

**REPORT OF THE HEAD OF PLANNING SERVICES TO DEVELOPMENT CONTROL COMMITTEE  
SITE INSPECTION – 1 APRIL 2005**

1. **TCP/26549/B P/02513/04 Parish/Name: Totland  
Registration Date: 01/12/2004 - Full Planning Permission  
Officer: Miss. S. Gooch Tel: (01983) 823568**

**Retention of storage building linked to 'Junior Driver' attraction  
Needles Pleasure Park, Alum Bay, Totland Bay, Isle Of Wight, PO390JD**

**REASON FOR COMMITTEE CONSIDERATION**

When consulted under the Delegation Procedure the Local Member, Councillor Mr Howe requested that the application is considered by the Committee as he raised concern over the adverse impact of the building on the rural character of the area and its location within an Area of Outstanding Natural Beauty which he considered out of keeping with such a location.

**PROCESSING INFORMATION**

This is a minor application, the processing of which has taken fifteen weeks to date and has gone beyond the prescribed eight week period for determination of planning applications due to Case Officer workload and the request from the Local Member for Committee consideration.

**LOCATION AND SITE CHARACTERISTICS**

The Needles Park lies within some of the most important and sensitive environments on the Isle of Wight. The whole area falls within an Area of Outstanding Natural Beauty and Tennyson Heritage Coast, both part of the national family of protected landscapes. The site is also adjacent Site of Special Scientific Interest (SSSI) and in close proximity to a candidate Special Areas of Conservation (cSaC).

The building is located at the far northern point of the Needles Park and is immediately adjacent a recently approved Junior Driver Track attraction. The north and western boundaries are well screened by Tamarisk and other native shrubs. To the east is the bulk of the park with the chair lift to the north east, a landmark feature of the park.

The Junior Driver Track is a 240 metre long course, occupying an area approximately 30 metres by 17 metres, and is fully representative of an urban environment and features pedestrian crossing, traffic lights, give way signs, two way traffic flows and a bus stop. At present there are eleven electrically powered vehicles for children to drive.

**RELEVANT HISTORY**

TCP/19498/X - Planning permission granted March 2004 for excavation works to form 'Junior Driver' roadway driving track to include safety barriers to perimeter.

**DETAILS OF APPLICATION**

Consent is sought for the retention of a single storey building linked to the "Junior Driver" attraction. This storage building is 15 metres long, 3.9 metres deep with a frontage height of 2.45 metres and 2.1 metres to the rear. The front elevation, which had previously been decorated with a street facade, is now painted dark green, all lettering and decorative features having been removed. The applicant advises that this unit is essential to store the electric cars, signs and loose items to prevent vandalism and theft for the site.

## **DEVELOPMENT PLAN POLICY**

Site is located outside the Development Envelope, as defined on the Unitary Development Plan, within an Area of Outstanding Natural Beauty, Heritage Coast and is adjacent an SSSI and in close proximity to a cSaC. Relevant policies of the plan are considered to be as follows:

- S4 - The Countryside will be Protected from Inappropriate Development
- S6 - All Development will be Expected to be of a High Standard of Design
- G4 - General Locational Criteria for Development
- G5 - Development Outside Defined Settlements
- D1 - Standards of Design
- D2 - Standards for Development within The Site
- D3 - Landscaping
- T1 - The Promotion of Tourism and Extension of The Season
- T2 - Tourism Related Development (Other than Accommodation)
- C1 - Protection of Landscape Character
- C2 - Areas of Outstanding Natural Beauty
- C4 - Heritage Coast
- C8 - Nature Conservation as Material Consideration
- C9 - Sites of International Importance for Nature Conservation
- C10 - Site of National Importance for Nature Conservation
- TR7 - Highway Considerations for New Developments

## **CONSULTEE RESPONSES**

English Nature request that the developer enters into a Section 106 Agreement to completely remove the development prior to it falling onto the beach as a result of cliff erosion in order to avoid the risk of the development interfacing with coastal processes.

AONB Officer welcomes the applicant's recognition of the visual impact of the site on the surrounding area and advises that with sufficient care and management, native maritime environment plants forming part of the landscaping scheme should be able to flourish. He indicates that, subject to conditions covering landscaping, the painting and maintenance of the building, no objection is raised to this application.

## **PARISH/TOWN COUNCILS COMMENTS**

Totland Parish Council object to this proposal as they consider its size and location is obtrusive and has a detrimental visual impact on the scenery of the Heritage Coast.

### **THIRD PARTY REPRESENTATIONS**

One letter of objection received from a local resident who considers proposal is completely wrong for the area, the building is a monstrosity which is visible from within the park, West High Down and Headon Warren.

### **CRIME AND DISORDER IMPLICATIONS**

No crime and disorder implications anticipated.

### **EVALUATION**

Determining factors in considering application is whether retention of this storage building is acceptable in principle and whether it has an unacceptable impact on the surrounding Area of Outstanding Natural Beauty, Heritage Coast, Site of Special Scientific Interest and Special Area of Conservation.

This application forms part of a general five year plan to improve the site amenities carried out in negotiations with the AONB Officer.

The 'Junior Driver Course' was previously approved on the basis that it would occupy an existing tarmac surface which was a redundant area, previously occupied by a children's Dragon Ride (mini roller coaster) which was in a poor state of repair. As proposal did not create new development within the existing theme park it was considered acceptable and did not conflict with policies contained within the Unitary Development Plan. The 'Junior Driver Course' is part of a community educational marketing initiative whereby the Needles Park works with all primary and intermediate schools on the island to establish a learning facility for road safety. The facility is currently open exclusively for local schools at specific times during the winter months.

Concerns have been raised in respect of development of this land, which forms part of an actively eroding and slumping cliff, and would not be sustainable without future coastal protection and cliff stabilisation. However, PPG14 (Development of Unstable Land) states "the responsibility of determining whether land is suitable for a particular purpose rests primarily with the developer". The developer should therefore make a thorough investigation on the assessment of the ground to ensure it is stable or that any actual or potential instability can be overcome by appropriate remedial, preventative or precautionary measures".

Following negotiations the storage building has been painted dark green to enable it to blend in with the dense Tamarisk growth to the rear. In addition to this, further constructive discussions have taken place between the Needles Park management, Development Control Officers and the AONB Officer to incorporate additional planting in areas such as the crossways within the main car park area to further obscure the storage building when viewed from higher ground. This forms part of the application and will be controlled by condition, should Members be minded to approve the application.

With regard to English Nature's comments I do not consider that a Section 106 is appropriate in this instance to ensure removal of the development prior to it falling onto the beach. A condition controlling this would be far more effective and would provide the same amount of control.

A local resident voiced concern on the proposal being completely wrong for such an area, as it is highly visible. However, Members will note that building is in an area that had previously been developed as a child roller coaster ride and following consultation with the AONB Officer the development in this area is not considered to be inappropriate.

I am of the opinion that the building does not have a significant or unacceptable impact of the AONB or Heritage Coast and would not have an adverse impact on features of ecological importance. I am satisfied that proposal does not have a significant or adverse impact to the detriment of the character of the area and does not conflict with policies contained within the Unitary Development Plan.

## **HUMAN RIGHTS**

In coming to this recommendation to grant planning permission consideration has been given to the rights set out in Article 8 (Right to Privacy) and Article 1 of the First Protocol (Right to Peaceful Enjoyment of Possessions) of the European Convention on Human Rights. The impacts this development might have on the owners/occupiers of other property in the area and other third parties have been carefully considered. Whilst there may be some interference with the rights of these people this has to be balanced with the rights of the applicant to develop the land in the manner proposed. Insofar as there is an interference with the rights of others it is considered necessary for the protection of the rights and freedom of the applicant. It is also considered that such action is proportional to the legitimate aim of the Council's Unitary Development Plan and in the public interest.

## **JUSTIFICATION FOR RECOMMENDATION**

Having given due regard and appropriate weight to all material considerations referred to in this report, I am satisfied that the provision of this building represents acceptable development and does not detract from the visual amenities and character of the locality or has a excessive impact on the environment. In view of the above I am satisfied that the proposal does not conflict with policies of the Isle of Wight Unitary Development Plan.

## **RECOMMENDATION - APPROVAL**

### **Conditions/Reasons:**

- 1 The storage building hereby approved shall be solely used in connection with the 'Junior Driver' attraction and for no other purposes unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the amenities of the area to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

- 2 Within one month of the date of this decision notice details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

**Reason:** To ensure the appearance of the development is satisfactory and to comply with policy D3 (Landscaping) of the Isle of Wight Unitary Development Plan.

- 3 Within one month of the date of this decision notice a scheme of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved scheme. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved design and to comply with policy D3 (Landscaping) of the IW Unitary Development Plan.

- 4 In the event of any threat of the building hereby approved collapsing onto the foreshore as a result of coastal erosion or through any other natural processes, the building, including foundation materials, shall permanently removed from the area as soon as reasonable practicable and disposed of in a manner to be agreed with the Local Planning Authority.

**Reason:** To ensure that the coastal processes are not interfered with, in the interests of nature conservation and to comply with Policy C8 (Nature Conservation as Material Consideration) of the Isle of Wight Unitary Development Plan.

- 5 The walls of the storage building hereby approved shall be painted in a drab dark green colour, to be agreed in writing by the Local Planning Authority, and shall be retained and maintained thereafter.

**Reason:** In the interests of the amenities and character of the area and to comply with Policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

2. **TCP/00969/D P/01540/04 Parish/Name: Northwood  
Registration Date: 19/07/2004 - Full Planning Permission  
Officer: Mr. A. Pegram Tel: (01983) 823575**

**Demolition of 2 dwellings; outline for 1 chalet bungalow, 2 bungalows & a terrace of 3 houses with parking; formation of access drive & alterations to vehicular access (revised plans) (readvertised application)  
10 and 12, Wyatts Lane, Cowes, PO31**

## **REASON FOR COMMITTEE CONSIDERATION**

The Local Member, Cllr Mazillius, has submitted written objections to the proposal and, therefore, is not in a position to deal with the application under the delegated procedure.

## **PROCESSING INFORMATION**

This is a minor application, the processing of which has gone beyond the prescribed 8 week period for determination of planning applications due to negotiations with the applicant's architect with regard to various aspects of the scheme, the need to publicise the revised scheme and case officer workload.

## **LOCATION AND SITE CHARACTERISTICS**

Application relates to irregular shaped site located on western side of Wyatts Lane, approximately 180 metres south of its junction with Pallance Road. Site has a depth of some 109 metres and a frontage to the road of approximately 15 metres. The site has a width of between 13 and 15 metres over a distance of 54 metres, measured from the roadside boundary, with a width of between 23.5 and 25 metres over the remainder. The site has a gentle fall away from the road.

The site is presently occupied and forms gardens to two dwellings, 10 and 12 Wyatts Lane. Number 10 sits close to the road and follows the general building line in the area whilst number 12 sits well back from the road accessed over a narrow driveway off Wyatts Lane, which runs between the frontage development. A similar arrangement also exists on site immediately to the north. The area is characterised by a mix of dwelling types, styles and ages of property.

## **RELEVANT HISTORY**

TCP/00969/C – P/00757/04 – A planning application was submitted April 2004 seeking consent to demolish two dwellings (10 and 12 Wyatts Lane) and outline consent for 10 houses with parking and access road off Wyatts Lane. Although seeking outline consent only, with all matters reserved for subsequent approval with the exception of access, the submission was accompanied by quite detailed plans showing 10 dwellings, arranged as a terrace of 4 dwellings and two terraces of 3 dwellings, at the western end of the site with access off Wyatts Lane.

A number of concerns were raised by the case officer in respect of the proposal, with particular regard to the layout and number of units proposed as a result of which, the application was withdrawn by the applicant's agent in order to review the situation, with the intention of submitting a further application a later date.

## **DETAILS OF APPLICATION**

The current proposal follows the withdrawal of the previous application and represents a revised scheme for development of the site. The original submission sought consent for the demolition of the two dwellings which presently occupy the site and outline planning permission for 6 detached bungalows with garaging/parking; formation of access drive and alterations to vehicular access. Again, although the application seeks outline consent with only access to be considered at this stage, the submission was accompanied by quite detailed plans showing the layout of the development and elevational details of the bungalows. The layout of the properties was considered to be rather regimented and cramped with some of the dwellings having limited private amenity space.

Following negotiations with the applicant's agent, the scheme was revised further and the application amended to include consideration of the siting of the dwellings. The revised plans show a layout for six dwellings comprising one chalet bungalow, two bungalows, a terrace of 3 houses with access road and parking spaces for 8 vehicles. The layout of the development now creates more space around the dwellings, which have clearly defined curtilages. In addition, the revised layout safeguards the potential to continue the access road to facilitate limited further development on land adjoining the application site, which presently forms part of substantial gardens to properties fronting Wyatts Lane.

## **DEVELOPMENT PLAN/POLICY**

The site as detailed on the revised plans is within the development envelope for Cowes and Northwood, as defined on the Isle of Wight Unitary Development Plan. Relevant policies of the plan are considered to be as follows:

S1 - New development will be concentrated within existing urban areas.

S7 - There is a need to provide for the development of 8,000 housing units over the plan period. While a large proportion of this development will occur on sites with existing allocations or planning approvals, or on currently unidentified sites, enough new land will be allocated to enable this target to be met and to provide a range of choice and affordability.

G1 – Development Envelopes for Towns and Villages

G4 – General Locational Criteria for Development

D1 – Standards of Design

D2 – Standards for Development Within the Site

H4 – Unallocated Residential Development to be Restricted to Defined Settlements

H5 – Infill Development

C8 – Nature Conservation as a Material Consideration

TR7 – Highway Considerations for New Development

TR16 – Parking Policies and Guidelines

U11 – Infrastructure and Services Provision

## **CONSULTEE RESPONSES**

The Highway Engineer initially recommended refusal on grounds that the access was unsatisfactory to serve the development by reason of unacceptable visibility. However, following discussions between the applicant's architect and the Highway Engineer, I understand that these inadequacies could be overcome by the implementation of a traffic management scheme in the location of the application site and that this would be linked to that already approved in Wyatts Lane, enabling the highway authority to complete a comprehensive scheme. This would require a contribution from the developer in the region of £20,000.

**Further comments have been received from the Highway Engineer recommending conditions, should application be approved.**

Council's Ecology Officer notes that objectors have expressed concern regarding impact of development on wildlife, particularly wildlife using important meadow land in the vicinity. However, this meadow land lies outwith the development site and should not be affected. He advises that the row of trees at the western boundary of the site is an important feature and is likely to form part of a corridor for red squirrels to move through and should therefore be protected.

The Ecology Officer acknowledges that the site is principally well managed gardens with some ornamental shrubs and trees which is unlikely to provide important refuges for species referred to by the objectors. However, he notes that bats are referred to as using the area and that the application involves the demolition of two bungalows. He advises that many bat species will roost in buildings and pipistrelle bats, the most frequent species in built up areas, will roost in bungalows. Consequently, either of the properties could provide roosting sites for bats, all of which are protected under UK and European legislation and the presence or otherwise of bats in a building proposed for demolition cannot be ruled out. Ideally, both properties should be checked for the presence of a bat roost prior to demolition. Alternatively, he would advise that consent is subject to a condition requiring a bat survey to be carried out by an experienced licenced consultant prior to demolition. In the event that a bat roost is found, it would be necessary to obtain a licence from DEFRA. This may limit the time of year during which demolition can take place and a requirement for mitigation.

Following consultations with Southern Water, it is understood that their records show some flooding incidents in the area, although most of these are associated with blockages. They advise that a sewer capacity check was undertaken for development on a site to the east of the current application site which indicated that there was insufficient capacity in the immediate area but a connection to the sewer further to the south in Wyatts Lane, near number 36, would be acceptable for the foul flow. However, they would not want any surface water connected to

the sewer and advise that if the surface water from the existing is directed elsewhere, there may be sufficient spare capacity to serve the new development.

## **PARISH/TOWN COUNCIL COMMENTS**

Not applicable.

## **THIRD PARTY REPRESENTATIONS**

The original submission attracted 27 letters from local residents, several households submitting two letters, and letters from the Northwood Community Partnership and Campaign for the Protection of Rural England (CPRE) expressing concern and objecting to the application on grounds which can be summarised as follows:

Part of site is outside the development envelope.

Adverse impact on amenities/privacy of neighbouring properties.

Inadequate amenity/gardens for children to play – applicant should make contribution to the upkeep of nearby play equipment.

Increased pressure on local schools.

Properties in area have suffered subsidence – concern expressed that development will impact on ground stability in area.

Overdevelopment - density proposed is out of keeping with character of rural village.

Concern expressed regarding the management of surface water run-off from site.

Concern expressed that proposal will create potential for development of adjacent land.

Combined sewers do not have capacity to accommodate additional flows from this development.

Development may impact on wildlife habitat in area, including squirrels and bats etc.

Concerns regarding safety of access onto Wyatts Lane.

If proposal is allowed, contribution should be made for the provision of a footway in Wyatts Lane in the interest of safety for pedestrians.

Safe access could only be achieved by removal of hedge to roadside boundary of adjacent property – having number of adverse effects on area and the property.

Traffic generation – adverse impact on highway safety, particularly pedestrians on thoroughfare to local primary school.

Inadequate parking provision.

Major development in Northwood has provided more than sufficient new homes in the area.



Cumulative effect of development in area is resulting in the overdevelopment of Northwood.

Proposal does not comply with SPG on infill development – each dwelling should have separate access.

Loss of two perfectly good dwellings.

Following receipt of the revised plans, the application was subject to further publicity, including written notification to those who had previously submitted comments on the application. As a result, a further 17 letters were received from local residents, some households again submitting two letters, and comments from the Northwood Community Partnership. The correspondence raised no new issues to those detailed above.

The Local Member, Cllr Mazillius, has also submitted objections to the proposal, the grounds for which are included in the summary of objections detailed above. However, he comments that if planning permission is granted, it is important that consent is conditional on substantial road safety works funded by the applicant.

**Further letter received from resident of adjacent property advising that they have recently received Notice Number 1 under Article 6 of the Town & Country Planning (General Development Procedure) Order 1995. They point out that this Notice gives opportunity to submit representations in respect of the proposal by 28 March 2005, although this is less than the 21 days notice period. Concern is also expressed that the notice gives no details of the application and why Certificate B is now appropriate. In addition, concern is expressed that consultation period expires after the date of the Committee Meeting and that it is uncertain that these changes will have no material influence on the representations made to or the decision of the Committee. The local resident insists that the Committee defer the application to a later date to allow time for the facts of the revised application to be made available and a proper and appropriate consultation period allowed.**

## **CRIME AND DISORDER IMPLICATIONS**

No crime and disorder implications anticipated.

## **EVALUATION**

The determining factors in considering the application are whether proposal is acceptable in principle and whether the development of the site with 6 dwellings as proposed would have a detrimental impact on the character of the area, the amenities of neighbouring properties and the environment in general. In addition, it is necessary to have regard for the adequacy or otherwise of the access to the site.

The site is located within the development envelope and, by virtue of the fact that it is presently occupied by two dwellings, is considered to be a brownfield site, i.e. previously developed. Having regard to these factors, I am satisfied that the development of the site for residential purposes is acceptable in principle.

The site has an area of approximately 0.2 hectares. Therefore, development of the site with six dwellings as proposed would give rise to a density of development of approximately thirty dwellings to the hectare. This sits at the lower end of the minimum density of thirty to fifty dwellings per hectare advocated by Planning Policy Guidance note 3 (PPG3), which seeks to encourage most efficient use of land. Whilst the longer established development in the vicinity of the application site, generally comprising detached and semi-detached properties in large

plots, equates to a lower density, there are examples of higher density development in the area, including that within Harry Cheek Gardens/Chessell Close, to the south of the application site, and more recent approvals, which involve development of a style not dissimilar to the current proposal. Given the relatively low density involved in the current proposal, and the mix of development in the area in general, I do not consider that proposal represents overdevelopment of the site or that refusal on such grounds would be justified.

The proposal involves the provision of a mix of dwelling types, including a chalet bungalow to the forward most part of the site and a terrace of houses to the rear of the site with two bungalows in the intervening area. Whilst the dwellings at the rear of the site would provide two storey accommodation, with possibility of additional rooms within the roof space, I consider that there would be sufficient distance between them and the properties fronting Wyatts Lane that an unacceptable level of overlooking would not occur. Furthermore, these dwellings would occupy the lowest part of the site, some 4 metres below the level of Wyatts Lane. Should members be minded to approve the current application, it will of course be necessary to give further consideration to the matter of overlooking at the time of dealing with a subsequent application for approval of reserved matters or full planning permission, with particular attention to the design of the dwellings and the positioning of windows therein.

Objectors have referred to part of the site being outside of the development envelope. However, revised plans have been submitted excluding the area outside the development boundary as defined on the UDP, from the application site. I do not consider this compromises the proposal in any way and that adequate amenity space is retained for each of the proposed dwellings. Concern has also been expressed that the proposal would result in a loss of habitat for wildlife. Following consultations with the Council's Ecology Officer, I am satisfied that proposal would not result in loss or adversely impact on any important wildlife habitats. Whilst there is a possibility that squirrels pass through the site along a corridor of trees or bats may roost in the dwellings to be demolished, this would not necessarily preclude development taking place, although it would be necessary for the applicant to obtain appropriate licences and implement necessary mitigations measures.

Whilst it has been suggested that properties in the area have suffered subsidence, consultations with the area Building Control Surveyor indicate that there have been no applications under the Building Regulations for underpinning. Furthermore, the site is not considered to be within an area of known or potential ground stability problems. Subsidence to a property is not necessarily an indication of ground stability problems and can be caused for a number of other reasons. In this instance, it is not considered that the proposed development could cause or contribute to ground stability or subsidence problems in this area. The Building Control Surveyor has also confirmed that ground conditions comprise gravel which would be suitable for the provision of soakaways to which surface water from the development could be discharged.

The comments from Southern Water indicate that any potential problems regarding the adequacy of drainage in this area are not insurmountable. The exclusion of any surface water from the combined drains in the area would alleviate pressure on the system and connections for the disposal of foul water could be made at points on the system where adequate capacity exists. I am satisfied that this issue could be adequately addressed by condition of any planning permission for development of the site, should Members be minded to approve this application.

The Senior Education Officer has confirmed that there is a short fall in school provision for Primary, Middle and High schools in the Cowes and Northwood area. The requirement for a developer to make a contribution for education provision would normally only apply to developments of ten dwellings or more. However, whilst the current proposal only involves six dwellings, negotiations have taken place with the applicant's agent in respect of the layout of the dwellings in order to safeguard future potential for development on adjoining land. I

consider that development of the adjoining land at a similar density to the current proposal would result in development of the site and adjoining land exceeding the required threshold of ten dwellings for education contribution. Therefore, in the event that planning permission was granted for the development of this site as proposed, a contribution equating to £2,145 per unit would be payable, giving a total contribution of £12,800.70.

Following further discussions with the Highways Engineer, he has confirmed that adequate visibility would be achieved at the junction of the access road with Wyatts Lane, subject to a scheme for traffic calming being implemented. However, this would necessitate removal or a reduction in height of boundary treatment to the roadside of the adjacent properties. I am satisfied that this matter can be addressed by a condition of planning permission, should Members be minded to approve the application. Ultimately, it will be necessary for the applicant to carry out negotiations with the owners of these properties to achieve the required visibility splays.

**Following further consultation with the Highway Engineer, it has been necessary for the applicant's agent to include within the application site defined on the submitted plans by the area edged in red, the visibility splays which cut across the frontage of neighbouring properties. This would require the removal or reduction in height of any structure or natural growth within the visibility splays. Consequently, it has been necessary for the applicant's agent to serve notice on neighbouring property owners. This notice gives them the opportunity to submit comments to the Local Planning Authority 21 days from the date of the service of the notice. The appropriate certificate was returned to this Authority indicating that the notice was served on 8 March 2005, thereby requiring comments to be submitted by 29 March 2005. Therefore, should Members be minded to approve the application, any decision would be subject to no further comments being received during the additional consultation period which would warrant reconsideration of the matter.**

## **HUMAN RIGHTS**

In coming to this recommendation to grant planning permission consideration has been given to the rights set out in Article 8 (Right to Privacy) and Article 1 of the First Protocol (Right to Peaceful Enjoyment of Possessions) of the European Convention on Human Rights. The impacts this development might have on the owners/occupiers of other property in the area and other third parties have been carefully considered. Whilst there may be some interference with the rights of these people this has to be balanced with the rights of the applicant to develop the land in the manner proposed. Insofar as there is an interference with the rights of others it is considered necessary for the protection of the rights and freedom of the applicant. It is also considered that such action is proportional to the legitimate aim of the Council's Unitary Development Plan and in the public interest.

## **JUSTIFICATION FOR RECOMMENDATION**

Having given due regard and appropriate weight to all material considerations referred to in this report, I am satisfied that development of this site for residential purposes is acceptable in principle and that the site can accommodate six dwellings in the layout detailed on the submitted plans without detracting from the character of the area, amenities of the neighbouring properties or the environment in general. Furthermore, I consider that the implementation of a comprehensive traffic management scheme in this area should ensure that the additional traffic flow are accommodated on the highway without causing undue hazard to other road users and particularly pedestrians.

**RECOMMENDATION - Approval (subject to no further comments being received by 29 March 2005 which would warrant reconsideration of this application).**

**RECOMMENDATION 2 - That a letter is sent to the applicant drawing attention to the requirements of Condition 4 and advising that, in the event of bats being present within the building, it will be necessary to obtain a licence from DEFRA prior to demolition of the building.**

**Conditions/Reasons:**

- 1 Time limit - outline - A01
- 2 Time limit - reserved - A02
- 3 Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** In order to secure a satisfactory development and be in accordance with policies S6 (Standards of Design), D1 (Standards of Design), D2 (Standards of Development Within the Site), D3 (Landscaping), TR7 (Highway Consideration for New Development) of the IW Unitary Development Plan.

- 4 No work in respect of the demolition of the existing dwellings within the site shall commence until such time as a survey has been carried out by a competent licenced consultant to ascertain whether bats are present within the building. Thereafter, a report on the results of the survey, together with any necessary mitigations measures, shall be submitted to and agreed with the Local Planning Authority.

**Reason:** In the interest of Nature Conservation and to comply with Policy C8 (Nature Conservation as a Material Consideration) of the IOW Unitary Development Plan.

- 5 The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56 (4) (a) - (d) of the Town & Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide for:

- a) a sum of £20,000 to be paid to the Local Planning Authority as a contribution towards comprehensive traffic calming in Wyatts Lane.
- b) a sum of £12,870 (6 x £2,145) to be paid to the Local Planning Authority as a contribution to education facilities.

**Reason:** In the interests of highway safety and to ensure that adequate provision for education facilities and to comply with Policy TR7 (Highway Considerations for New Development) and U2 (Ensuring Adequate Educational, Social and Community Facilities for the future population) of the IOW Unitary Development Plan.

- 6 The trees along the western boundary of the site shall be retained and shall not be felled, topped, lopped, uprooted or destroyed without the prior written consent of the Local Planning Authority. No development including site clearance shall commence on site until the trees along the western boundary have been protected by fencing or other agreed barrier along a line to be agreed in writing with the Local Planning Authority. Any fencing shall conform to the following specification:

1.2 metre minimum height chestnut paling to BS1722 Part 4 standard, securely mounted on 1.2 metre minimum above ground height timber posts driven firmly into the ground or such other method of agreed protection which forms and effective barrier to disturbance to the trees.

Such fencing or barrier shall be maintained throughout the course of works on the site and no building materials, excavated material, plant or machinery shall be stored or no digging of trenches or other excavations or changes in ground level shall take place within the cordoned off area.

**Reason:** In the interests of the amenities of the area and Nature Conservation and to comply with Policies G4 (General Locational Criteria for Development), D1 (Standards of Design) and C8 (Nature Conservation as a Material Consideration) of the IOW Unitary Development Plan.

- 7 Visibility and sight lines - J20

- 8 No development shall take place until a detailed scheme, including calculations and capacity studies, have been submitted and agreed in writing with the Local Planning Authority indicating the means of foul and surface water disposal. Any such agreed foul and surface water disposal system shall indicate connection points on the system that adequate capacity exists, including any reasonable repairs which may be required, or shall provide for attenuation measures to ensure any additional flows do not cause flooding or overload the existing system. No dwelling shall be occupied until such systems have been completed in accordance with the approved details.

**Reason:** To ensure an adequate system of foul drainage is provided for the development in compliance with Policy U11 (Infrastructure and Services Provision) of the IOW Unitary Development Plan.

3. **TCP/26556/A P/02688/04 Parish/Name: Ryde  
Registration Date: 11/01/2005 - Full Planning Permission  
Officer: Mr. D. Long Tel: (01983) 823854**

**Demolition of garage; construction of end of terrace house; formation of vehicular access  
land adjacent 1, Gordon Close, Ryde, PO333RB**

### **REASONS FOR COMMITTEE CONSIDERATION**

The Local Member Councillor Fox has asked the application to go before the Development Control Committee as he suggests the proposal is inappropriate, being deemed to be overdevelopment of the site which shall also lead to a loss of the existing parking provision. He also suggests that it capitalises on a previous decision taken under delegated powers at 106

Binstead Lodge Road, being deemed to be in an inappropriate position for a similar development.

## **PROCESSING INFORMATION**

This is a minor application the processing of which has taken nine weeks to date, due to the report being determined by this Development Control Committee.

## **LOCATION AND SITE CHARACTERISTICS**

This is a residential area with varying architectural style, character and appearance. There is a mix of terraced, semi detached and detached properties in the area, predominantly being two storey in appearance and are arranged in either a linear form following existing roads or formed within smaller cul-de-sacs.

The site is accessed off Cemetery Road which in turn leads into Gordon Close which is a cul-de-sac, housing a number of dwellings of a moderate proportion and size. The heights of buildings fluctuate with the natural topography of the land in an east west direction off Cemetery Road, leaving Cemetery Road at a higher elevation than that of Gordon Close.

The site in question belongs to Number 1 Gordon Close which forms part of a semi detached pair of properties within Gordon Close. This site is on the corner of Cemetery Road and Gordon Close and is currently used for the siting of an attached garage and part open space. The site is divided from the main road by a grass bank and 1.8 metre Larch Lap fence which forms the boundary to the site. The flat roof attached garage is approximately the same height as Cemetery Road due to the natural gradient and slope of Gordon Close.

A public footpath runs along Cemetery Road along the boundary of the site leading into Gordon Close and is sub divided either by bollards or a raised kerb. The rear garden of the site faces the side elevation of a terraced row of houses called Stoneham Cottages that visually seem to be period properties constructed of natural stone and slate. The north gable of No 1 Stoneham Cottages faces the site, but has no windows within this elevation except for a small conservatory at ground floor level. Binstead Cemetery is located to the east of the site being on the opposite side of Cemetery Road.

## **RELEVANT HISTORY**

TCP/26556 - Demolition of garage; proposed end of terrace house and vehicular access. Application refused in October 2004 under delegated procedure due to the significant loss of space about the building to the detriment of visual amenities and spatial characteristics of the street scene, while removing the valuable contribution the space makes to the apparent density leading to a cramped appearance to the detriment of the visual amenities of the area.

## **DETAILS OF APPLICATION**

Consent sought for the demolition of a garage and the construction of an end of terraced house with new vehicular access.

The house is proposed to be attached to the end of number one Gordon Close extending 4.1 metres off the gable elevation of the existing property, therefore leaving 3.6 metres to the boundary of the site. A small 0.5 metre extension to the dwelling is also proposed, providing an entrance doorway for the house. The proposal is stepped down off the main ridge and stepped back off the building line with the intention of making the proposal read as an extension, to 1 Gordon Close.

The finished floor level of the property will match that of the host property, requiring the property to be dug into the existing earth bank. The proposal aims to match the materials of existing properties within the area while the rear garden is sub divided equally creating an approximate 45 metre squared garden. The dwelling will accommodate two bedrooms located at the first floor having windows facing front and back. The remaining glazed areas on the rear elevation will be at ground floor level, being a small window and patio doors serving the kitchen/breakfast area. The majority of windows will be on the east elevation facing Cemetery Road and Binstead Cemetery. The ground floor window and door will be screened by the earth bank or boundary belonging to this property. Two windows will be placed on the front elevation serving a bedroom and the lounge. A new hardstanding will be provided outside number 1 Gordon Close enabling them to retain an off site parking allocation while the existing driveway will be used for the proposal.

## **DEVELOPMENT PLAN/POLICY**

Relevant policies of the Unitary Development Plan are to considered to be as follows:

- S1 - Development within Existing Urban Centres
- S6 - Standards of Design
- S7 - Meeting Housing Stock of Plan Period
- G1 - Development Envelopes for Towns
- G4 - General Locational Criteria
- D1 - Standards of Design
- D2 - Standards of Design within the Development Site
- H1 - New Development within Main Island Towns
- TR7 - Highway Considerations for New Development

## **CONSULTEE RESPONSES**

Highways recommend approval subject to conditions

## **PARISH/TOWN COUNCIL COMMENTS**

None

## **THIRD PARTY REPRESENTATIONS**

The application has attracted one letter of objection and that can be summarised as follows:

- Reduction in available car parking spaces with a net increase in on street parking creating congestion and difficulty for emergency vehicles entering Gordon Close.
- The building will affect visibility along Cemetery Road.
- Increase hazard to pedestrians.

- Over development of the site.
- Creation of a small house prejudicing the local amenities, being out of character with the prevailing pattern of development.
- Proposal is forward of building line.
- Overlooking onto Stoneham Cottages
- Property too close to Cemetery Road, undermining the stability of the road
- Plans are incorrect as the tree within the rear garden of the site is larger than that depicted on plan.
- Increase in levels of ambient noise.

### **CRIME AND DISORDER IMPLICATIONS**

No crime and disorder implications anticipated with this application

### **EVALUATION**

The planning application that was refused under Delegated Procedures was deemed to be too large for the site, prejudicing the spatial characteristics and importance the space made to the apparent density and building line of the area.

This application has significantly reduced the footprint, scale and mass of the proposal which is now deemed to be acceptable in this location. I would draw Members attention to No. 2 Gordon Close which has a similar size side extension ancillary to the dwelling house. Although the application is slightly larger than the extension to No. 2 the proposal would read as an extension to No.1.

The main reasons for refusal on the previous application, was the proposal spoilt the spatial characteristics and sight line when looking in a northerly direction down Cemetery Road. The application was too close to the boundary, therefore stopping an views down Cemetery Road and the apparent building line. The current application maintains this vista, creating a line of sight along Cemetery Road and the buildings relating to it. This is due to a reduction of around 1.2 metres off the side elevation.

The building itself will read as an extension and will not affect the character, setting or prevailing pattern of development within the area as it is sympathetic in materials, style and position to other buildings in the area. Third party representation has indicated there will be overlooking onto Stoneham Cottages, but on review of the plans Members will note that the rear windows will not directly face the side and front of No. 1 Stoneham Cottage. Due to the level of windows and position this building has within the street scene, there will be no unreasonable level of overlooking or loss of privacy in comparison to the existing situation. The side elevation that faces Cemetery Road and Binstead Cemetery has no visual implication to the localised amenity, as the design of the unit is sympathetic to the localised vernacular. The front elevation that faces Gordon Close measures approximately 50 metres to adjacent properties. There will be no loss of amenity to these properties given distances involved.

No. 1 will have reduced outside amenity space, but this will simply match that of existing properties within the area and in particular No. 4 Gordon Close which has a similar size garden.



The level of outside amenity space for the existing and potential occupiers of the site is deemed to be adequate for the size of dwelling without prejudicing the long term sustainability and enjoyment of these occupiers.

Members will note that Highways recommend approval subject to conditions as they believe there will be no impact to the highway or people using it. It has been noted by representation that the availability of parking within the area will be reduced, but the site does offer one additional off street parking space. There is an additional off street parking space provided at No 1, which is located further within the site making it highly visible to pedestrian users, reducing the potential danger to them.

It has been suggested that by reason of the proposals proximity to Cemetery Road the construction could undermine the stability of it, but this is a Building Regulations matter. It is also suggested that the plans are incorrect with the tree in the rear garden being depicted smaller than actual size, while the building line is depicted wrongly on the plans. It has been confirmed with the architect that all plans are correct and precise and so if Members should decide to grant permission on this application the details indicated on the plan will be constructed accurately on site. With relation to the tree it is of no merit not being worthy of protection.

## **HUMAN RIGHTS**

In coming to this recommendation to grant planning permission consideration has been given to the rights set out in Article 8 (Right to Privacy) and Article 1 of the First Protocol (Right to Peaceful Enjoyment of Possessions) of the European Convention on Human Rights. The impacts this development might have on the owners/occupiers of other property in the area and other third parties have been carefully considered. Whilst there may be some interference with the rights of these people this has to be balanced with the rights of the applicant to develop the land in the manner proposed. Insofar as there is an interference with the rights of others it is considered necessary for the protection of the rights and freedom of the applicant. It is also considered that such action is proportional to the legitimate aim of the Council's Unitary Development Plan and in the public interest.

## **JUSTIFICATION FOR DECISION**

Having given due regard and appropriate weight to all material considerations referred to in this report I am satisfied that the construction of an end of terrace house and formation of vehicular access will not have a detrimental impact on the environment, neighbouring properties or detract from the visual amenities or character of the locality. In this regard the proposed development would comply with relevant Unitary Development Plan policies.

## **RECOMMENDATION - APPROVAL**

### **Conditions/Reasons:**

- 1 Time limit - full - A10
- 2 Matching materials - S01
- 3 Withdraw PD rights alterat/extens/etc - R02
- 4 Visibility and sight lines - J20
4. **TCP/01612/G P/01662/04 Parish/Name: Wroxall  
Registration Date: 04/08/2004 - Full Planning Permission**

**Officer: Mr. D. Long      Tel: (01983) 823854**

**Demolition of workshop; construction of 1 dwelling (revised plans)  
Island Joinery Ltd, St. Johns Road, Wroxall, Ventnor, Isle Of Wight,  
PO383EE**

## **REASON FOR COMMITTEE CONSIDERATION**

Councillor Yates the Local Member has requested that this application go before the Development Control Committee in order that Members may consider issues relating to loss of employment within the rural economy, access, and the need for further evaluation of third party and consultee responses.

## **PROCESSING INFORMATION**

This is a minor application, the processing of which has taken thirty two weeks to date and has gone beyond the prescribed eight week period for determination of applications due to officer workload, negotiations and consultations with third parties.

## **LOCATION AND SITE CHARACTERISTICS**

This application relates to a back land commercial site located to land at the rear of the Old Chapel, St Johns Road, Wroxall.

The site is currently used by joinery business. The industrial unit's built form uses the whole of the site, having a 1 metre buffer strip between the elevations of the building and the boundary belonging to neighbouring properties. The single storey pitched roof building is constructed of corrugated sheeting and is approximately 2.2 metres higher than that of residential dwellings located along St. Johns Road, Wroxall. The rear gardens of these properties slope up in an easterly direction to the rear of the site but are not as elevated as this industrial unit.

The north elevation of the building has two windows of a clear finish which face into the rear curtilage of the neighbouring property while the south elevation has three windows of the same finish which face onto a 1.8 metre fence being subdivided by the pedestrian access to the workshop.

The west elevation is blank in form and faces a converted chapel, which is now a residential dwelling, and has four windows facing the industrial unit. There is a 2.2 metre gap between these elevations. The ground floor windows directly face onto a block work wall, as this forms part of the raised plinth in which the industrial unit sits. The first floor windows of the converted chapel look directly onto the corrugated sheeting and is in line with windows at the same level and height of those belonging to Island Joinery at ground floor level on the southern elevation.

Numerous industrial units are located to the rear of the site accessed from Castle Road, but these units are divided by a public footpath and access for these units.

There is a range of architectural styles, character and appearance to residential dwellings in the area, either being detached or semi detached, ranging from Victorian to modern day properties. This parcel of land is the only one in which the whole curtilage of the site is used by built form having no amenity space whatsoever unlike that of neighbouring properties.

## **RELEVANT HISTORY**

No relevant history

## **DETAILS OF APPLICATION**

Consent is sought for the demolition of the workshop and construction of a two storey two bedroom detached dwelling. Initially submitted proposal involved two dwellings on the site in a mews form, covering the whole footprint of the curtilage, representing a similar scale and mass to the building presently on site. A reduction to a single dwelling was negotiated and is now before Members for determination.

The dwelling itself is constructed of reconstituted stone with brick quoins and is positioned to the rear of the site, having the eastern elevation forming part of the rear boundary facing the public footpath. The building is 6.5 metres in height, with the ridge running in a north south direction. A single storey extension protrudes from the west elevation measuring 3.3 metres in length and 3.6 metres in height, with the ridge fitting below the eaves level of the main dwelling. The total footprint of the building measures 55.5 square metres, leaving the remaining 109 square metres as outside amenity space with the creation of a 1.8 metre brick wall surrounding the curtilage of the site, to creating a walled garden.

The eastern elevation has seven windows serving both a kitchen, WC, study, bedroom. All of which face the industrial units mentioned previously. The north elevation is predominantly blank in form but has one small oriel window at first floor level serving a bedroom. This elevation is 1 metre off the boundary, giving a buffer between the building and the rear curtilage of the neighbouring property. The southern gable has no windows within the elevation but has a number of windows serving the single storey extension which is set back 5.3 metres off the neighbouring boundary. The west elevation serves as the main entrance to the property having both the front door and a set of patio doors to the extension. Two velux windows are located within the roof pitch with no other windows at first floor level.

The main access arrangements being pedestrian in nature are as the existing situation. The main access is off St Johns Road running to the side of the converted chapel. There is a rear access off the footpath running between the site and the industrial units. The proposal therefore has no allocated parking provision.

## **DEVELOPMENT PLAN/POLICY**

The relevant policies of the Unitary Development Plan are considered to be as follows:

- S1 - Development within Existing Urban Centres
- S6 - High Standard of Design
- S7 - Meeting Housing Stock for Planned Period
- G1 - Development Envelopes for Towns
- G4 - General Locational Criteria
- D1 - Standards of Design
- D2 - Standards of Development Within the Site
- H1 - New Development within Main Island Towns
- H5 - Infill Development
- TR7 - Highway Considerations for New Development

## **CONSULTEE RESPONSES**

Environmental Health have no adverse comment in respect of this application but do request that a Contaminated Land condition is applied for the investigation of potentially contaminated sites.

Highways recommend refusal due to the insufficient parking provision, being inconsistent with Policy TR16 (Parking Policies and Guidelines of the Isle of Wight Unitary Development Plan).

## **PARISH/TOWN COUNCIL COMMENTS**

Wroxall Parish Council recommend that scheme is over development on a limited plot with concern about access and the effect on the local economy due to the loss of the business premises. These comments were made prior to revision reducing the proposal to one dwelling.

## **THIRD PARTY REPRESENTATIONS**

The application has attracted seven letters of objection that can be summarised as follows:

- Overdevelopment of the Site
- Tandem Development which is not encouraged within the Isle of Wight Unitary Development Plan setting a precedent within the area
- Loss of employment decreasing the viability and vitality of Wroxall
- Against Parking Guidelines within the Unitary Development Plan
- Cars will use the public footpath to the rear of the site leading to a danger to pedestrians
- The pedestrian access is not adequate for residential properties
- Site Plan is out of date and insufficient
- Road surface is in a poor state of repair
- Construction Traffic will cause a disamenity to the localised area

Campaign to Protect Rural England refer to backland nature of site and lack of on-site parking and setting of precedent

## **CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications anticipated with this application.

## **EVALUATION**

The key issue relating to this application is whether the retention of an industrial unit within this back land location under can be supported by employment policies as opposed to planning gain offered by removal of non-conforming user within residential area.

Members are advised that the current applicant is retiring from his business operations and is either looking to develop the site with this proposal or sell the site to another industrial user. The applicant has used the site for over 40 years and does not appear to have caused any disamenity to neighbouring occupiers. In normal circumstances any new development within this location either being residential or industrial would be unlikely to be supported by the Local Planning Authority due to its position and its relationship to other land uses. Members should appreciate that another industrial user of the site within the same use classes order could potentially create disturbance to the residential amenity. In terms of employment this site generates a low level of employment with the applicant and his son running the operations, and any new occupier could intensify usage.

Initial plans submitted to the Local Planning Authority sought consent for two dwellings on the site covering the whole footprint in a mews style development, giving a similar scale and mass to the current building on site. Scheme was negotiated to a single dwelling, reducing the scale, mass and footprint of the building, giving a better spatial relationship, freeing up outside amenity space, reasonably suiting the prevailing pattern of development but also to reduce the existing mass currently on site.

The building itself sits to the rear of the site leaving a 11.2 metre gap between the elevation of the building and the converted chapel. Members should note that the original building leaves a 2.2 metre gap, therefore this proposal significantly improves the space about and amenities to this property.

The design of the building has placed all principle windows to the front and back, therefore leaving the side elevations blank resulting in little overlooking or loss of privacy to the rear curtilages or existing residential properties. The current building has windows on both side elevations looking directly into gardens, which does cause an impact and level of overlooking in its current status. All ground floor windows will have protected views to the boundary, being, a 1.8 metre brickwork wall, creating an enclosed space which both protects the amenities of the potential occupier of the site and the existing residential units within the area. Although the house is on a raised plinth there will be no reasonable disamenity in comparison to the existing use and building on site.

The design of the building suits that of the local vernacular, using appropriate materials and architectural styles to suit the prevailing pattern of development, being sympathetic to the general character of the area. The footprint of the building has been dramatically reduced in size in comparison to the existing situation therefore improving the local amenities and spatial characteristics of the area. The proposal is also deemed to improve the land use on site, replacing an industrial unit with potential impacts with a small residential unit with little impact .

With respect to third party representations the Local Planning Authority feel that the negotiated scheme is not overdevelopment of the site, as the proposal provides a small residential unit, and in the current circumstances is deemed to be appropriate for this location. Although this is tandem development it has been indicated that it will set a precedent for the area but members must note that each application is treated on its own merits and back land development is not ideal in such locations, but due to the current land use the impact on the local amenities will be improved by this proposal. Circumstances of this case are somewhat unique given existing premises on site.

Although the dwelling does not provide parking provision there is no available space or access for this. It will be noted that the existing land use does have a level of traffic which uses St Johns Road. Existing workshop attracts commercial traffic on daily basis together with customer and staff vehicles. Proposed two bedroom unit is likely to reduce traffic flow to site. Given existing commercial activity on site and fact that proposal involves brownfield development on a site with very limited access arrangements it is felt on this particular occasion

that the lack of off-street parking provision for a less intensive use is not an issue that should outweigh opportunity to remove industrial user from this site. The pedestrian access to the site is as existing, using the corridor between the converted church and so there will be no impact on this property.

## **HUMAN RIGHTS**

In coming to this recommendation to grant planning permission consideration has been given to the rights set out in Article 8 (Right to Privacy) and Article 1 of the First Protocol (Right to Peaceful Enjoyment of Possessions) of the European Convention on Human Rights. The impacts this development might have on the owners/occupiers of other property in the area and other third parties have been carefully considered. Whilst there may be some interference with the rights of these people this has to be balanced with the rights of the applicant to develop the land in the manner proposed. Insofar as there is an interference with the rights of others it is considered necessary for the protection of the rights and freedom of the applicant. It is also considered that such action is proportional to the legitimate aim of the Council's Unitary Development Plan and in the public interest.

## **JUSTIFICATION FOR RECOMMENDATION**

Having given due regard and appropriate weight to all material considerations referred to in this report I am satisfied that the dwelling as indicated on the submitted plans represents an opportunity to develop a small brownfield site, protecting and indeed enhancing the visual amenities and enjoyment to those of nearby residential properties and is therefore considered to be in compliance with Policies S1 (Development Within Existing Urban Centres), S6 (High Standards of Design), S7 (Meeting Housing Stock of Planned Period), G1 (Development Envelopes for Towns), G4 (General Locational Criteria), D1 (Standard of Design), D2 (Standard of Development within The Site), H1 (New Development within Main Island Towns), H5 (Infill Development), TR7 (Highway Considerations for New Development) and TR16 (Parking Policies and Guidelines) of the Isle of Wight Unitary Development Plan.

## **RECOMMENDATION - APPROVAL (REVISED PLANS)**

### **Conditions/Reasons:**

- 1 Time limit - full - A10
- 2 No development shall take place until [samples of materials] to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the amenities of the area and to comply with policy D1 (Standards of Design) of the IW Unitary Development Plan.

- 3 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed [before the building hereby permitted (is) occupied]. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of maintaining the amenity value of the area and to comply with policy D1 (Standards of Design) of the IW Unitary Development Plan.

- 4 Withdraw PD rights alterat/extens/etc - R02
- 5 Withdrawn PD right for windows/dormers - R03
- 6 Withdraw PD rights alts to roofs - R04
- 7 No part of the development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

**a)** a desk-top study documenting all previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2&3 and BS10175:2001;

**and**, unless otherwise agreed in writing by the Local Planning Authority,

**b)** a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2001 - "Investigation of Potentially Contaminated Sites - Code of Practice", and, unless otherwise agreed in writing by the Local Planning Authority,

**c)** a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation.

- 8 The construction of buildings shall not commence until the investigator identified in Condition No. 7 has provided a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To protect the environment and prevent harm to human health by ensuring that where necessary, the land is remediated to an appropriate standard in order to comply with Part IIA of the Environmental Protection Act 1990.

**ANDREW ASHCROFT**  
Head of Planning Services