



Minutes

Name of meeting

PLANNING COMMITTEE

Date and time

TUESDAY, 21 AUGUST 2007 COMMENCING AT 4.00 PM

Venue

COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT

Present

Cllrs Ivan Bulwer (Chairman), Henry Adams, Wendy Arnold, George Cameron, Charles Chapman, Mike Cunningham, John Hobart, Muriel Miller, Brian Mosdell, Susan Scoccia, Arthur Taylor, David Whittaker

Also Present
(non voting)

Cllrs George Brown, Vanessa Churchman, Jonathan Fitzgerald-Bond, David Pugh

Officers Present

Keith Jolliffe, Julie Martin, Bill Murphy, Andrew Pegram, Justin Thorne, Andrew White, Sarah Wilkinson

Apologies

Gill Kennett, Lady Pigot, David Williams

21.

[Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [24 July 2007](#) be confirmed subject to Minutes 19 (a) (5) – Pine Tops, Heatherwood Park Road, Totland Bay and 19 (b) – Variation to the Section 106 Agreement Sandown Airport, Newport Road, Sandown being changed to read Item Deferred at Officers Request.

22.

[Declarations of Interest](#)

Cllrs Henry Adams, Ivan Bulwer, Charles Chapman and Arthur Taylor declared a personal interest in Minute 19 (a) (3) – Beijing Palace, Appley Rise, Ryde as they were members of the Ryde Town Management Committee. They had not taken part in the voting relating to that item when the decision was taken by the Management Committee.

23.

Report of the Head of Planning Services

(a) Planning Applications and Related Matters

Consideration was given to items 1 - 6 of the report of the Head of Planning Services.

RESOLVED :

THAT the applications be determined as detailed below :

The reasons for the resolutions made in accordance with Officer recommendation were given in the Planning report. Where resolutions are made contrary to Officer recommendation the reasons for doing so are contained in the minutes.

A schedule of additional representations received after the printing of the report were submitted at the beginning of the meeting and were drawn to the attention of Members when considering the application. A note is made to that effect in the minutes.

Application:	TCP/28187 and CAC/28187/A
Details:	Cliff Bank, St. Catherine Street, Ventnor Demolition of dwelling; residential development of 5 storey block of 10 flats and detached house with parking and access off St. Catherine Street.
Site Visits:	The site was visited by Members of the Planning Committee on Monday, 23 July 2007
Public Participants:	Mr Derek Pearce (Applicant)
Additional Representations:	Six additional letters of objection had been received.
Comment:	The Local Member, Cllr Jonathan Fitzgerald Bond spoke against the application. He asked for it be minuted that he had wanted an assurance that no on street public parking would be lost due to the development.
Decision:	The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved: THAT the application be approved.
Conditions:	Condition to be added as follows : UN1 The proposed development shall be undertaken in accordance with the environmental details set out within the application, including the provision of a car pool of two electric vehicles.

Reason: The environmental provisions proposed were considered a material consideration in the approval of the application and in accordance with D13 (Energy Conservation) of the IW Unitary Development Plan.

As per report (Items 1 and 2)

Application:	TCP/03663/E
Details:	Beijing Palace, Appley Rise, Ryde. Detached building to form restaurant (revised plans/amended design) (readvertised application)
Site Visits:	The site was visited by Members of the Planning Committee on Monday, 20 August 2007.
Public Participants:	Mr A Hewison (Objector)
Additional Representations:	One letter of objection was received from a Ryde resident. Further developments since the preparation and finalisation of report could be summarised in the following terms: <ul style="list-style-type: none">• Following suggestions from the Conservation Officer and further negotiations with the applicant's agent, further revised plans had been received which dealt largely with external detailing/appearance of the proposed building.• Further comments from the Environmental Health Officer in response to the work done by consultants acting on behalf of the applicant recommending the imposition of certain conditions.• Discussion and clarification from the applicant, via his agent, on issues relating to the nature of the use and the hours of operation. The Acting Conservation and Design Team Leader submitted his final observations on the proposed scheme and highlighted further suggested improvements in terms of window design, the architectural feature housing the

extraction flue and detailing/fenestration on the service area on the elevation to Appley Rise, although accepting that this was dictated to some extent by the use of this part of the proposed building.

The Agent had responded satisfactorily by providing a further set of revised plans, although Officers reserved the right to seek further (minor) amendments if desired by the Acting Conservation and Design Team Leader.

A Senior Environmental Health Practitioner had asked for three specific conditions to be imposed on any permission in order to protect the amenity of neighbouring properties. Those conditions could be summarised in the following terms:-

- Noise levels in connection with the ventilation system.
- Details of the extraction and ventilation system in terms of dimensions and positioning as well as maintenance.
- Provision for temporary storage of refuse on the premises in combination with a plan for regular disposal and hygiene maintenance.

The Council's Health Protection Officer had offered more detailed advice in respect of refuse storage. There were powers available under the Food Hygiene (England) Regulations 2006 and Regulation (EC) No. 852/2004 to control waste in the following terms:

- Food waste, non-edible bi-products and other refuse to be deposited in closable containers.
- Adequate provision to be made for the storage and disposal of refuse.
- Stores to be designed and managed to enable them to be kept clean and free from pests.
- All waste to be illuminated in hygienic and environmentally friendly ways so as not to constitute a direct or indirect source of contamination.

Moreover, the operator of the restaurant would need to demonstrate to the Environmental Health Department that he could provide suitable refuse storage facilities. Such provision shall be monitored on an on-going basis under the said regulations. The extent of refuse storage was somewhat limited given the limited dimensions of the site. Accordingly, it may be necessary for the operator to arrange for more regular collections in order to satisfy the Food Hygiene Regulations.

Remaining issues raised with the applicant related to the nature of the use and the hours of operation. The agent had confirmed that his client would wish to operate on a similar basis to the use in the former premises which meant:

- He anticipated providing a take-away service
- He wished to stay open to midnight

Comment: Cllr Vanessa Churchman spoke against the application.

Decision: The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be approved subject to the following revised conditions.

Members wanted the pavement around the building reinstated in accordance with agreed specification, detail and finish.

Members indicated that they would prefer a red roof tile and it should reflect the colour of the pavilion.

Conditions: A revised schedule of conditions was circulated at the meeting as follows :

1. The development hereby permitted shall be begun before the expiration of 3 years from date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The premises shall primarily be used for A3 (Restaurants and Cafés) purposes and for no other purpose within the relevant class of the schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of the area generally and nearby residential properties in particular and to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

3. Notwithstanding the terms of condition no.2 a take-away facility can be provided as a secondary facility as set out in Class A5 of the Town and Country Planning (Use Classes) Order 1987, as amended by the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of the area generally and nearby residential properties in particular and to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

4. Full details of the take-away facility in terms of entrance point(s), part of the building, floor space, etc shall be submitted to and approved by the Local Planning Authority in writing prior to the use, hereby approved, being commenced.

Reason: In the interests of the area generally and nearby residential properties in particular and to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

5. The A3 (Restaurants and Cafés) use hereby permitted shall not be open to customers outside the following times:-

1200 – 2330 hrs Mondays to Saturdays
1200 – 2300 hrs Sundays

Reason: In the interests of the area generally and nearby residential properties in particular and to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

6. No hot food shall be sold for consumption off the premises outside the following times:-

1200 – 2230 hrs Mondays to Saturdays
1200 – 2200 hrs Sundays

Reason: In the interests of the area generally and nearby residential properties in particular and to comply with policy D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

7. Construction of the building hereby permitted shall not commence until a specification of the render/wall panels and its finish and colour and including all decorating details such as pilasters and string courses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To reflect the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to protect the character and appearance of the conservation area and to comply with policy B6 (Protection and enhancement of conservation areas) of the Isle of Wight Unitary Development Plan.

8. Construction of the building hereby permitted shall not commence until a specification of the roofing materials including all eaves hips and ridge details has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Note that, Tiling shall be carried out using half tiles for the verges and not tile and a half.

Reason: To reflect the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to protect the character and appearance of the conservation

area and to comply with policy B6 (Protection and enhancement of conservation areas) of the Isle of Wight Unitary Development Plan.

9. Construction of the building hereby permitted shall not commence until a full specification (working drawings scale 1:20, 1:10, 1:5) of the new windows and doors (including cross sections for glazing bars, sills, heads etc) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To reflect the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to protect the character and appearance of the conservation area and to comply with policy B6 (Protection and enhancement of conservation areas) of the Isle of Wight Unitary Development Plan.

10. Construction of the building hereby permitted shall not commence until a specification of the rainwater goods has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To reflect the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to protect the character and appearance of the conservation area and to comply with policy B6 (Protection and enhancement of conservation areas) of the Isle of Wight Unitary Development Plan.

11. Notwithstanding the approved plans, a full specification of the proposed roof extract feature shall be submitted to and approved in writing by the local authority prior to the commencement of the development. Development shall be carried out in accordance with the approved details.

Reason: To reflect the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to protect the character and appearance of the conservation area and to comply with policy B6 (Protection and enhancement of conservation areas) of the Isle of

Wight Unitary Development Plan.

12. Development shall not commence until details (including locations, design and materials) are submitted to and agreed in writing by the Local Planning Authority for the provision of refuse storage on the premises and the disposal of litter in the vicinity of the property. In particular, suitably sited accommodation shall be provided for waste receptacles which shall be regularly emptied and cleaned as necessary.

Reason: To prevent annoyance and disturbance from odour emissions from the premises and to comply with Policies W1 (General Waste Disposal) and D1 (Standards of Design) of the Isle of Wight Unitary Development Plan.

13. Noise emitted from the ventilation system and any other plant from the use hereby approved, shall be lower than the 'night-time' existing background noise level by at least 3 dB (and shall have no significant tonal component within any 1/3 Octave Band Level. Where any 1/3 octave band level is 5dB or above the adjacent band levels the tone is deemed to be significant) between 23:00 and 07:00 hours daily, and shall not exceed the existing 'daytime' background noise level at any time (and shall have no significant tonal component within any 1/3 Octave Band Level. Where any 1/3 octave band level is 5dB or above the adjacent band levels the tone is deemed to be significant) between 07:00 and 23:00 hours daily, by measurement or calculation. The noise levels shall be determined at 1 metre from the closest premises.

Reason: To prevent annoyance and disturbance, in particular sleep disturbance* from noise emissions from the premises and to comply with Policies P1 (Pollution and Development) and P5 (Reducing the Impact of Noise) of the Isle of Wight Unitary Development Plan.

14. Prior to the building being brought into use the kitchen shall be fitted with an extract ventilation system which shall comprise;

suitably sealed and fireproof exhaust ducting installed from the point of extraction, to an extractor fan and thence to a suitable point of discharge to atmosphere. The discharge point must be at a height of not less than 1 metre above the ridge level of the premises to which it is attached.

The system shall incorporate a pre filter/grease filter and a carbon filter with easy access for cleaning and replacement and adequate provision for access to facilitate dismantling and thorough cleaning. The system shall be maintained and effectively operated during the use of the premises.

Reason: To prevent annoyance and disturbance from odour emissions from the premises and to comply with Policies P1 (Pollution and Development) and P5 (Reducing the Impact of Noise) of the Isle of Wight Unitary Development Plan.

(Item 3)

Application:	TCP/28381
Details:	Land between 6 Whitecross Avenue and 1 Cedar Drive, Shanklin. Detached bungalow; vehicular access and parking.
Site Visits:	The site was visited by Members of the Planning Committee on Monday, 20 August 2007.
Public Participants:	Mrs J Bailey (Objector) Mr Morris Barton (On behalf of the agent)
Additional Representations:	None.
Comment:	Cllr David Pugh spoke against the application on behalf of the Local Member.
Decision:	The application was refused contrary to officer recommendation as members believed there was a loss of uniformity in the pattern of development, over development and over bearing and over dominant on the garden of number one.

In compliance with the Council's Constitution a named vote was taken as the decision was contrary to officer recommendation.

The voting was as follows :

For (11)

Cllrs Henry Adams, Wendy Arnold, Ivan Bulwer, George Cameron, Charles Chapman, John Hobart, Muriel Miller, Brian Mosdell, Susan Scoccia, Arthur Taylor, David Whittaker

Abstention (1)

Cllr Mike Cunningham

Reasons: Policies D1, H5 and H6 of the Isle of Wight Unitary Development Plan.

(Item 4)

Application: [TCP/07164/A](#)

Details: Copperfields, Youngwoods Way, Alverstone Garden Village, Sandown.

Demolition of dwelling; construction of 2 chalet bungalows with garages/parking and alterations to vehicular access (revised scheme).

Site Visits: The site was visited by Members of the Planning Committee on Monday, 20 August 2007.

Public Participants: Mr Taylor (Objector)
Mr Brown (Objector)
Mrs M Bottoms (Objector)

Additional Representations: None.

Comment: The Local Member, Cllr Brian Mosdell, was unable to vote on this application.

Decision: The application was refused contrary to officer recommendation as members believed it was inappropriate infill development contrary to the concept of the Garden Village and a significant loss of trees.

In compliance with the Council's Constitution a named vote was taken as the decision was

contrary to officer recommendation.

The voting was as follows :

For (11)

Cllrs Henry Adams, Wendy Arnold, Ivan Bulwer, George Cameron, Charles Chapman, Mike Cunningham, John Hobart, Muriel Miller, Susan Scoccia, Arthur Taylor, David Whittaker

Abstention (1)

Cllr Brian Mosdell

Reasons: Policies C1, C5, C12, D1, G1, G2, G4, H5, H9 and S4 of the Isle of Wight Unitary Development Plan.

(Item 5)

Application: [TCP/18890/K](#)

Details: Land adjacent Little Rosery, Westfield Road, St. Helens, Ryde.

Pair of semi-detached houses with parking; alterations to vehicular access (revised scheme).

Site Visits: None.

Public Participants: Mr J Taylor (Applicant)

Additional Representations: Five letters of objection had been received, including one from the Parish Council

Comment: It was noted that the Local member, Cllr Patrick Joyce, was against the development.

Decision: The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be approved.

Conditions: As per report (Item 6)

Application: [TCP/17815/H](#)
Details: 16 High Street, Sandown.

Retention of Internal Alterations; Replacement Extraction Ducting; Proposed Fire Escape Door and Steel Staircase on Rear Elevation (Revised Scheme).

THIS ITEM WAS DEFERRED AT OFFICERS REQUEST

Comment: The Development Control Manager advised the Committee that there was an issue as to whether the amended plans could be treated as a minor amendment. Associated with that was whether the conditions with the original consent were sufficiently robust that they could be applied to the amended plans.

(Paper E)

Application: [TCP/9809/B](#)
Details: Windbrush, Seagrove Manor Road, Seaview.

Demolition of dwelling; construction of detached house with integral garage; formation of vehicular access (Revised Scheme).

Site Visits: None.

Public Participants: None.

Additional Representations: A statement from the Local member, Cllr Diana Tuson, was read out.

Comment: Consideration was given as to whether alterations to the approved development, which involved a reduction in the size, but an increase in the number of velux roof lights, as well as the introduction of four sun pipes, could be treated as an amendment to the consented scheme.

Decision: The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

- (i) THAT the developer be advised that the changes were too great to deal with as a minor amendment and that a fresh

application was required should he wish to retain the changes.

(Paper D)

(b) To Consider Any Items Deferred From the Last Meeting

Application: [TCP/13460/C](#)

Details: Land at and adjacent and rear of 12 and 14 The Avenue, Totland Bay.

Demolition of sheds; outline for residential development of six dwellings; parking and vehicular access off The Avenue.

Site Visits: The site was visited by Members of the Planning Committee on Monday, 23 July 2007

Public Participants: None.

Additional Representations: Southern Water offered standard advice in respect of the proposed development. No objection was raised in principle although it was requested that foul and surface water flows were separated, if and when the site was redeveloped. Disposal of surface water to soakaways or water courses – if available – would be sustainable options. There were no public surface water sewers in that area. If there was surface water discharging into the sewer at present – as confirmed by the agent – Southern Water would allow the same flow rate to discharge to the sewer on redevelopment. In that case, attenuation of surface water could be considered to limit the maximum flow rate to the sewer.

A letter was received from the owner of the adjoining property 16 The Avenue maintaining and reinforcing her earlier objections.

Comment: The application was considered at the 24 July 2007 Planning Committee at which members resolved to defer the application directing officers to discuss the possible relocation of the driveway with the applicant.

The applicant considered that the repositioning of the driveway would not produce a more positive scheme than that already submitted and asked that the application be considered and

determined as submitted.

It was noted that the relocation of the badger set would be dealt with by licence which would need to be obtained from English Nature, no development could take place until that licence had been obtained.

Decision:

The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be approved.

Conditions:

As per report (Paper B)

24.

Members' Question Time

Cllr Arthur Taylor asked a question relating to plans being displayed on the Council's web site not being up to date. He was advised that the Council was required by the GPDO to publish their plans either on line or in hard copy, the Council did both.

CHAIRMAN