.

Introduction

2. The planning application for the proposed development was initially refused by planning officers under delegated powers. The applicant then sought a formal review of this decision by the Planning Committee, the outcome of which was the granting of permission. This is an appeal by a third party against that grant of permission. The appellant is a local resident.

The scope of the report

3. The planning permission dated 18th October 2018 was granted subject conditions. Under Article 117(1) & (2) of the Law, the decision remains in effect, but the development may not take place until determination of the appeal.

4. Article 116 of the Law requires the Minister to determine the appeal and in so doing give effect to the recommendation of this report, unless he is satisfied that that there are reasons not to do so. The Minister may: (a) allow the appeal in full or in part; (b) refer the appeal back to the Inspector for further consideration of such issues as the Minister may specify; (c) dismiss the appeal; and (d) reverse or vary any part of the decision-maker's decision. If the Minister does not give effect to the recommendation(s) of this report, notice of the decision shall include full reasons.

5. The purpose of this report is to provide the Minister with sufficient information to enable him to determine the appeal. It focuses principally on the matters raised in the appellant's grounds of appeal. However, other matters are also addressed where these are material to the determination, including in relation to the imposition of conditions, and in order to provide wider context.

Background and description of proposals

6. The site lies within a residential estate of detached bungalows dating from the

middle part of the twentieth century, lying roughly between the rear of houses fronting Route Orange to the south and the Les Quennevais development to the north. At its centre are 4 blocks of unequal size, separated by roadways running North – South linking the longer west-east roads, all confusingly called Le Clos des Sables. Within each block the bungalows front the shorter roads, arranged back to back with rear gardens of moderate size. The majority appear to have been constructed with pyramidal roofs, but there are also some with gable ends either facing the roads or at right angles to it. Many have been extended or otherwise enlarged in various ways, including the creation of ridged hipped roofs, L-shaped floorplans, elongation to the rear, the incorporation of garages with a variety of roof styles, and the insertion of dormer windows and roof lights. A few are very significantly larger.

7. No 52 lies towards the north-west of the estate, located on a corner of one of the blocks, and having an unusually broad frontage so that it benefits from generous separation from the neighbouring properties both to the side and the rear. It was originally a small bungalow with a pyramidal roof. In March 2017, a very large proportion of the land to the rear was sold, creating a separate plot, now known as No 52a. This is the site to which the appeal relates. The greater part of the reduced garden now lies to the side of the original bungalow. Following the granting of planning permission in October of the same year (ref P/2017/090) the bungalow was extended to the rear and side, with a single-storey flat-roofed addition having roof lights but no windows facing towards the newly-created plot.

8. The proposed development comprises a 2-bedroom bungalow with an integral garage. It would be orientated at right angles to No 52 with its western side parallel to the new back wall of the extension, and facing northwards with its front at a slight angle to one of the longer roadways. It would have an L-shaped floorplan, with the shorter limb projecting forward to a point level with that part of No 52 which is closest to that road. To the rear, a small garden would be provided, abutting the remaining garden of No 52 to its side, and the side of the back garden of the neighbouring bungalow to its rear.

9. The building would extend very nearly the full width of the new plot, leaving just 0.8 metre to the boundary with No 52 (approximately 1 metre from the building itself), and 0.6 metre from the boundary with the neighbouring plot on the other side (about 1.4 metre at the closest to the side of a detached garage, but in the region of 13 metres from the dwelling). The L-shaped floorplan would allow sufficient room for 2 vehicles to be parked outside at the front of the site.

10. Over the full length of the longer limb of the proposed building would be a simple pitched roof with gables at either end, facing towards the neighbouring bungalows. The shorter limb would have a lower pitched roof with its gable facing the road. With the exception of the bathroom, which would have a window to the side, facing the wall of the neighbouring garage, all other windows would face to the front or rear. No accommodation would be in the roof, nor any dormers or rooflights. The walls would be finished in painted render; and the roofs covered in pantiles.

The grounds of appeal

11. The appeal form lists 5 main grounds of appeal. Briefly, it is argued by reference to planning policies of the Island Plan (in brackets) that:

- *the mass and site coverage is excessive, and the roof design ignores pre-planning advice (Policy H 6);*

- *the proposed dwelling is an overdevelopment of the site and would have an unreasonable impact on the streetscape. It would unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy. It would lead to unacceptable problems of parking (Policy GD 1);*

- *the proposed dwelling would be unacceptable in size mass and height in relation to the neighbouring properties and landscape; and it would appear cramped (Policy GD 7);*

- *the proposed development does not demonstrate a reduction in dependence on the car (Policy SP 6); and*

- *the proposed development fails the test of Policy GD 7 by not being able to provide appropriate surface water drainage.*

Main Issues

12. From my assessment of the papers submitted by the appellants, the Department and the applicant, and from what was given in evidence during the Hearing and seen and noted during the site visit, I consider that the main issues are:

    (a) the effect of the proposed development on the character and appearance of the locality;

    (b) the effect of the proposed development on the living conditions of neighbouring occupiers;

    (c) the effect of the proposed development on local parking provision;

    (d) whether the proposed development is sustainable, particularly by reference to dependence on travel by car; and

    (e) whether the proposed development makes adequate provision for surface water drainage.

Reasons

Issue (a) Character and appearance

13. With a few exceptions, the bungalows are generally sited fairly close to one another in the street scene. Nonetheless, the predominant use of hipped / pyramidal roofs promotes a greater sense of space between them. It is a common approach in suburban developments. They have reasonably large rear gardens which, in the case of corner plots – such as No 52 - create moderate lengths of undeveloped road frontage to the longer roads. To an extent this original pattern has been retained, so that the character of the area as a pleasant, if unremarkable, residential locality remains.

14. However, it is very apparent that in more recent times a substantial proportion of the dwellings have been enlarged, sometimes very considerably. The bulk of several of the dwellings has increased and likewise the undeveloped area of many of the plots has significantly decreased. This has led to a reduction in the perception of space about the buildings, albeit moderated by the continuation in the use of hipped roofs in most cases. With respect to the corner plots, rearward extensions, some of considerable size, are visible from the undeveloped road frontages; and these have also reduced the sense of space. However, so far as I could see on my site visit, I am not aware that any corner plot has to date been subdivided in the manner comparable to Nos 52 and 52a.

15. The principal Island Plan policies relevant to this issue are GD 1 *General development considerations,* GD 7 *Design quality and SP 7 Better by design*. Policy GD 7 looks to development to respect, conserve and contribute positively to the diversity and distinctiveness of the built context. In particular, design should address and appropriately respond to a number of criteria relating amongst other things to scale, form, massing, orientation, siting, density, inward and outward views; the relationship to existing buildings, settlement form and character; and the degree to which design details, colours, materials and finishes reflect or complement the style or traditions of local buildings.

16. It is clear that although the estate has undergone a degree of change, the proposed development would be something of a new departure from what has gone before. At the Hearing, I invited the Parties to consider the proposition that the introduction of something different into an area does not necessarily equate to it being harmful to that area or its residents. This reflects the thrust of Policy SP2 *Efficient use of resources*, the supporting text to which says that, if done well, imaginative design and layout of new development can produce a higher density of development – representing a more efficient use of land – without compromising the quality of the local environment. The density of existing development should not dictate that of new development by stifling change or requiring replication of existing style or form. In locations with good access to amenities and services, it should be possible to ensure a more efficient use of land, without compromising local character or design quality. The policy itself states that new development should secure the highest viable resource efficiency, in terms of (amongst other things) the re-use of existing land and the density of development.

17. In a similar vein, Policy GD 3 *Density of development* says that, in order to contribute towards a more sustainable approach to the development and redevelopment of land, the Minister will require that the highest reasonable density is achieved for all developments, commensurate with good design, adequate amenity space and parking, and without unreasonable impact on adjoining properties. The same approach is taken in the introductory text to Policy SP 6 *Reducing dependence on the car*.

18. The housing chapter of the Island Plan (paragraphs 6.81 – 6.82) recognises and directly addresses the practical difficulty of increasing the density of development. It acknowledges that whilst the principle of providing higher density is easily accepted, the reality of delivering it "on the ground" can be more challenging, where there is a need to ensure that new development respects the existing character of the area. It notes that local residents and neighbours are often resistant to higher density development on the basis that this will lead to a greater

quantum of development, with associated perceptions of a more significant impact on local and private amenity; more and bigger buildings; and increased traffic generation, for example. However, it concludes that the reality of realising higher densities needs to be acknowledged relative to estimations of housing yield. It is important to recognise that unless more land-efficient densities are generally realised it will not be possible to meet all the identified need for housing without zoning additional housing sites – leading inevitably to the further loss of greenfield land

19. Against that firmly expressed policy background, I take the view that for a development to be considered unacceptable it is not sufficient simply to identify differences in density and design, but to consider to what extent those differences may be the source of harm in planning terms.

20. In that context, the applicant has provided several examples of other properties on the estate being a similar or lesser distance from their boundaries than that proposed, albeit not as close to the bungalows themselves. I acknowledge that Nos 52 and 52a would be physically closer together than most, if not all, of the others on the estate, and the proximity would be somewhat more apparent in view if the use of gable end on the proposed bungalow, compared to the predominant hips. But the closest part of No 52 would be the rear, single-storey, flat-roofed extension, so that the separation distance between the two buildings above the height of the walls would be a minimum of 2.6 metres. Moreover, that part of the new building that would be closest to No 52 would be set back some distance from the neighbouring front wall, thereby emphasising the separation of the two buildings. I perceive no harm to the character or appearance of the street scene by reason of the increased density and proximity.

21. It is fair to say that the proposed development would cause No 52 to lose the greater part of its garden. The new bungalow would have an even smaller private area. But not everyone has the same needs, so the provision of a variety of garden sizes in an area could be regarded as an advantage. The gardens provided would meet the standards set out in Policy Note 6 *Minimum specifications for housing development*.

22. As for height, the proposed bungalow would be only in the region of 0.8 metre taller than No 52, which I do not regard as significant in visual terms. Other existing dwellings, including that situated directly to the east, is taller. Similarly, the building would not be excessive in mass or size relative to its immediate and wider surroundings. Indeed, there are a number of other extended bungalows on the estate that are significantly larger. It is apparent from the plans that its footprint would similar to that of No 52, and rather less than several other bungalows in the vicinity. In my view it would be a modest building in both absolute and relative terms. It would not visually or physically dominate either its immediate neighbours or the road generally.

23. The Department accepts that the design of the proposed bungalow is good, generally speaking, but inappropriate to its particular site and surroundings. I find the use of gabled roofs entirely acceptable. It is not the predominant roof form, but there are several other bungalows of such a design on the estate, and its replication would not alter the character of the area. The design, incorporating similar materials and finish, is entirely acceptable. Indeed, I consider that its

overall appearance would be more sensitive to the character of the area than some of the existing bungalows which have been substantially extended.

24. I conclude that the introduction of this additional bungalow would have no great consequence for the character or appearance of the area and would not be contrary to the provisions of Policies GD 1, GD 7 or SP 7.

Issue (b) Residential amenity

25. The main Island Plan policy of relevance to this issue is GD 1 *General development considerations*, in particular section (3), which requires that development should not unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents. In particular, it should not unreasonably affect the level of privacy to buildings and land, and the level of light that owners and occupiers might expect to enjoy.

26. The appellant's statement of case refers only to the effect of the development on privacy. I note that the Department is satisfied that there would in practice be little or no potential for overlooking from the new building. I share this view. All windows would be on the ground floor. Views from the only side-facing window would be to the side of the adjacent garage, with no implications for privacy. To the front, the windows would face across the road to the dwelling opposite, but the relationship would be comparable to other facing bungalows on the estate and indeed to many common suburban situations which are generally regarded as acceptable. To the rear, the windows would look towards the side of the back garden of the property behind, but views in that direction are presently blocked by the intervening boundary treatment. In the event that it were to be removed during the course of building works, it would be possible for alternative screening to be required by way of a planning condition. In the event of the appeal being dismissed, I would recommend such a course of action. I am also satisfied that the occupiers of the proposed bungalow would not suffer from any significant lack of privacy.

27. Similarly, by reason of the siting of the proposed bungalow relative to others in the vicinity, I am satisfied that there would be little or no likelihood of it causing shading or loss of daylight or sunlight to its neighbours. Moreover, while vehicles leaving the site in a forward direction at night would have the potential to shine their headlights across the road towards the bungalow opposite, this would happen only if they were first reversed on to the site, which is unusual; and the effect would be infrequent and for only a short duration. In any case, the impact would be similar in any other comarable situation on the estate. Any disturbance arising from the occupation of the dwelling would be no greater than might reasonably be expected in a residential area. The outlook from the bungalow opposite towards the site would naturally change: from a garden to developed land. This would be noticeable. However, I consider that the properties would be a conventional distance apart, such that the amenity of the occupiers would be preserved.

28. I conclude that the living conditions of neighbouring occupiers would not be unreasonably harmed or otherwise breach the relevant provisions of Policy GD 1.

29. I consider the matter of on-street parking under the next issue.

Issue (c) Parking and Issue (d) Sustainability

30. I take these two issues together in view if the degree of overlap between them.

31. The site is in a Built-up Area identified in the Island Plan, where Policy SP 1 *Spatial Strategy* indicates that development will be concentrated and where Policy H 6 *Housing development within the Built-up Area* says that proposals for new dwellings will be permitted provided that they are in accordance with the required standards for housing. It is shown within an area categorised as a Secondary Urban Settlement – the second category in the hierarchy set out in the Island Plan. In general terms, there is no dispute between the parties that, as it is in a sustainable location, there is no in-principle objection to residential development in this area.

32. Consistent with the principle of promoting development within urban areas at locations highly accessible by mean other than the private car, the Island Plan focusses development within the existing built-up urban area, by re-using brownfield sites and by encouraging higher density development in appropriate circumstances. By these means, there is the expectation that modes of transport other than the car will become more viable. This approach is expressed through Policy SP 6 *Reducing dependence on the car*, which looks to all development to reduce such dependence by providing for more environmentally-friendly modes. It sets out six numbered requirements. In my view, the present proposal meets them all in most respects. Briefly, it would: (1) & (3) be well-related to the primary road network (Route Orange) and accessible to pedestrian, cycle and public transport networks; (2) & (6) as a development of one small dwelling, it would not give rise to an unacceptable increase in vehicular traffic, air pollution / deterioration in air quality or parking on the public highway; (4) make appropriate provision for car and cycle parking, with a garage and 2 parking spaces; and (5) the existing estate provides a safe environment for pedestrians and cyclists and there would be no necessity for measures to control traffic speed.

33. Turning to the specific matter of parking, the development would make provision to park up to 3 cars clear of the highway. This exceeds the requirement set out in Supplementary Planning Guidance, Policy Note 3, but as that is expressed as a minimum, it would not be breached. It is arguable that 3 spaces may be more than is required for a 2-bed bungalow, and therefore does not contribute to sustainable travel. But, as set out above, it does not breach Policy SP 6, particularly as the garage could be considered as an opportunity for cycle parking.

34. The appellant argues that the broad vehicular access to the site (approximately 10 metres in width) together with visibility splays to either side (adding about another 8 metres) would reduce the availability of on-street parking space to the front of the proposed bungalow by the length of 2 or 3 car spaces. I am told that on-street parking is much valued by local residents to provide for visitors (including the carers of elderly people) and deliveries, particularly outside normal working hours. I was not able to view the area at such times but, during the day, when many workers would be away from their homes, and when most deliveries and visitors might be expected, there was plenty of on-street parking space available.

35. I have already concluded under my first issue that the proposed development would be consistent with the Island Plan's encouragement of higher density

development in appropriate circumstances. It would be located in a sustainable location; and its provision of parking would not be unsustainable or otherwise unacceptable. On an estate where most, if not all, of the dwellings possess off-street parking provision, and where the development in question would make generous provision for its occupiers, I do not accept that the loss of potential on-street parking spaces is a compelling reason to oppose it.

Issue (e) Drainage

36. The original officer report from the Department expressed concern that insufficient information had been submitted to demonstrate that surface water (SW) run-off from the development would be managed adequately contrary to Policy LWM 2 of the Island Plan. This was based on the Department for Infrastructure (DfI) consultation response that said that there appears to be little room within the site for a soakaway to be constructed, so that the development may interfere with the existing SW drainage of No 52. The appellant shares this concern by reference to what he understands to be the usual design requirements for soakaways. He says that, without proper SW drainage, the proposed development risks causing "washaway" of the sand on which the estate lies.

37. The reference to Policy LMW 2 is incorrect: that concerns foul drainage. Moreover, Policy GD 7, referred to in the grounds of appeal is also irrelevant. The relevant policy is LMW 3 *Surface water drainage facilities*. That policy expects development to incorporate Sustainable Urban Drainage Systems (SuDS) into its design wherever practical. Applicants are required to ensure that SW run-off is managed as close to its source as possible in line with a hierarchy, the second of which is by means of infiltration, such as the use of porous surfaces. A number of others incorporate various attenuation techniques. Amongst other things, the policy requires, where appropriate, for planning conditions or legal / planning obligation agreements to be imposed or sought to ensure that SuDs are provided and maintained in the long term. The applicant has not specified how SW drainage will be disposed of from the proposed bungalow, but has suggested either an "eaves drop" guttering system, or an "Aquacell" type soakaway.

38. No 52 Clos des Sables was provided with a connection to the public foul sewer in 1965 and thereby falls under the 1953 drainage law for the separation of foul and surface waters. The DfI in a recent email has clarified its position. It states that it is aware of the recent extension to the property, but does not have any records of the means of SW drainage from it. It requires that the original building, its extension and the proposed dwelling must not drain SW run-off directly or indirectly to the public foul water system. It has no objection to the use of private SW disposal systems including both of the alternatives suggested, on condition that they are installed and maintained to the manufacturers' conditions and the requirements of the current drainage law and building control byelaws. No particular reference has been made to any specific design requirements.

39. I take it from the DfI's comments that there is no objection in principle to the proposed bungalow on grounds relating to SW drainage disposal. The applicant will need to obtain the necessary technical approvals for any such system; and it would be very foolish of him to commence development in the absence of them. Nonetheless, there is some concern locally that he may seek to do so. Usually it

would be inappropriate to impose a planning condition to duplicate the requirements of other legislation. However, having regard to Policy LWM 3, I consider that it would be unwise to rely on other approvals that may not provide the necessary degree of control from the planning point of view. Therefore, in the event that the appeal is dismissed, and planning permission granted, I would recommend that a condition should be imposed that would prohibit occupation of the bungalow until such time as a SW drainage system has been installed in accordance with a scheme which first shall have been submitted to and approved by the Department, and thereafter retained and managed in accordance with the manufacturer's specifications.

40. Subject to the imposition of such a condition, I see no reason why the development should be opposed for reasons relating to SW drainage. I make no observations on the adequacy of the SW drainage system(s) relating to the existing building or its extension as such matters are outside the remit of this appeal. The appellant opposes the use of an "eaves drop" system as the bungalow would lack conventional gutters. However, the potential for this to harm the appearance of the building or the character of the area would be minimal.

Other Matters

41. At the outset of the Hearing I indicated to all those present that from the appeal documentation I was aware of a number of assertions having been made in representations expressing concern about certain procedural matters. These included reference to the overturning of the original officer decision by committee members having no background in architecture, building or planning policy. However, the Planning Committee were simply carrying out their lawful duty and cannot be criticised for reaching a different conclusion to the officers. Such an outcome is clearly anticipated by the procedure. It is clear from the minutes of the committee meetings that the Chairman and his colleagues paid close attention to all of the arguments promoted at the Review stage, including those from the appellant and from several persons who have made representations.

42. Some representations have raised a suggestion that a politician – who I shall not name – may have engaged in improper behaviour relative to the appeal proposal. This is a matter addressed directly by the Committee Chairman in the minutes of the meeting on 18th October 2018. I made it clear at the Hearing that I had no jurisdiction concerning any such matters; and that my remit relates solely to considering the planning merits of the proposed development and the appeal. There are other legal avenues which may be followed in the event that anyone has any evidence that may give rise to concern. These routes are identified in the committee minutes. I stated that I would not address any of these matters during the Hearing or in my report. I received no response. I make no further comment or recommendations relating to this or any other procedural matter.

43. The applicant sought pre-application planning advice from officers of the Department prior to submitting the application for extending no 52 or separating the 2 plots. I understand that the advice – which was as usual given on a without prejudice basis – indicated that there would be potential for the redevelopment of the site with 2 units, but that the scheme shown to officers was too imposing. A second request received a similar reply. Prospective applicants are not obliged to

seek advice beforehand, nor to heed it. Neither the earlier scheme nor the Department's advice is material to my recommendation on this appeal.

44. It has been put to me that the sequence of events which led to the making of the planning application which is the subject of the appeal – including the separation of the plots, the permission for the extension to No 52 and its subsequent amendment, all somehow indicate an intention by the applicant to manipulate the planning system to his advantage. So far as I am aware, the applicant has done no more or less than he is entitled to do under the law. I have reached my conclusions on the appeal solely on the planning merits of the case.

45. I note that the intended occupiers of the proposed bungalow are the applicant's daughter and her partner. However, while appreciating that there may well be advantages for the extended family, including of a financial nature for a young couple, this has no bearing on my recommendation.

46. In reaching my conclusions I have had regard to all of the matters raised in written representations made in relation to the application and the appeal, to the views of planning officers and to the reasoning of Planning Committee when reviewing the original delegated decision. None alter my overall conclusion as set out below.

Conditions

47. In the event that the appeal is dismissed and permission granted, certain conditions should be imposed to ensure that the development is carried out satisfactorily. I include my recommended conditions in the Annex to this report. The starting point is the conditions that were attached to the permission issued on 18th October 2018. Conditions A and B are standard for all planning permissions, setting the timescales for commencement and conformity with approved plans and documents. They are necessary in the interests of certainty and so that unimplemented permissions should not compromise the ability of the Minister to reconsider the planning of an area. Only one other condition (No 1) was imposed, withdrawing certain permitted development rights and prohibiting any works involving the erection of a building, extension, structure, conversion of the garage or loft without prior written approval. I agree the necessity of such a condition for the reason given: that the form, design and layout of the site requires additional controls to safeguard the character and visual amenities of the area, and to ensure that adequate private amenity space is retained within the curtilage in accordance with Policy GD 1.

48. The desirability of imposing further conditions arose during the course of the Hearing; and these were discussed on a without prejudice basis and agreed in principle between the parties. These have been addressed in the body of this report. They relate first to the need for a scheme for surface water drainage to be submitted and approved in advance of the development taking place, for the reason that no such details were submitted with the application and in order to avoid any adverse consequences of an inadequate system being installed. If that scheme were to include the provision of permeable paving, it should be retained. Finally, a scheme of landscaping, including means of enclosure, should be submitted and approved prior to occupation, in order to protect the amenities of neighbours.

Overall Conclusion

49. For the reasons given above, I **recommend** that the appeal should be **dismissed** and permission granted subject to the conditions set out in the annex to this report.

Jonathan G King

Inspector

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ANNEX

CONDITIONS THAT MAY BE IMPOSED ON THE PLANNING PERMISSION IN THE EVENT THAT THE APPEAL IS DISMISSED

A. The development shall commence within five years of the date of this decision.

B. the development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.

1. Notwithstanding the provisions of the Planning and Building (General Development)(Jersey) Order 2011, or any amendment to or replacement of that order, no works involving the erection of a building, extension, structure, conversion of garages or lofts on the drawings approved with this permission is permitted without the prior written approval of the Department for Growth, Housing and Environment.

2. No development shall commence until a scheme detailing the drainage of surface water from the development has been submitted to and approved in writing by the Department for Growth, Housing and Environment, and thereafter carried out as approved prior to occupation of the dwelling. Notwithstanding the provisions of the Planning and Building (General Development)(Jersey) Order 2011, or any amendment to or replacement of that order, any permeable paving included in such a scheme shall not be replaced without the prior approval of the Department for Growth, Housing and Environment.

3. The dwelling hereby permitted shall not be occupied until such time as a scheme of landscaping, including means of enclosure, has been submitted to and approved in writing by the Department for Growth, Housing and Environment. The scheme shall be carried out in accordance with the approved details within one year of the occupation of the dwelling.

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