

## PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (b) against a refusal to grant planning permission

### Report to the Minister

By Sue Bell MSc., BSc, FCIEEM, CEcol, CWEM,  
An Inspector appointed under Article 107

**Appellant:** Southern Traders Ltd

**Planning Permission Reference Number:** P/2023/1371

**Date of decision notice:** 24 April 2024

**Location:** Les Minquiers, Le Mont Gras d'Eau, St Brelade, JE3 8ED

**Description of development:** Demolish existing dwelling and outbuildings, and remove tennis court. Construct a 3-storey building (plus basement parking, refuse and cycle storage) to create 5 new flats (2x2 bedroom, 3x3 bedroom) including soft and hard landscaping, amenity space, and altering vehicle access.

**Appeal procedure and date:** site inspection and hearing.

**Site visit procedure and date:** accompanied 29 July 2024, unaccompanied 1 August 2024.

**Hearing:** 31 July 2024.

**Date of report:** 12 September 2024.

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### Preliminary matter

1. Several of the neighbouring properties commissioned an agent to represent their views. The agent asked for and was granted an opportunity to participate in the hearing.

### Introduction and relevant planning history

2. This appeal concerns refusal to grant permission for development at Les Minquiers, a substantial detached property located in St. Brelade.
3. The application was refused by the Infrastructure and Environment Department ('the Department') on 24 April 2024 using delegated powers. Reasons for refusal were:

1. The proposal, by virtue of its close proximity to neighbouring properties and their private amenity spaces, specifically to the east and west of the development site, having regard to the layout, form, height, massing and design of the development and lack of mitigating boundary treatment, would not adequately address the relationship of the development to the existing neighbouring buildings and would create an unacceptable overbearing impact to neighbouring land and buildings to these elevations contrary to Policies GD1 and GD6 of the Bridging Island Plan 2022.

2. By virtue of the close relationship with the neighbouring private amenity spaces, specifically to the east and west of the development site and lack of mitigation proposed, the development would unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents, and in particular, would unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy contrary to Policies GD1 and GD6 of the Bridging Island Plan 2022.

3. By virtue of the scale, mass and siting of the proposal, it is not considered appropriate to its context in scale, character and use, and is not considered to successfully address the relationship of the development to existing buildings and settlement form having regard to the layout, form and scale of the development contrary to Policies SP3, SP4, GD6, GD8 and PL3 of the Bridging Island Plan 2022.

### **The appeal site and proposed development**

4. The appeal site is located on sloping land above St Brelade's Bay. It has vehicle access from Le Mont Gras d'Eau to the north of the site and pedestrian access to Le Mont Sohier to the south of the site.
5. The site is large (c 2970 square metres) and extends for approximately 89 metres southwards from Le Mont Gras D'Eau. Currently, it is occupied by a substantial three-storey, five-bedroom dwelling with a home office to the west. The building is located on the northern, higher part of the site, with the remainder forming grassed lawns and a tennis court at the southern end of the site.
6. There are neighbouring properties to the east, west and south. There are also neighbouring properties to the north of Le Mont Gras d'Eau.
7. The proposals include for demolition of the existing dwelling and infill of the tennis court. This would be replaced by a single building accommodating five apartments (2No two-bedroom and 3No three-bedroom apartments). It would present as three storeys when viewed from the north (Le Mont Gras d'Eau), but four storeys when viewed from the south. The building would be moved further south in the plot and re-aligned so that its main aspect would face south. The works would include changes to the vehicle access from Le Mont Gras d'Eau, improving visibility for vehicle access and providing a passing place. Underground parking and external amenity areas would also be provided.

### **Case for the appellant**

8. The appellant has stated four grounds of appeal:
  - The proposal will not create an unacceptable overbearing impact to neighbouring land and buildings. It is not contrary to Policies GD1 and GD6 of the Bridging Island Plan.
  - The proposal will not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy. It is not contrary to Policies GD1 and GD6 of the Bridging Island Plan.
  - The proposal is appropriate to its context in scale, character and use. It successfully addresses the relationship of the development to existing buildings and settlement form, having regard to the layout, form and scale of development. It is not contrary to Policies SP3, SP4, GD6, GD8 and PL3 of the Bridging Island Plan.

- Planning permission should be granted as the proposal is in accordance with Article 19 of the Planning and Building (Jersey) Law 2002 when taking account of the Island Plan as a whole and all other material considerations.

### **Case for the Infrastructure & Environment Department ('the Department')**

9. The Department's response to the grounds for appeal can be summarised as:
- The wraparound balcony/terrace at second floor level is close to the boundary with the private amenity spaces of properties to the east, west and south. As there is no meaningful mitigation this would result in an unreasonable level of overlooking contrary to Policy GD1 of the Bridging Island Plan. There would also be an unreasonable level of overlooking from the first-floor balconies.
  - The position of the building further south, the increase in scale and mass, and the slope of the site result in a proposal that unreasonably impacts neighbouring property in terms of privacy.
  - The 3D model is misleading in that the hedges shown to the east and west are shown much taller on the model than in reality. As such the model suggests much less impact in respect of the potential for overlooking from the proposed building into neighbouring properties and their amenity spaces.
  - The proposed building is a significant increase in the scale and mass of the property from that of the two storey duo pitch house. Whilst the height of the proposed building is equivalent to the existing, the additional mass of the new building is given by its much wider flat roof form. The additional scale is exacerbated by the siting of the new building further south than the existing, where the additional scale and roof height is more visually prominent.
  - The proposals represent a 102% increase in scale.
  - By virtue of the scale, mass and siting of the proposal, it is not considered appropriate to its context in scale, character and use, and is not considered to successfully address the relationship of the development to existing buildings and settlement form where it would unacceptably increase the visual prominence of the development having regard to the layout, form and scale of the development contrary to Policies GD6, GD8, and PL3 of the Bridging Island Plan.

### **Consultations**

10. **IHE Transport** issued two responses. The first (11 January 2024) identified that the site is on a Parish Road and advice should be taken from them about its suitability in terms of traffic and travel, road user safety, and highway performance with regards to Le Mont Gras d'Eau. The response notes the limited width, alignment, and gradient of Le Mont Gras d'Eau and levels of development in progress or permitted. It suggests that the Parish could have concerns about capacity and safe passage of all road users, similar to the Department's concerns with the junction to the south with Le Mont Sohier. The Department seeks a Planning Obligation Agreement for a contribution towards improving pedestrian facilities at the junction with Le Mont Sohier. Providing this is provided, the Department would not object to the proposal. In its second response (17 April 2024) the Department confirmed that the proposal falls below the threshold for which a Planning Obligation Agreement for walking/cycling improvements would be required.
11. **DFI-Operational Services - Drainage** stated (22 January 2024) that following dialogue with the agent and submission of a Drainage Impact Assessment it had no objection to the proposals. Whilst proposals for on-site disposal of surface water are

administered by Building Control, the letter recommends design features for the soakaways and suggests percolation tests to confirm the viability of these.

12. The **Planning Policy Team** commented in relation to Policy GD5 (8 February 2024). A Sustainability, Aesthetics and Cost Appraisal Evaluation and a Structural Condition Report had been submitted. The Structural Condition Report offers no compelling evidence to suggest that the existing building requires demolishing and is not capable of repair to bring it to an acceptable and energy efficient standard within a reasonable budget. The Sustainability, Aesthetics and Cost Appraisal Evaluation suggests that it would not be economically viable to repair / refurb the existing property. It was concluded that the proposal, offers sufficient evidence to prove that the aims of the first ‘test’ of Policy GD5 would not be compromised by the proposed demolition and redevelopment option.
13. In relation to Part 2 of Policy GD5, the Planning Policy Team concluded that “the case has been made that it is not reasonable to insist on the retention of the existing dwelling and its repair / refurbishment. In terms of the proposed development, this would provide a higher density of energy efficient new homes which would have much longer lives than that of the existing dwelling. On balance, therefore, the proposal would not run counter to the aims of Test 2 of Policy GD5.”
14. Two responses were received from **Land Resource Management**. The first (15 February 2024) requested further survey information to ensure protection of protected species and to assess whether the proposals would meet the requirements of the Natural Environment policies of the Bridging Island Plan and comply with the provisions of the Wildlife (Jersey) Law 2021. Following receipt of additional information, the Team made no objections to the proposals subject to conditions in respect of provision of an external lighting scheme and to ensure implementation of the mitigation measures outlined in the Species Protection Plan (27 February 2024).
15. The response from the **Landscape Officer** (26 February 2024) made no objection, subject to inclusion of four conditions relating to landscaping.
16. The **Tree Officer** (9 April 2024) notes that the existing evergreen hedges provide a useful screen between properties, but have little importance in the wider landscape and it is not considered appropriate to enforce their retention. It is suggested that the landscape proposals should respect the boundary treatments.
17. The response from **Environmental Health** (23 April 2024) is not summarised in the Department’s report. It recommends including a condition in relation to noise generation from new plant to be installed as part of the proposal.

## Representations

18. Eighteen representations from seventeen individuals are shown on the Planning Register website. Of these, four support the proposals, with the remaining objecting to the proposals. The Department’s report summarises support for the proposals as:
  - Existing dwelling needs modernisation.
  - Well designed and in keeping with the area.
  - Supply of homes.
  - Proportionate to recent developments in the area.
  - Protects the countryside for development.
  - Sensible approach instead of many oversized homes in St Brelade.
  - Good use of the site.

19. Objections are summarised in the Department report as relating to:
- Overdevelopment of the site.
  - Neighbour impact in respect of loss of privacy and loss of light.
  - Location of ASHP unit and plant noise.
  - Visual impact assessment would be helpful.
  - Not in keeping with the area.
  - Increase in prominence within the Green backdrop zone.
  - Inadequate planting within the Green backdrop zone.
  - Adverse impact to character and sense of place.
  - Intensification of use of Mont Gras d'Eau - extra traffic and no pavement.
  - Bigger footprint and larger volume than the existing building.
  - Existing building still fit for purpose.
  - Trend of overdevelopment on Mont Gras d'Eau - leading to overcrowding.
  - Construction traffic and disruption.
  - Burden on drainage network.
  - Incorrect boundary on the location plan.
20. Eight of those who objected to the scheme employed a planning consultant to co-ordinate and represent their views to the appeal process.

#### **Inspector's assessment**

21. Article 19 of the Planning and Building (Jersey) Law 2002 as amended states "In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan". Planning permission may also be granted for proposals that are inconsistent with the Island Plan if there is sufficient justification for doing so. In reaching a decision, all material considerations should be taken into account.
22. The current Island Plan is the Bridging Island Plan, March 2022 ('the Island Plan'). Having regard to the policies within that plan, the reasons for refusal and the grounds for appeal, and points raised in representations, I conclude that the determining issues in this appeal are:
- The effect of the proposed building on neighbouring land and amenity.
  - The design of the proposed building in reference to its relationship with existing buildings and settlement form.

#### The effect of the proposed building on neighbouring land and amenity

23. The appeal site and neighbouring properties are located within the built-up area. The spatial strategy of the Island Plan directs development to the built-up area and changing relationships between buildings will be an inevitable consequence of this approach. Policy GD1 - Managing the health and wellbeing impact of new development, recognises the need to accommodate these changes, without creating unreasonable effects on the amenity of existing uses. It sets out (amongst other things) that development should not create a sense of overbearing or oppressive enclosure and should not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy. What is considered reasonable will vary depending on the context and layout of a proposal.
24. The overall height of the proposed building would be 30.81 metres, which is a little higher than the existing ridge height (30.59 metres). However, it would have a

greater mass and bulk by virtue of its footprint and flat roof structure. Whilst the side elevations have been pulled back from the boundaries with neighbours compared to the existing property, the proposed building would extend further south than the existing. This would extend the building line to opposite the property to the south-east (Maison du Cerisier). I saw that this property enjoys an open outlook to the south and south-west and has external amenity land which extends further south than the proposed building. I conclude that whilst the proposed building would be a prominent addition, its location and set back position means that it would not create a sense of overbearing resulting in an unreasonable effect on amenity.

25. A degree of mutual overlooking between properties, particularly external amenity areas, would be expected within the built-up area. But even here, the extent to which overlooking may be considered 'unreasonable' will vary depending on the local circumstances. Whilst the appeal site is within the built-up area, it and its immediate neighbours are located to the south of a quiet road. I saw that the immediate area is characterised by several large, detached dwellings in substantial grounds. The main outlook is focussed southwards, towards St Brelade's Bay. The eastern and western boundaries of the appeal site are currently defined by very tall, evergreen hedges. These, combined with the position and height of the balcony and terrace of the existing property, means that there is currently little overlooking from the appeal site into the external amenity spaces of the neighbouring properties to the immediate east, south-east and west. Whilst there is some overlooking of external amenity areas from properties located on higher ground, any such views are distant. I therefore conclude that currently, neighbours experience minimal levels of overlooking from distant properties and that there is a strong sense of privacy.
26. The side elevations of the proposed building would be set further back from the mutual boundaries with the eastern and western neighbours than the current building. However, the proposed first and second floors would be higher than the existing. The proposals include balconies on the southern-elevation, at upper-ground, first and second floor level. Those on the second floor would wrap-around to extend along the east and west elevations. Balconies are also proposed on the east and west elevations adjacent to bedrooms on the first floor, although these would be angled southwards. The higher levels of the proposed balconies, combined with the dual aspect of the balconies at second floor level, means that there would be direct overlooking of neighbouring properties, particularly those to the east, west and south-east.
27. The proposals do not include for any mitigation to prevent mutual overlooking, with reliance being placed on screening provided by the existing hedges on the eastern and western boundaries. I saw that these hedges are tall and are comprised of mature evergreen shrubs (leylandii-type). Despite the obvious efforts of the appellant to ensure that the proposed building would avoid the rootzone for the hedge, there is no certainty over the long-term health and survival of the trees. I saw that recent management has affected growth on one side of the hedge to the east. I do not consider that a condition to safeguard the hedge would be practical or capable of implementation. Should the current hedge die, it would take several years for even a fast-growing species to re-establish a satisfactory barrier. Even allowing for the existing hedge, the height, location and orientation of the balconies at second floor level would provide for a high degree of direct overlooking into neighbouring properties to the east and west. Given the open nature of the southern aspect of these properties, existing relative seclusion and that any existing overlooking is from a greater distance, I find that this would result in unreasonable harm to neighbouring amenity.

28. The appellant has emphasised the scale of demand for housing in Jersey, targets for housing growth set out in the Island Plan and rate of progress to date. As the delivery strategy relies heavily on ‘windfall’ sites, every redevelopment opportunity has some importance in meeting those targets, especially where there will be a net gain in the number of housing units. However, I do not see this as a reason to disregard or ‘downgrade’ effects on neighbouring amenity. I comment further on this in paragraph 49 below.

The design of the proposed building in reference to its relationship with existing buildings and settlement form

29. Policy GD6 - Design quality seeks a high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting. It includes eight key principles for design, the first of which relates to the relationship of the development to existing buildings, settlement form and distinctive characteristics of a place, having regard to the layout, form and scale of the development. Policy SP3 - Placemaking states that development must reflect and enhance the unique character and function of the place where it is located. It should be responsive to its context to ensure the maintenance and enhancement of identity, character and place. Policy SP4 - Protecting and promoting island identity also identifies (amongst other factors) that development should respect the landscape, seascape or townscape character of the area in which it is proposed to be located and make a positive contribution to the local character and distinctiveness of a place. As the proposal site lies within the Green Backdrop Zone the provisions of Policy GD8 - Green Backdrop Zone are also relevant. This sets out (amongst other matters) that development in this area should not unacceptably increase the visual prominence of the development and should be well-related to existing development. I have also been directed to the Jersey Integrated Landscape and Seascape Character Assessment (JILSCA).
30. As noted above, the immediate vicinity of the appeal site along Mont Gras d’Eau, is characterised by detached buildings in extensive grounds. Some of these buildings are large in scale. They include both single dwellings and apartments. The buildings represent a range of ages, designs, roof styles and finishes. Consequently, there is no single cohesive, distinctive characteristic architectural style to development. The proposal would add to this eclectic mix of design styles. The main public interface with the building would be when viewed from the north from Mont Gras d’Eau. The building would be set back from the road and set down. From this perspective its height would appear consistent with other built development along the south side of the road.
31. Whilst the building would be located on the slopes above the bay, it is set well down below the height of the ridge, with other development behind it. I saw that the proposals would be visible in some views from the south, including from some parts of the beach of St Brelade’s Bay. However, views would be obscured by other development, and I do not consider that it would appear unduly prominent or conspicuous.
32. As noted, a range of finishes are present in the area, including white render and extensive areas of glazing. The proposed materials and finishes include natural materials such as granite and cedar in addition to green zinc, which are muted in nature, in addition to glass. Consequently, I do not consider that the proposals would

appear 'out of place' in their surroundings and the muted colours would be appropriate when viewed within the Green backdrop zone.

33. The proposals would replace an existing building. Thus, they would not result in a sub-division of the plot. Whilst I acknowledge that the main axis of the building would run north-south rather than east-west, I conclude that the proposals would not alter the settlement pattern.
34. The third criterion of Policy GD6 relates to the impact of a development upon neighbouring uses, including land and buildings and the public realm. For the reasons set out above, I find that the proposed building would not relate well to the neighbouring properties to the east, south-east and west, primarily as a result of overlooking and loss of privacy.

#### Other matters

35. The Department is content that the proposals would satisfy residential space standards and provide adequate private amenity areas. Likewise, it considers that the proposals meet policy requirements in relation to demolition and replacement of buildings (Policy GD5), waste management (Policy WER1), landscaping and biodiversity (Policies NE1, NE2), drainage (Policies WER6 and WER7) and public art (Policy GD10). These are all matters that can be controlled by conditions to any permission that is granted. Concerns about noise generation from air conditioning equipment, which have been raised by the Environmental Health Team, could also be controlled by condition.
36. The proposals include for improved visibility for vehicle access to the site and provision of a passing place. Delivery of these benefits could form conditions to any permission that is granted.
37. I note that the proposals would deliver accommodation below the minimum density proposed by Policy H2. However, the policy allows for flexibility where a lower density is required to protect the special interest and character of an area.

#### Conditions

38. As the Department's officer assessment report did not suggest any conditions, I invited parties to circulate lists of any conditions that they would wish to see applied, should the appeal be successful. These were discussed at the hearing.
39. Three conditions relating to travel and transport were proposed. These relate to requirements to install infrastructure to support active travel and electric vehicles and implementation of the improved vehicle access to Mont Gras d'Eau. I agree that these conditions would be appropriate and necessary.
40. Four conditions relating to landscaping were proposed. These would require the submission and approval of hard and soft landscaping proposals prior to commencement of development, implementation of these proposals prior to occupation and development of a Landscape Management Plan. Whilst outline plans have been supplied, I agree that these conditions are appropriate and necessary to ensure that other requirements such as those in respect of biodiversity and design (see below) are fully integrated and addressed.

41. The Land Management Team have identified two conditions to safeguard protected species and biodiversity. I agree that these are appropriate and necessary.
42. A condition requiring submission of details of play equipment was proposed in line with the requirements of Policy CI8 - Space for children and play. The proposals include for both private and communal garden space. As the proposed conditions already require submission of hard and soft landscaping plans, I consider that these would be sufficient to address the details of play areas.
43. The Department proposed a condition to require specified windows to be constructed of obscured glass and to be of restricted opening. It also proposed a condition for requiring the installation of privacy screens along the edge of the balconies on the first and second floors. Whilst the Department remains of the view that the proposals would result in unreasonable levels of overlooking, it considers such measures would be essential if the scheme were consented. The appellant is not supportive of such a condition. The adequacy of these proposed measures in mitigating the effects of overlooking has not been assessed fully. The scale of the changes would also have a bearing on the appearance and design of the building. Consequently, I am not convinced that such a condition would make the proposal acceptable.
44. A condition to require prior approval of materials and finishes has been suggested. However, the proposals are accompanied by a Design Statement and plans which specify materials. Provided the Design Statement is included within the list of approved documents, I see no need to include a condition on this matter. For similar reasons, I see no need to include a condition requiring submission for approval of details of the Public Art, as a Public Art Statement has been submitted and deemed acceptable. This could also be included within the list of approved documents.
45. As noted above, I am content that a condition in relation to noise levels associated with equipment as proposed by the Environmental Health Team is appropriate and necessary.
46. Conditions requiring production of a Site Waste Management Plan and a Demolition/Construction Environmental Management Plan have been proposed. I agree that these are necessary and appropriate. A condition relating to the energy efficiency of the building is also necessary and appropriate.

## Conclusions

47. The proposal seeks to replace an existing dwelling within the built-up area. The Island Plan provides support for housing within the Island's built-up area through Policy SP2 - Spatial Strategy, Policy PL3 - Local centres and Policy H3 - Housing. Nevertheless, this is not support at all costs and proposals should be considered against the Island Plan as a whole.
48. The principle of demolition of the existing building is considered acceptable. The replacement building would provide a net increase of four dwellings, each of an acceptable size and with access to external amenity space. The proposal also lies within the Green Backdrop Zone but would be set down below the skyline. Other than from the northern elevation, visibility of the proposals from the public realm would be restricted by other development and landscaping. The scheme would deliver improved vehicle access to the site and provide for a passing place on the highway. The proposals are considered acceptable in terms of landscaping, biodiversity, waste management, drainage and provision of public art. However, the

proposed design, principally the wrap-around balconies at second floor level, would lead to overlooking of neighbouring properties to the east, south-east and west. In addition, screening of overlooking from the first floor balconies is reliant on a mature hedge - whose long-term health cannot be guaranteed.

49. The appellant has argued that in assessing whether the overlooking should be considered 'unreasonable,' recognition must be made of the aims of the Island Plan in delivering new homes and progress in achieving this. He maintains that in reaching a decision, great weight should be given to the need to deliver homes and that this should therefore result in a greater tolerance or a higher threshold for defining unacceptable impacts upon neighbours arising from development. I do not accord with this view. The bridging Island Plan was introduced (in part) to address the availability and affordability of homes. It identifies the numbers of homes required within the period covered by the Island Plan, together with the policies that will guide development to deliver these aims over the same period. It may be that the rate of delivery of housing is not as rapid as envisaged, however, there is no evidence before me to indicate that any shortfall has arisen from incompatibility between those targets and the policies within the Island Plan, let alone that any shortfall is related specifically to the way in which Policy GD1 is being applied.
50. Whilst the proposals offer some benefits, I conclude that these do not outweigh the disbenefits in terms of unreasonable effects on privacy to land and buildings of neighbouring uses and that therefore the proposals overall would not be consistent with the Bridging Island Plan.

### **Recommendations**

51. I recommend that the appeal should be dismissed, and that planning permission should be refused. However, should the Minister not agree with my recommendation, I have appended a list of 14 conditions that I recommend should be appended to any permission that is granted.

*Sue Bell*

Inspector 12 September 2024

### **Appendix - Recommended conditions in the event that the Minister decides to not dismiss the appeal.**

1. No part of the development hereby approved shall be occupied until the cycle parking facilities as indicated on the approved plan have been wholly constructed in accordance with the approved plans. The facilities shall thereafter be retained solely for the use of occupants of the development and retained as such.  
  
Reason: To develop a culture of cycle travel, and encourage sustainable travel, in accordance with Policies SP1 and TT1 of the Bridging Island Plan 2022.
2. No part of the development hereby approved shall be occupied until the electric car charging facilities have been wholly installed in accordance with the approved plans.  
  
Reason: In the interests of safe and inclusive travel, in accordance with Policy TT2 of the Bridging Island Plan 2022.

3. No part of the development hereby approved shall be occupied until the new access and its visibility splay, as indicated on the approved plan, has been wholly constructed in accordance with the approved plans and shall thereafter be retained as such.

Reason: In the interests of safe and inclusive travel, in accordance with Policy GD1 and TT1 of the Bridging Island Plan 2022.

4. No part of the development hereby approved shall be occupied until the internal access road, vehicular manoeuvring area, and respective car parking spaces have been laid out, surfaced and drained as indicated on the approved plans. The car parking spaces shall thereafter be retained solely for the use of occupants of the development and their visitors.

Reason: To ensure that the development provides adequate provision for off-street parking, manoeuvring for users of the site and in the interests of safe and inclusive travel, in accordance with Policies TT1 and TT4 of the Bridging Island Plan 2022.

5. Prior to commencement of the development, a detailed scheme of soft landscaping shall be submitted to and approved in writing by the Chief Officer. Details shall include:
  - (i) A tree protection plan supplemented with a detailed methodology and phasing plan to protect existing trees and the east and west boundary hedges during construction.
  - (ii) The position of all new planting, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to support and protect them.
  - (iii) Detailed tree pit design for both urban and soft landscape settings.
  - (iv) The presence of any invasive species on site, and if present, a detailed method statement for the removal and long-term management/eradication of the species. The approved details shall be completed prior to occupation and thereafter retained and maintained as such.

Reason: To ensure satisfactory landscaping of the site in the interests of biodiversity and visual amenity in accordance with Policies SP3, GD6, NE1, NE2, and NE3 of the Bridging Island Plan 2022.

6. Prior to commencement of the development, a detailed scheme of hard landscaping shall be submitted to and approved in writing by the Chief Officer. Details shall include:
  - i) All existing landscape features to be retained and any servicing required.
  - ii) Paving, external surface finishes, step and kerb specifications.
  - iii) Wall and fence types, their height, finish and construction
  - iv) External finished paving levels
  - v) Specifications for street furniture and external signage. The approved details shall be completed prior to occupation and thereafter retained and maintained as such.

Reason: To ensure satisfactory landscaping of the site in the interests of biodiversity and visual amenity in accordance with Policies SP3, GD6, NE1, NE2, and NE3 of the Bridging Island Plan 2022.

7. Prior to occupation, a Landscape Management Plan shall be submitted to and approved in writing by the Chief Officer. It shall cover a minimum 10 year

maintenance period post-completion, for all hard and soft landscaped areas. The plan shall include details and arrangements for landscape establishment and ongoing maintenance. Landscape fixtures, finishes and planting shall be maintained, or replaced like-for-like should fault or failures occur, over the period of the approved Landscape Management Plan unless otherwise agreed in writing by the Planning Department.

Reason: To ensure the long-term management of the landscaped setting of the development and to ensure it contributes positively to visual amenities of the area in accordance with Policies SP3 and SP4 of the Bridging Island Plan 2022.

8. No part of the development hereby approved shall be occupied until both soft and hard landscaping finishes, fixtures and construction details are fully installed, in accordance with all information and drawings submitted to discharge conditions 5 and 6. The approved landscaping scheme shall be maintained in accordance with the approved Landscape Management Plan set out in condition 7, thereafter.

Reason: To ensure a form of development that maintains and contributes positively to the natural environment, and character and appearance of the area in accordance with Policies SP3, SP4, GD6, NE1, NE2, and NE3 of the Bridging Island Plan 2022.

9. The mitigation and enhancement measures outlined in the approved 'Species Protection and Enhancement Plan (SPEP)' (ref: NE/ES/LM.03, December 2023, Nurture Ecology Ltd), shall be implemented prior to commencement of the development, continued throughout (where applicable) and thereafter retained and maintained as such. Any variations that may be required as a result of findings on site are to be agreed in writing by the Land Resource Team prior to works being undertaken.

Reason: To ensure the protection and improvement of biodiversity in accordance with the requirements of Policies SP5 and NE1 of the Bridging Island Plan 2022.

10. No works should be permitted to commence on site until a full external lighting scheme has been submitted to and approved in writing by the Department. The external lighting scheme shall be designed in accordance with the BCT guidance note on lighting in partnership with ILP: [Guidance Note 8 Bats and Artificial Lighting Institution of Lighting Professionals \(theilp.org.uk\)](http://theilp.org.uk).

Reason: To ensure the protection and improvement of biodiversity in accordance with the requirements of Policies SP5 and NE1 of the Bridging Island Plan 2022.

11. Any plant or machinery hereby approved, shall be installed, maintained and operated to such specification that noise generated from these units shall be at least 5dBA below background noise levels when measured, in accordance with BS4142:2014, from within the curtilage of any nearby property.

Reason: To protect the amenities of occupiers of neighbouring properties, in accordance with Policy GD1 of the Bridging Island Plan 2022.

12. Prior to the commencement of each phase of development, details shall be submitted to, and agreed in writing by, the Chief Officer of Regulation, which demonstrate that the new development hereby approved will exceed Building Bye Law requirements, in terms of energy efficient homes, by 20%. Thereafter, the agreed details shall be implemented in full and retained as such.

Reason: to accord with Policy ME1 of the Bridging Island Plan.

13. Prior to the commencement of development, a full Site Waste Management Plan shall be submitted to and agreed in writing by the Chief Officer of Regulation. The measures set out therein shall be implemented throughout development of the site. All waste transactions must be clearly recorded in the Site Waste Management Plan and be available for inspection.

Reason: to accord with Policy WER1 of the Bridging Island Plan 2022.

14. No part of the development hereby permitted shall be begun until a Demolition/ Construction Environmental Management Plan has been submitted to and approved in writing by the Chief Officer. The Demolition/ Construction Environmental Management Plan shall be thereafter implemented in full until the completion of the development. The Plan shall secure an implementation programme of mitigation measures to minimise the adverse effects of the proposal on the environment, and shall include but not be limited to:
  - (i) A demonstration of compliance with best practice in controlling, monitoring, recording and reporting on any emissions to the environment (such as noise and vibration, air, land and water pollution).
  - (ii) Details of a publicised complaints procedure, including office hours and out of hours contact numbers.
  - (iii) Details of any proposed crushing/ sorting of waste material on site
  - (iv) Specified hours of working (including deliveries).

Reason: To safeguard the amenities and privacy of the occupants of nearby properties in accordance with Policy GD1 of the Bridging Island Plan 2022.