

## 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:** Brigham Young

**Planning application reference number:** P/2023/1361

**Date of decision notice:** 18 June 2024

**Location:** 14, Havre des Pas, St. Helier, JE2 4UQ

**Description of development:** Create 4no. Two-Bedroom and 3No. Three-Bedroom Town Houses, with First and Second Floor balconies provided to East and West Elevations, photovoltaic panels installed to roofs and associated parking, stores and landscaping enhancements.

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

**Site visit procedure and date:** accompanied 29 October 2024; unaccompanied 1 November 2024.

**Hearing:** 1 November 2024

**Date of Report:** 22 November 2024

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### Introduction and relevant planning history

1. The appeal concerns proposals to create a ‘mews style’ residential development, comprising seven units, adjacent to Havre des Pas.
2. The application was determined by the Infrastructure and Environment Department (the ‘Department’) using delegated powers. It was refused because:

“1. The proposed development by virtue of the scale, mass, design, and layout of the site would be visually dominant in the streetscene and within the site, resulting in harm the setting of the Listed buildings and not positively contributing to the character of the area. The proposal is therefore considered contrary to Policies SP3, SP4, PL3, GD6 and HE1 of the Bridging Island Plan 2022.

2. The proposed development by virtue of the scale, mass, design and layout of the dwellings would cause an unreasonable overbearing and over-looking impact and affect the level of sunlight that the occupiers would expect to enjoy to the proposed dwellings and neighbouring property to the north, 1 ‘The Pebbles’, contrary to Policies SP3, GD1 and H1 of the Bridging Island Plan 2022.

3. The proposed development would not provide adequate, good quality useable amenity space to units 4 to 7 which is required to satisfy the minimum requirements for new dwellings and shared communal area and is considered to be harmful to the living conditions of future occupiers of the residential units and therefore fails to meet the criteria of SPG Residential Space Standards and Policies SP3 and H1 of the Bridging Island Plan 2022.

4. The layout of the proposed development would not provide good quality useable play space and contribute towards helping children to be safe, active, social and imaginative, contrary to SPG Residential Space Standards and Policy CI8 of the Bridging Island Plan 2022.”

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

3. The appeal site is located to the north of Havre des Pas. The roughly rectangular site is accessed by a narrow lane from Havre des Pas to the south, which also provides access to residential properties to the east of the lane. The site itself is currently used for car sales and parking and there are some single storey buildings and car ports. The eastern boundary is marked by the rear of properties located on Marett Road and the northern boundary is defined by a tall wall. A further wall sub-divides the plot to the west.
4. The wider area is mixed in nature, comprising domestic, residential and tourism accommodation. The beach and sea lie just to the south of the site.
5. The proposal would remove the existing single-storey structures and car ports. Seven residential dwellings would be constructed, comprising 4 no. two-bedroom and 3 no. three-bedroom dwellings. These would be arranged in parallel terraces, running roughly north south, to mimic a ‘mews’ style development. Each property would have external amenity space to east and west. This would include balconies. The existing vehicle access from Havre des Pas would be retained and extended to a parking area at the northern end of the site, against the boundary wall. A contribution for public art, in the form of nesting boxes for sparrows would also be installed along this wall. A children’s play area would be positioned in the north-west corner of the site.

### **Case for the appellant**

6. The appellant disagrees with the four reasons for refusal:
  - The proposed development, by virtue of the scale, mass, design and layout of the site, would not be visually dominant in the street scene and within the site, and will not result in harm to the setting of the Listed building. Nor would it fail to make a positive contribution to the character of the area.
  - The proposed development by virtue of the scale, mass, design and layout of the dwellings would not cause unreasonable overbearing and over-looking impact and nor would it affect the level of sunlight that the occupiers would expect to enjoy to the proposed dwellings and neighbouring property to the north, 1 ‘The Pebbles’.
  - The proposed development is considered to provide adequate, good quality useable amenity space to units 4 to 7 along with a shared communal area which is required to satisfy the minimum requirements for new dwellings and to create good quality living conditions for the future occupiers of the residential units in accordance with the SPG Residential Space Standards.

- The proposed development would provide good quality useable play space which will contribute towards helping children to be safe, active, social and imaginative.

### Case for the Department

7. In addition to the reasons for refusal, the Department noted:
- The scale and mass of the development would be visually dominant and overbearing due to its height of three stories and position of the dwellings in two parallel blocks. The use of mansard roofs exacerbates this and the St Helier urban character appraisal states that ‘lumper mansards’ should be avoided in Character area 3.
  - The proposed dwellings would be higher than the surrounding buildings and the rise in scale on the northern boundary are considered to have a harmful impact on the setting of the Grade 3 Listed building, ‘The Pebbles’.
  - The scale and mass of the buildings facing each other across the 5m wide access road would have an overbearing impact on the occupants of those dwellings, and the balconies that overhang the area to units 3 - 7 would only compound the sense of overbearing by reducing the perceived width between the parallel blocks further.
  - The relationship and proximity between the proposed units 4 - 7 and those of the existing buildings to the east, would result in an unreasonable overbearing impact and limit the amount of sunlight the gardens and rooms facing east in this block would receive. The scale and proximity of Tamar Cottage would also add to the limited amount of sunlight reaching the garden of unit 7. This would result in an unreasonable impact on the occupants of the proposed dwellings and the ground floor garden space is not considered to be good quality.
  - The layout of the site is considered to be poorly designed, with the visual focus on entering the site being the parking area to the north. There is little landscaping to integrate the site and soften the built form and therefore does not contribute to the creation of aesthetically pleasing places that positively influence community health and wellbeing outcomes through inclusive design and sense of place.
  - The green space identified for biodiversity and percentage for art would be lost in the north-west corner of the site, which is considered uninspiring and inaccessible.
  - The location of the bin stores at the site entrance would be visually dominant in the street scene and harmful to the frontage of Tamar House and the setting of 15 Havre des Pas Listed building.
  - The location of the bike stores to the north-west of the site is not well located and integrated into the development.
  - The proposed units have mutual over-looking with each other.
  - The scale and mass of unit 4, due to its proximity to the boundary and projection further forward than the building line of the neighbouring property to the north, is considered to cause an unreasonable overbearing impact on 1 ‘The Pebbles’.
  - There is no communal space on the site additional to the dedicated provision of space for play.

## Consultations

8. **Jersey Water** commented (10 January 2024) that Havre des Pas Road is under an embargo for any works to the highway.
9. **IHE Transport** (9 January 2024) expressed support for the proposals, which were deemed to provide the necessary sight lines. It identified five matters, which it would wish to see addressed. These relate to conditions requiring a Private Highway Agreement to deliver the access to the site; prior agreement of layout of the access; provision of markings and signage; production of a Demolition, Construction, and Environmental Management Plan; and a Planning Obligation Agreement towards improving the realm in the local area.
10. The **Department for Infrastructure - Operational Services - Drainage** had no objection (22 January 2024). It noted that it had been in dialogue with the agent concerning increase in occupancy and loads/ flows. Providing the surface water and foul water are separated to their respective sewers, the Department would not require a Drainage Impact Assessment. As the impermeable area of the development is decreasing, in addition to separating surface water from the foul sewer network, the Department does not require a Flood Impact Assessment.
11. Two responses were received from the **Natural Environment Team**. The first (22 January 2024) accepted the findings of the Initial Ecological Assessment report and requested that the mitigation set out in section 5 of the report is fully implemented through a condition. The second (4 May 2024) highlighted provisions of the Wildlife Law with respect to protected species.
12. Two responses were received from the **Environmental Health** team. The first (30 January 2024) recommended conditions for a Phase 1 Desk Study for contaminants and measures to be applied should contaminants be found; and limits on hours of operation and noise emissions from generators. It identified discrepancies in stated working hours within the Demolition Environmental Management Plan and Construction Environmental Management Plan and asked to be provided with updated versions as these became available. The second response (8 February 2024) confirmed that the Contaminated Land Assessment had been submitted.
13. The **Historic Environment** Team raised an objection (13 February 2024). It considers that the proposed bin store would be impactful on the setting of 15 Havre des Pas. The proposals are also considered to impact the setting of 'The Pebbles' because of the rise in heights, scale and positioning of the two parallel blocks of new development, which are higher than the surrounding buildings.
14. The **Parish of St Helier** (26 February 2022) noted that the Havre des Pas Improvement Group would rather see a car park that would serve the community in the area. The applicant should provide a cycle parking covered facility which must be able to accommodate larger bicycles such as cargo cycles. There should be a minimum of one cycle parking space per bedroom for the site and sufficient visitor cycle spaces. There should be the appropriate number of charging points for electric bicycle charging and charging for electric cars should be provided. Refuse store/ collection arrangements, refuse separation and recycling strategy should be agreed in detail with the Parish Refuse Manager.

15. **GHE Solid Waste Earthworks** (18 March 2024) noted the potential for ground contamination and recommended that a Phase 2 Geo-environmental survey is undertaken prior to any demolition or excavation works being undertaken.

### **Representations**

16. Eighteen comments were received during the application: five in support and 13 objecting to the proposals. Support can be summarised as:
- There is a need for new family homes.
  - They would help to reduce traffic.
17. Points raised in objections can be summarised as:
- Over-looking of properties to the east and west.
  - Effects on sunlight / daylight.
  - Inadequate parking provided for development.
  - Loss of parking.
  - Increase in traffic owing to cars driving around to find a parking space.
  - Location of bin store close to houses unrelated to the development.
  - Design too large and cramped for site.
  - Design too modern in Victorian area.

### **Inspector's assessment**

18. 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.
19. 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 current planning use & principle of development.
  - Design of the buildings and effect on street scene and the character of the area.
  - Effect of the proposals on Listed buildings.
  - Effect of the proposals on neighbouring amenity.
  - Adequacy and quality of proposed amenity space.
  - Acceptability of proposals with respect to provision of usable play space.
  - Acceptability of proposed parking provision.

### **Current planning use and principle of development**

20. The proposal site lies within the Built-up area of Town, where development is directed by Policy SP1 - responding to climate change and Policy SP2 - spatial strategy of the Island Plan. Policy SP6 - sustainable island economy supports protection and maintenance of existing employment land. Currently the site is used for a car hire business and parking and historically was used as a coach station. The Department has no records of granting permission for a change of use but has confirmed that there is no policy tensions related to loss of an employment use. I am therefore satisfied that the principle of housing at this location is acceptable.

## Design of the buildings and effect on street scene and the character of the area

21. Several policies within the Island Plan seek developments that maintain and contribute to the sense of place through a high quality of design. Policy SP3 - Placemaking states that all development must reflect and enhance the unique character and function of the place where it is located. New development must contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes. Policy SP4 - Protecting and promoting island identity places a high priority on the protection and promotion of the Island's identity.
22. 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 in all developments. The policy identifies eight key principles for design. The Department considers that the first of these is particularly relevant. This relates to the relationship of a development to existing buildings, settlement form and distinctive characteristics of a place having regard to the layout, form and scale (height, massing, density) of the development.
23. The proposals would comprise two 'terraces' of three-storey town houses, in a mews style development. I saw that the immediate area is mixed in character. Although plot size varies, development is tight knit. It includes residential properties of varying heights, designs and materials. There are terraces, including the Arts and Crafts buildings of 'The Pebbles', hotels and large apartment blocks. The proposed dwellings would be 3-storeys in height. I accept that this would be taller than some of the properties immediately to the east, west and south of the development, but it would be lower than the apartment blocks to the north and I note that the Bayview Guest House to the south-west is 2½ storey. I have been directed to the St Helier Urban Character Appraisal, extracts of which are included within the Island Plan. I note that the proposed height is consistent with the guidance set out there.
24. I saw that the site is secluded, being located behind other buildings and partially surrounded by a tall wall, accessed by a long, narrow entrance drive. The proposal site cannot be viewed, other than directly opposite the entrance. Any views from here would be of the main access road and the ends of the buildings. Given the fall in ground levels and the height of buildings along Havre des Pas which would frame the view, I conclude that the proposed height of the buildings would not appear overbearing or out of proportion in their context. From the east, glimpses of the boundary wall of the site are restricted to between properties from Marret Road. The southern boundary wall can also be viewed from the rear of the apartments to the north. The proposed dwellings would be taller than these walls. However, any views would be severely restricted. I therefore conclude that the proposed dwellings would not be prominent in the street scene outside the boundary of the site.
25. The Department has raised concerns about the proposed Mansard roofs, noting these are not characteristic of the area or recommended in the St Helier Urban Character Appraisal. However, I observed several other examples around the periphery of the site. I do not therefore, consider that the proposed height or roof style would appear out of character. In any case, given the secluded nature of the site any effects on the wider street scene would be marginal.
26. The perception of building mass and scale would be different within the proposal site. The site is enclosed by existing development. Much of the entrance drive is

bordered by tall walls, some of which form part of existing buildings. Where the space opens out, past Tamar Cottage, the site is defined by the rear, blank faces of buildings to the east and a tall brick wall to the south. The proposals also include for a boundary wall to the west, further adding to the sense of containment. The faces of the proposed buildings would be located approximately 7 metres apart from each other, with the bulk of this space being occupied by the access road. Juliet balconies to some of the properties would act to further reduce the separation distance. I conclude this would create a narrow, enclosed, tunnel effect between the buildings. The rear amenity space of each property would also be defined by a tall wall. I consider that this would contribute to a sense of overbearing for occupants.

27. The main garden areas of the eastern 'terrace' (units 4 - 7) would sit between the dwellings and the blank rear walls of the buildings to the east. The appellant's sun study shows these would receive limited sunlight. I find that the restricted light, combined with the height of the buildings to the east and west, would create a sense of overbearing. Garden areas for the dwellings to the west would be a little larger and would receive more light, but these would also be defined by a tall wall, adding to the sense of enclosure.
28. A play area has been identified at the north-western corner of the site, but this is also restricted in area (approximately 5 metres x 6 metres) and is located next to the parking area. Children wishing to access it would have to navigate the main vehicle manoeuvring areas to reach it.
29. Limited landscaping is proposed. A hard and soft landscaping plan could be required by condition to ensure that the green areas are maximised within the design. Nevertheless, overall, I conclude that the external amenity space at ground level, particularly that for units 4 - 7 would be restricted and of limited value.

#### Effect of the proposals on Listed buildings

30. Policy HE1 - Protecting listed buildings and places, and their settings states that proposals that could affect a listed building or place, or its setting, must protect its special interest. Proposals should also seek to improve the significance of listed buildings and places. Two Listed buildings have been identified as potentially affected by the proposals.
31. No 15 Havre des Pas is located on the north side of Havre des Pas, opposite the entrance to the proposed development. It is a Grade 4 Listed building. The Schedule describes its special interest as "Architectural, Historical" and its Significance as "A mid-19<sup>th</sup> century house retaining exterior historic character and original features." The Historic Environment Team is concerned that the proposals would "not work to heal the streetscape that has been denuded through frontage parking" and that the proposed bin store would impact on its setting.
32. Changes to the setting of the Listed building over time have been summarised in the appellant's document. I saw that parked cars form a prominent feature in the setting of the Listed building on the approach from either east or west along Havre des Pas. Bins to the front of the Bay View Guest House are also prominently on view adjacent to the entrance to the proposal site. The proposals would remove the parked cars and re-introduce traditional features including railings along the boundary and soft landscaping to screen the bin store. Whilst these would not fully restore the frontage gardens as suggested by the Historic Environment Team, I find they would create a more pleasing outlook, reversing to a degree some of the negative influences on the

setting of the Listed building. I therefore conclude that they would not detract from the stated special interest of the building or its setting and would satisfy Policy HE1.

33. 'The Pebbles' is a Grade 3 Listed building, which lies adjacent to the east of the northern boundary of the site. Its special interest is "Architectural, Historical" and its significance is described as: "A well preserved example of a row of Arts and Crafts houses, a style rare in Jersey, all well maintained with original features surviving." I saw that the immediate setting of 'The Pebbles' is very restricted. Good views of the front elevation are present from Marett Road but are limited to close to the building owing to other development. Views of the rear would also be possible from the upper floors of the apartment blocks to the west. Only a limited view of the roof is visible from the proposal site, owing to the height of the existing northern boundary wall. Based on my observations, the appeal site's role in the setting of the Listed building is limited, owing to the tall boundary wall. This wall would remain unchanged by the proposals. Although the proposed dwellings would be taller than the wall they would be set back from it by 3 metres. Even though it may be possible to view the development partially in conjunction with 'The Pebbles', I find that its set back position would mean that it would not appear over-bearing nor would it detract from an appreciation of the architectural or historical special interest of the Listed building. Likewise, when viewed from the upper floors of the apartments to the north of the proposal site, I find that the location of the proposals beyond the existing boundary wall would not detract from the special interest of the building. Thus, the proposals would satisfy Policy HE1.

#### Effect of the proposals on neighbouring amenity

34. The proposal site is encircled by existing development. Policy GD1 - Managing the health and wellbeing impact of new development states all development proposals must be considered in relation to their potential health, wellbeing and wider amenity impacts. Part 1 of the policy notes that development will only be supported where it will not unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents. It identifies four different potential sources of impact. Those relevant to the current application are part 1(a), which relates to a sense of overbearing or oppressive enclosure and part 1 (c) which relates to unreasonably affecting the level of sunlight and daylight to buildings and land that owners and occupiers might expect to enjoy.
35. To the immediate east lie residential properties along Marett Road, which vary in height. These do not have openings on their western faces, although some of them have roof lights set into the western roof plane. Having considered the relative heights of the proposed buildings, the absence of windows in the face of the building and oblique angles of the roof lights, I conclude that the proposals would not have unreasonable impacts on properties to the immediate east of the site.
36. To the north lies 'The Pebbles'. I have already considered effects on that property from over-bearing. Unit 4 would sit further forward than the building line of 'The Pebbles' and would be taller. It would be set back approximately 3 metres behind the existing tall, brick wall, which already forms a prominent boundary feature. There would be no windows in the northern elevation of unit 4. I have reviewed the sun studies provided by the appellant and am content that there would be no unreasonable effects on light to 'The Pebbles' arising from the proposals. I conclude there would be no unreasonable impacts on the amenity of 'The Pebbles' from loss of light or privacy through over-looking.



37. To the west, the proposed dwellings would lie close to the rear of neighbouring properties including Bay View Guest House and Cornwallis Guest House. I saw that there is already a degree of over-looking of the rear amenity areas of these properties. The southern edge of the first-floor balcony of unit 1 would be within 2 metres of the boundary with Bay View Guest House, close to the rear of the building and would allow views over the rear amenity area. However, a privacy screen could be conditioned to reduce the effects of this.
38. I saw that the Cornwallis Guest House has a single storey 'conservatory' style extension at its northern end, with what appears to be an external seating area above. Based on drawing 200, the closest part of the proposed balconies at first-floor level would be approximately 11 metres from the edge of the existing seating area and the front of the proposed building would be a further 1.7 metres away. The proposals include for a wall along this western boundary, which would be taller than the height of the glass screen of the balcony at first floor level. In addition, I saw that there is a high degree of over-looking between properties at present. Thus, I conclude that the proposals would not result in an unreasonable level of over-looking.
39. Tamar Cottage is located to the south and east of the proposal site. It is separated from the proposals by its parking area. The closest dwelling would be unit 7. Given that this would not have any window openings on its southern face, I am content there is limited scope for over-looking.
40. I have also considered the relationship between the proposed units. At ground floor level, based on drawing 201, the separation between the windows of the dining rooms of units 1 and 7 and 2 and 6 would be in the order of 7 metres, of which 5 metres would comprise the access road. Similar separation distances are apparent at the first-floor level, with living room windows of units 6 and 7 facing bedroom windows of units 1 and 2. Distances are similar, or a little greater on the second floor level, owing to the set-back nature of the proposed terrace and balconies on units 1, 2, 4, 5 and 6. I find that these separation distances would lead to a degree of over-looking between the properties, which I consider unreasonable, particularly the views into bedrooms from one of the main living spaces of the opposite houses. I am not persuaded by the appellant's arguments that the properties provide 'options' allowing people to move to other parts of the dwelling to create separation between both those in the property and the neighbours. Residents should be able to utilise their own private amenity space without unreasonable levels of over-looking. The proposals seek to emulate a mews development, but even so, I find the levels of over-looking that would result from the proximity of the proposed dwellings, would result in unreasonable effects on neighbouring amenity.

#### Adequacy and quality of proposed amenity space

41. Policy H1 - Housing quality and design seeks homes that provide good quality accommodation. Proposals should meet adopted standards for internal space and external amenity space. Where relevant, developments should also provide shared internal and external spaces that contribute to the creation of sustainable communities where people can meet their neighbours.
42. The appellant has provided a Table to illustrate how the residential and amenity space of each unit would satisfy the Adopted Supplementary Planning Guidance (SPG) Residential Space Standards October 2023. The external amenity areas of each property would comprise a mixture of space at ground, first and second floor levels

to achieve the Standards. The figures demonstrate that overall, the standards are met. Nevertheless, whilst all the spaces would be behind the building line, I consider that the resultant 'pockets' of space would be unsatisfactory and of restricted usability. Balconies on the western elevations contribute to the external amenity space of units 4 - 7, but the separation distance between these and properties to the west mean that these would be over-looked. The outlook to the amenity space at rear ground floor levels would be truncated by tall walls - particularly those units on the eastern side (units 4 - 7), which would face the rear of existing buildings. The sun studies provided by the appellant also show that light levels to the ground floor external space of units 4 - 7 would be restricted. Ground floor space would be most limited for units 3, 5 and 6. I find that the nature and space available would limit the scope and range of children's play. I am therefore not persuaded that it would provide the multi-functional use for different generations as suggested by the appellant and would not be consistent with the aims of Policy H1.

43. Policy C18 - Space for children and play seeks that development proposals providing between five - ten family homes to provide appropriate communal space for play on-site where possible, or otherwise make a contribution to the provision of new or enhanced space for play within five minutes safe walking distance, or 500m of the site. As noted above, I find that the proposed communal play area, which is next to the parking area and would require navigation across these areas, would not be well-located. It would not address the fragmented and limited nature of external amenity space associated with each dwelling.

#### Acceptability of proposed parking provision

44. Several representations raised concerns about adequacy of parking for the proposed development. The proposal offers one space per unit, which exceeds the published standards for a dwelling at this location. I accept that there is no provision for visitor parking but am satisfied that the proposals are located close to Town, with good access to cycling and walking routes and a bus route. Vehicles would be able to enter and exit the site in a forward gear. Provision for electric charging points and bike storage are also included and could be secured by condition. I am therefore content that these matters have been adequately addressed.

#### Planning Obligation Agreements and Conditions

45. I invited parties to submit conditions that should be appended, if permission were granted. The Department suggested a Planning Obligation Agreement and nine conditions. Conditions proposed in consultation responses were also considered.
46. The Department and IHE Transport propose a Planning Obligation Agreement to contribute towards the eastern cycle route as set out in Policy TT2 - Active travel. As the proposal is within the area identified for this purpose, I agree this would be appropriate and necessary.
47. Proposed condition 1 relates to the prior submission and approval of a Demolition/Construction Environmental Management Plan. I find the proposed condition would safeguard neighbouring amenity. It would also address points raised by IHE Transport and Environmental Health.
48. The Department's proposed conditions 2 - 5 inclusive relate to traffic and transport. These would require implementation of visibility splays prior to the development being brought into first use and implementation of parking and vehicle manoeuvring

areas and installation of cycle parking and electric car charging facilities prior to occupation of the development. I find these are necessary and appropriate conditions and would incorporate the suggestions of IHE Transport - where those relate to planning matters.

49. Proposed condition 6 would require prior submission and approval of hard and soft landscaping plans. I agree that landscaping of the proposals, including the introduction of soft landscaping to soften the scheme would be necessary. In addition, this should include details of how landscaping would improve biodiversity on site, to address points raised in the response from the Natural Environment Team.
50. Proposed condition 7 would require the implementation of mitigation measures listed within the approved Initial Ecological Assessment. These measures would be necessary to safeguard protected species.
51. Proposed condition 8 would require approval and implementation of the children's play equipment prior to occupation of the development. I agree this would be necessary and appropriate.
52. Proposed condition 9 would relate to procedures to be followed if any contamination, not previously identified is found. The representation from Environmental Health recommended a Phase 1 Desk Study be conditioned, but this has already been completed. This condition would also accommodate comments from GHE Solid Waste Earthworks. I accept that the proposed condition is appropriate and necessary.
53. As noted above, a privacy screen would be required for the south side of the balcony of unit 1, to avoid over-looking of Bay View Guest House. Privacy screens are not required for balconies looking to the west, owing to the presence of the proposed boundary wall, which would exceed the height of the glass balcony frontages.

### **Conclusions**

54. The proposals would create new family dwellings, within the built-up area. However, for the reasons set out above, I find that the dwellings would be poorly related to each other and their location, resulting in a sense of overbearing and over-looking between residents. The quality of external amenity space is poor, particularly at ground level. Considered overall, I conclude that the proposals would not be consistent with the Bridging Island Plan 2022.

### **Recommendations**

55. I recommend that the appeal should be dismissed, and that planning permission should be refused.
56. If the Minister decides to disregard my recommendation and grant planning permission, then I recommend that this should be subject to the Planning Obligation Agreements and conditions, as set out in paragraphs 45 - 53 above. A list of conditions discussed, can be provided to the Minister, if required.

*Sue Bell*

Inspector 22 November 2024