

ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 9 AUGUST 2016

REPORT OF THE HEAD OF PLANNING AND HOUSING SERVICES

WARNING

1. THE RECOMMENDATIONS CONTAINED IN THIS REPORT OTHER THAN PART 1 SCHEDULE AND DECISIONS ARE DISCLOSED FOR INFORMATION PURPOSES ONLY.
2. THE RECOMMENDATIONS WILL BE CONSIDERED ON THE DATE INDICATED ABOVE IN THE FIRST INSTANCE. (In some circumstances, consideration of an item may be deferred to a later meeting).
3. THE RECOMMENDATIONS MAY OR MAY NOT BE ACCEPTED BY THE PLANNING COMMITTEE AND MAY BE SUBJECT TO ALTERATION IN THE LIGHT OF FURTHER INFORMATION RECEIVED BY THE OFFICERS AND PRESENTED TO MEMBERS AT MEETINGS.
4. YOU ARE ADVISED TO CHECK WITH THE PLANNING DEPARTMENT (TEL: 821000) AS TO WHETHER OR NOT A DECISION HAS BEEN TAKEN ON ANY ITEM BEFORE YOU TAKE ANY ACTION ON ANY OF THE RECOMMENDATIONS CONTAINED IN THIS REPORT.
5. THE COUNCIL CANNOT ACCEPT ANY RESPONSIBILITY FOR THE CONSEQUENCES OF ANY ACTION TAKEN BY ANY PERSON ON ANY OF THE RECOMMENDATIONS.

Background Papers

The various documents, letters and other correspondence referred to in the Report in respect of each planning application or other item of business.

Members are advised that every application on this report has been considered against a background of the implications of the Crime and Disorder Act 1998 and, where necessary, consultations have taken place with the Crime and Disorder Facilitator and Architectural Liaison Officer. Any responses received prior to publication are featured in the report under the heading Representations.

Members are advised that every application on this report has been considered against a background of the implications of the Human Rights Act 1998 and, following advice from the Head of Corporate Governance and Monitoring Officer, in recognition of a duty to give reasons for a decision, each report will include a section explaining and giving a justification for the recommendation.

LIST OF PLANNING APPLICATIONS REPORT TO COMMITTEE – 9 AUGUST 2016

01	P/00649/16 TCP/21830/W	Newport	Conditional Permission
Page 03	Christ the King College, Wellington Road, Newport, Isle of Wight, PO305QT		
	Demolition of school buildings on upper (southern) and lower (northern) sites (excluding the existing 6th form building); construction of 2/3 storey school, associated sports pitches and courts; alterations to vehicular and pedestrian accesses; car parking and landscaping at upper (southern) site; provision of bus layby and drop off facilities including new pedestrian access; car parking ; landscaping and temporary siting of 7 mobile classrooms on lower (northern) site		
02	P/00405/16 TCP/32614	Niton and Whitwell	Conditional Permission
Page 23	Section of highway east of Undercliff Gardens Nursery, The Undercliffe Drive, Ventnor, Isle of Wight.		
	Re-alignment of existing highway to provide new single track access road; associated excavation and removal of trees; formation of public right of way to align with Undercliff Drive; two proposed turning heads and associated landscaping (Revised description).		
03	P/00247/16 TCP/32564	Freshwater	Conditional Permission
Page 44	Baytrees, Colwell Road, Freshwater, Isle of Wight, PO409NB		
	Demolition of garages and store; proposed detached dwelling; alterations to vehicular access		
4	P/00172/16 TCP/01536/A	Cowes	Conditional Permission
Page 54	38 Castle Road, Cowes, Isle of Wight, PO317QZ		
	Demolition of dwelling; replacement dwelling to include undercroft parking; proposed outbuilding to form boat store and sail loft (revised plans and additional information)		

01 Reference Number: P/00649/16

Description of application: Demolition of school buildings on upper (southern) and lower (northern) sites (excluding the existing 6th form building); construction of 2/3 storey school, associated sports pitches and courts; alterations to vehicular and pedestrian accesses; car parking and landscaping at upper (southern) site; provision of bus layby and drop off facilities including new pedestrian access; car parking ; landscaping and temporary siting of 7 mobile classrooms on lower (northern) site

Site Address: Christ the King College, Wellington Road, Newport, Isle of Wight.

Applicant: Sir Robert McAlpine Ltd.

This application is recommended for Conditional Permission

REASON FOR COMMITTEE CONSIDERATION

The proposed development is of Island wide significance and is on land owned by Council.

MAIN CONSIDERATIONS

- Principle of the proposed re-development
- Impact on the character of the area, including the Conservation Area and setting of adjacent listed buildings
- Impact on neighbouring properties
- Highway considerations

1. Location and Site Characteristics

1.1. The application site is split between the two existing campuses of Christ the King College on Wellington Road. The lower college, located on the north-eastern side of Wellington Road (formally Trinity Middle School), which will be referred to below as the northern site and the upper college, located on the south-western side of Wellington Road (formally known as Archbishop King (ABK)), which will be referred to below as the southern site.

1.2 The existing school buildings on the southern site are a combination and one and two storey permanent buildings with single to two storey mobile classrooms. The permanent buildings are constructed of red brick under either a flat or concrete tile pitched roof. The site is splits naturally into two parts north to south, separated by a steep slope of a level difference of approximately 3 and 4 metres. This division separates the buildings (on the

lower level) and the sports pitches (on the upper level). There are also 7 additional mobile classrooms on the site, which are the subject of a current application for retention.

- 1.3 The existing school buildings on the northern site are single storey, with the exception of the existing hall. The buildings are located at the front of the site, with sports pitches behind. They are mainly constructed of a brown brick under flat roofs.
- 1.4 The area around the site is mainly residential in character with the exception of the numerous school buildings and associated playing fields which have a significant presence in the street scene. The residential units are a combination of bungalows and two storey houses including detached, semi-detached and terrace layouts. The majority of properties are of a 1970s appearance.
- 1.5 The Carisbrooke Conservation Area runs along the south-western corner of the southern site. A listed building, Priory Farm House also sits on this boundary.

2. Details of Application

- 2.1 The application seeks consent to demolish all of the existing school buildings on both sites, with the exception of the sixth form block on the southern site. These would be replaced with a new purpose built school on the southern site, with the northern site being used for parking, bus layby and dropping off as well as sports pitches. The development is proposed on behalf of the Education Funding Agency (EFA) through their Priority Schools building programme.
- 2.2 The proposed building would be positioned on the site of the existing school. In order to ensure that there can be a consistency of educational provision through the construction process the demolition of the existing buildings would be phased, with the proposals also including for the re-siting of the existing unauthorised mobile classrooms on the southern site to the northern site, for the construction period.
- 2.3 The proposed building would be an irregular rectangular shape with three 'fingers' to create an 'E' in the centre. The areas between the 'fingers' would be used for external teaching spaces and informal recreation for pupils. The building design would provide two and three storeys, under a flat roof.
- 2.4 The buildings would be finished with render, faced aluminium panels, eternit cladding boarding and glazing. The colour palette is shown to be muted tones with accents of colour to key parts of the building, such as the main entrance.
- 2.5 Internally the proposed building would include the required teaching spaces together with a new sports hall, activity studio, drama studio and music and media spaces.

- 2.6 The proposed development would amend the existing access points into the northern site, including the provision of a bus layby/ drop off area. The access points to the southern site would be slightly widened but would remain in the same location.
- 2.7 The proposed layout would provide 34 parking spaces on the southern site (to include 7 accessible spaces) and 78 on the northern site.

3. Relevant History

- 3.1. P/00713/15: Proposed siting of 7 mobile classrooms is currently under consideration
- 3.2 P/00599/15: Continued siting of temporary sports hall and hard play area with 3m high fence; car parking's was approved in August 2015
- 3.3 P/00598/15: Continued siting of two temporary buildings to provide additional classroom facilities; parking; landscaping was approved in August 2015
- 3.4 P/00268/12: Proposed two storey building to form 6th form college including library was approved November 2012.

4. Development Plan Policy

National Planning Policy

- 4.1. National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development.
- 4.2 Section 8 "Promoting Healthy Communities" contains information that is relevant to this proposal as it covers the issue of educational development, and also issues relating to development on open space, sports or recreational facilities. Paragraph 72 sets out a requirement for a "proactive, positive and collaborative" approach and giving "great weight to the need to create, expand or alter schools".

Local Planning Policy

- 4.3 The Island Plan Core Strategy defines the application site as being within both the settlement boundary and the Key Regeneration Area boundary for the Medina Valley. The following policies are relevant to this application:
- SP1 Spatial Strategy
 - SP5 Environment
 - SP7 Travel

 - AAP1 Medina Valley

- DM1 Sustainable Build Criteria for New Development
- DM2 Design Quality for New Development
- DM7 Social and Community Infrastructure
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM13 Green Infrastructure
- DM14 Flood Risk
- DM17 Sustainable Travel

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 The Council's Tree Officer has raised objection to the proposed loss of a grade A Oak tree within the site.
- 5.2 The Council's Ecology Officer originally requested additional survey work on Great Crested Newts, referred to in the Ecology Report was submitted. Following receipt of this information concerns have been addressed subject to a condition for the proposed mitigation to be implemented (condition 17). Concerns were also raised with regards to the potential for bats within the existing buildings, to be demolished. Surveys results were submitted to demonstrate that there was no recorded use of the buildings and therefore no objection is raised in this regard.
- 5.3 The Highway Engineer from Island Roads has recommended conditional permission. Detailed comments are set out within the relevant section within evaluation of this report.
- 5.4 The Council's Rights of Way Team have highlighted that the desired route for the 'Gunville Greenway' runs through the site and it is therefore important that this route is safeguarded for the future.

External Consultees

- 5.5 Sport England have confirmed that they have no objection to the application, subject to a condition being imposed should the application be approved, to ensure a community use agreement is entered into.

Parish/Town Council Comments

- 5.6 Newport Parish Council accepts the principle of the proposed development and the concept of focusing on one site and using the other for transport hub, staff parking and recreational areas. Furthermore, they appreciate the need for a properly phased approach. However, concerns are raised regarding day to day operation. These concerns can be summarised as follows:
- Wish the phasing plan to be scrutinised by the various (statutory) consultees and every attempt made to limit the number/timing of

- HGV/plant movements to and from the site
- Wish to see spoil used in situ as part of bunding, and bunding enhancements, to protect the amenities of local residents
- Tight controls on working hours, ideally 0800 to 1800hrs Monday – Friday
- Additional landscaping on the existing and proposed bunding.
- Traffic management now, during construction and post construction, including a proper travel plan
- Parking for construction vehicles
- Whether the provision on the northern site in terms of off-street provision and routing of buses/coaches is adequate. Use of Taylor Road would help alleviate this.
- Safe Routes to School should be given considerable weight with an integrated approach from the southern site providing a link between Gunville and the house area to the west of the site and the built-up area back towards the town to the north east of the site behind properties in Hinton Road.
- Current issues with parent pick up and drop off and the unauthorised parking and conflict with local residents.

The Parish Council concludes that they would be prepared to raise no objection to the application subject to the successful outcome of negotiations to address all the above issues; the development and imposition of appropriate condition during construction and thereafter once the (new) school is completed and is fully operational.

Third Party Representations

5.7 60 letters of support has been received raising comments which can be summarised as follows:

- Existing middle school buildings are not fit for purpose for older students, that now attend the school
- Having buildings on one site would reduce risks and be of significant benefit to staff, students and local residents
- Improve access for general public
- Existing buildings and resources area out dated
- New building would be in keeping with the surroundings
- Improved learning environment
- Proposed 'run-in' for the buses and parking will go a long way to solve the existing issues with traffic on Wellington Road, at the start and end of the school day
- Reduced impact on local residents and users of Wellington Road
- Existing buildings do not allow for the whole school to meet and eat together
- Existing buildings have a lack of facilities such as toilets and kitchens
- Existing security isn't appropriate
- Existing lack of staff accommodation

- Structural issues with existing buildings
- Support the design

5.8 1 comment has been received confirming that they do not raise objection to the principle of the development but would make comments on the scheme, which can be summarised as follows:

- Lack of consideration for the potential to improve the cycle route to the school. As a minimum a condition should be included to require a high quality cycle route through the site
- A contribution should be taken towards further cycling infrastructure in the Newport area.
- Inadequate cycling provision on site

5.9 1 letter of objection has been received raising concerns which can be summarised as follows:

- noise and pollution
- new build would not 'look right' with the age of properties in the area
- too many students and staff in the area, impacting on landscape and wildlife
- Traffic 'chaos'
- Vectis playing field is in public use not as an overflow car park
- Money spent on temporary building could have been used to build a school elsewhere, which would be more accessible for the amount of students and staff.

5.10 Cyclewright have submitted 2 letters of comments outlining that they consider that the plan for the school could be enhanced if there was a joint use path on the boundary of the north side of the south campus. This would link Wellington Road with Fieldfare Road. The route would be traffic free and help dissipate the large number of students in Wellington Road at the beginning and end of the school day. If separated from the school grounds this could also help the community. Comments are also raised with regards to the need for the cycle parking on site to be sufficient for the need, secure and as far as possible weatherproof.

5.11 The Local Ward Member has written in support of the application on the grounds that; the design would substantially improve the visual appearance of the Ward, reasonable measures have been proposed to mitigate the impact of vehicle movements. The comment also outlines the need for careful project management to ensure plant and deliveries are made at suitable times.

6. **Evaluation**

Principle of the proposed redevelopment

6.1 The proposed development seeks to replace a number of buildings on an existing school site with a purpose built replacement school. This is acceptable

in principle and accords with policy DM7.

- 6.2 The project is being funded by the Education Funding Agency, who work in collaboration with the Department of Education. The need for re-development of the site was identified through the Priority Schools Building Programme (BSBP), which identified in 2013 that the school facilities were in need of significant improvement. Various pre-application discussions have been held with the EFA and their partners which have looked at options relating to the extent of accommodation, potential options for the location of the new/additional accommodation within the site and design solutions. These discussions culminated in the option that is subject to this application as the preferred option which was seen as being the most appropriate option for the site (taking into account constraints and opportunities) and which would meet educational requirements.

Impact on the character of the area, including the Conservation Area and setting of adjacent listed buildings

- 6.3 The proposed development would see the demolition of all of the buildings on both campuses, with the exception of the existing sixth form building, which would be retained on the southern site. The existing buildings are not considered to have any architectural merit and as such no objection is raised to the principle of demolition.
- 6.4 The proposed replacement building has been carefully designed to provide the required level of accommodation, within one building, while reducing the apparent massing of the structure, through articulation in the height and footprint of the building, together with a mix of fenestration and materials. The proposed layout also ensures that the visual impact on the building from outside of the site would be lessened. The building would sit closer to the eastern boundary, adjacent to Newport C of E Primary and the southern boundary with the public footpath. However, it is considered that the positioning of the 'fingers' of the building along the eastern boundary, together with a distance of approximately 7 metres to the shared boundary, would ensure that the additional impact would not be visually unacceptable, or the building dominant. It is also acknowledged that there are currently 2 x two storey mobile classrooms on this boundary. Although they are temporary in nature and the proposed building would be permanent, however, it would be further from the boundary, allowing some landscaping and would not be considered unacceptable.
- 6.5 As outlined above the proposed building would also sit significantly closer to the southern boundary of the site, with the current building positioned over 50 metres away, and the temporary mobile classrooms approximately 20 metres, while the corner of proposed building would be around 7.5 metres at the closest point. Although the footpath to the rear of the site has a rural feel, which would be impacted upon as a result of the proximity to the boundary, this is not considered by Officers to be unacceptable, taking into consideration the current impact on the mobile classrooms, the orientation of the proposed

building, the short stretch over which this impact would take place and the potential for some landscaping.

- 6.6 Taking due regard of the limited view of the site from Wellington Road, due to the width of the frontage, the tree screening to the rear of the site and the existing plateau and buildings to the west and east respectively the proposed building is not considered to be significantly visible from the surrounding area to result in unacceptable harm, when also balanced against the impact on the existing buildings on the site.
- 6.7 The Conservation Area boundary runs around the south-western corner of the site, adjacent to the existing raised plateau, which provides part of the sports pitches for the existing school. The plateau is the highest point on the site and visible from the Conservation Area, with views of the Church, one of the most striking features within this designation. As such this area is extremely sensitive. As a result, it is necessary when determining the planning application to give due regard to the setting of a Conservation Area, not just the harm of development within. Views of features within the designation are part of its setting. As a result of the sensitive nature of this part of the site, no buildings are proposed on the plateau, as these would directly impact on an important view and as such would be considered to harm the setting of the Conservation Area.
- 6.8 Furthermore, the Church and Priory Farmhouse are both Listed Buildings, with the Farmhouse siting adjacent to the site. Their setting is also protected by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The views from the site are considered important to this setting and a further justification of the proposed building to be positioned on the site of the existing school opposed to the plateau area. The siting of the building is considered to have been developed with due consideration of the importance of the setting of the conservation area and adjacent listed buildings, and as a result would not have an unacceptable impact on these heritage assets.
- 6.9 As outlined above the application would include for the demolition of all buildings on the northern campus, with this area being utilised for sports pitches, car parking and a new bus turning/drop-off area. These works are not considered to have an unacceptable impact on the amenities of the area and, although resulting in larger areas of hard standing on the site, would, with appropriate landscaping result in an enhancement to the character of the area.
- 6.10 The proposed development would result in the removal of some trees on both campuses. However, Considering the scale of the project the proposed overall loss of trees from both sites is almost negligible. The most noticeable of these will be the loss of the willow and birch trees from the front and an Oak tree from the western boundary of the southern site. Several of the other trees to be removed would be done so as general management of the site due to their condition. The willow and birch are all given a "B" grade within the applicant's tree report, but that would detract from their overall collective amenity which is important. Their removal is proposed to be mitigated with planting at the front

of the site. Officers consider that, providing an appropriate condition is included in any approval to ensure that the replanting scheme is innovative and reflects the quality of what is to be removed and ensures a proportion of the trees that are to be planted are of a size that would have an immediate impact to the arboreal character of the area, the proposed tree removal would not have an unacceptable on the overall character of the area.

- 6.11 Furthermore, the replanting scheme to the front of building as shown would allow for a sense of arrival and legibility to the site, which is absent at present.
- 6.12 Officers have worked closely with the applicant's agent to establish whether the oak tree on the western boundary would have to be removed as part of this development. Further information has been submitted outlining the ground works which would need to be undertaken in this area of the site, to ensure access is provided around the building for fire appliances. Officers have negotiated a method of 'sugar syrup' which should allow the tree to be retained, despite the ground works. However, in the event that this method is not successful a replanting scheme of a ratio of 1:3, heavy standard trees is recommended to ensure should the Oak die in the longer term, the amenity of the tree is not lost.
- 6.13 The proposed development also includes for the relocation of the unauthorised mobile classrooms on the southern site, which are currently subject to a separate application for retention in their current location. This application would supersede the need for the regularisation as the mobiles would be moved to the northern site during the construction process to be utilised while building works are undertaken and would then be removed from the site completely once the proposed building was completed.
- 6.14 The proposal would therefore see the mobile classrooms related to the existing hard play area on the northern boundary of the northern site. The development programme submitted with the application outlines the intension would be for these units to be relocated in August 2016, from the southern site, and removed by November 2019. Due to the impact being temporary it is not considered to have an unacceptable impact on the character of the area.
- 6.15 In conclusion it is therefore considered that the proposed development although seeing a larger building on the southern site would not have a significantly greater impact on the character of the area, due to design, orientation and landscaping and would see an enhancement in respect of the northern site. There would be no impact on the setting of the conservation area or adjacent listed building and therefore on balance the application is considered to be acceptable in this respect.

Impact on neighbouring properties

- 6.16 The closest neighbouring properties to the southern site, on which the new school building would be located, are 37 and 39 Wellington Road and 1 – 11 Kinchington Road. The proposed building would be slightly further from the

boundary than the current built form on site but would be higher, measuring 8.8 metres. This would however be the lowest part of the proposed building, with the height increasing to 11.5 metres.

- 6.17 Officers acknowledge this increase in height however, due to the orientation of the building and the distance from the boundary, this increase in height is not considered to result in any unacceptable over-dominance or over-shadowing.
- 6.18 There is currently a temporary sports hall on site which has historically caused significant objection from local residents. The proposed development would provide a new sports hall internal to the building within its north-western corner, allow for this temporary structure to be permanently removed, overcoming a long running issue between adjoining uses.
- 6.19 Officers consider that the position of the proposed building in the area of the site of existing building but closer to the boundary with the adjoining school opposed to the neighbouring residential properties would ensure that there would not be an unacceptable impact on amenity from the proposed development on the southern site.
- 6.20 The proposed works to the northern site include the demolition of all buildings and the use of the front of the site for car parking, pick-up/drop off and bus turning. The remainder of the site would be retained as sports pitches.
- 6.21 The main impact from these works on the neighbouring residential properties would be the potential intensification of the use of site by vehicular traffic. There is currently a car park on the northern boundary, adjacent to 72 Wellington Road and an area of hard standing on the northern boundary, which the school appear to use for overflow car parking, together with an access close to the southern boundary, adjacent 42 Wellington Road into the existing car park. It is acknowledged that the proposed development would result in more movements about these access points however, as this would be concentrated to the start and end of the school day, at which time the whole of Wellington Road is busy, Officers do not consider that the accesses proposed would have an unacceptable impact on neighbouring amenity.
- 6.22 As outlined above the applications includes for the relocated of the existing mobile classrooms on the southern site, to the hard standing area on the northern boundary of the northern site. Although this would bring development closer to the boundary with neighbouring properties, there is an extensive tree belt adjacent to the hard standing, which is considered by officers to be sufficient to ensure that the temporary siting of these buildings for the construction period would not have an unacceptable impact on neighbouring properties.

Highway considerations

- 6.23 The proposal seeks to bring together the educational buildings and some playing pitches on the southern site and to provide an onsite bus pickup /drop

off system, car park and playing pitches on the northern site. Looking at this from a highways only perspective the proposal also includes for the remodelling /upgrading of the existing vehicle and pedestrian accesses serving each of the sites.

- 6.24 The southern site is proposed to be remodelled reducing the number of onsite parking bays to a total of 34 and provide a formalised service area to enable all site associated vehicles to turn with ease so they may enter and exit the public highway in forward gear. In addition provision is to be made for 40 cycle bays. The Island Roads Highway Engineer has confirmed that all proposed parking areas would comply with minimum design standards with provision being made for additional space to accommodate disabled user bays.
- 6.25 A new single point of pedestrian access is detailed onto Wellington Road just off centre of the site frontage, with the associated onsite layout remodelled to maximise connectivity and safety. The existing vehicle access is located in the north east corner of the site and this is to be widened to enable two private motor vehicles and service vehicles to enter and exit the site with ease, with the current adjoining pedestrian access being removed. Provision is also being made for associated uncontrolled tactile crossing points either side of this access. The junction as detailed in compliant with visibility and width standards for a 20mph environment.
- 6.26 The submitted plans for the vehicular access into the southern site shows the southern radius kerb to be repositioned so that it starts on top of the existing raised plateau and immediately adjacent to the point at which pedestrians would be waiting to use the zebra crossing. While the junction itself is deemed compliant from a width and visibility perspective, the change to the southern radius will increase the risk of pedestrian / motorist conflict and queries are also raised as to how it could be delivered from a level perspective without introducing trip hazards. It is recommended by the Highway Engineer that should Members be minded to approve this application a condition be imposed requiring the existing zebra crossing to be remodelled / repositioned to the south of its current location in order to remove the potential conflict between motorists and users that will otherwise occur.
- 6.27 The plans also show the proposed arrangements for the northern site which includes for the provision of a bus pick-up drop off /waiting area and a 78 bay car park. This site is currently served by three existing vehicle accesses, a maintenance access and a single segregated pedestrian access. The three principal vehicle accesses would be remodelled and widened in order to allow for buses and private motor vehicles to access the site with ease. The southern most of these three accesses is to be used to serve the proposed car park with the other two facilitating the bus pickup drop off area working on a one-way basis.
- 6.28 The proposed vehicle access arrangements are supported by swept path analysis and are deemed to be acceptable in principle. To allow for minor changes at the detailed design stage the Highway Engineer recommends that

conditions be imposed, should the application be approved, requiring detailed designs of each of proposed access points to be approved prior to commencement of works to ensure adequate tie-in, drainage, pedestrian facilities and remodelling of the highway network to which they adjoin. These conditions are listed as numbers 7, 8 and 9 at the end of this report.

- 6.29 In order to maximise pedestrian safety, a footway would be provided within the site (approximately 4.80m wide with associated bus shelters) running adjacent to the bus pick up drop off area. This would also provide access to the adjacent car park and sports facilities. To provide connectivity between this feature and the existing public highway the existing site pedestrian access is to be repositioned so that it is located to the south of the bus exit point.
- 6.30 On review the proposed car park and bus pick up drop off area comply with design standards and are deemed to be acceptable from a highway safety perspective.
- 6.31 As well as remodelling each of the school sites and their associated access points the proposal also seeks to increase the capacity of the school to 1650 students and 163 FTE staff. The Highway Engineer has previously raised concern in respect to applications for expansion / redevelopment of this school site due to highway network pressure brought about by the associated pickup / drop off process at the beginning and end of the school day. Concern has also previously been raised in relation to the impact the school has on on-street parking within the local vicinity of the site and the operation of the Wellington Road / Carisbrooke Road mini-roundabout.
- 6.32 In this instance the application is accompanied by a detailed Transport Assessment dated May 2016. The assessment has considered each of the above issues and evidenced through a process of Parking Stress Surveys, Trip Generation Analysis and junction modelling that the proposal has the potential to elevate the existing highway pressures associated with the school pickup drop off and on-street parking demand. This would be achieved increasing the level of onsite parking provision, committing to a school travel plan and providing a dedicated onsite bus layby.
- 6.33 Looking to the wider network, as this proposal would result in uplift in both staff and pupil capacity there is potential for increased associated pedestrian footfall. As identified in paragraph 3.4.3 of the Transport Assessment, the junctions of Wellington Road with Purdey Road and Kinchington Road are not currently served by tactile pedestrian crossing points. It is recommended that should the application be approved a condition be imposed requiring the implementation of this feature as part of the development.
- 6.34 Based on the junction and traffic analysis that has been submitted for the purpose of review, and in light of the proposed bus pick up / drop off facility and access / onsite remodelling the traffic generation associated with this proposal is not deemed to have a negative impact on the capacity of the highway/project network.

- 6.35 Due to the existing identified pressures on the surrounding highway network during the AM/PM peaks and the high level of pedestrian footfall it is essential that a detailed traffic management and construction plan is implemented throughout the construction process ensuring that all attributable deliveries / loading / unloading are undertaken within the confines of the site. At the initial review stage concern was raised in respect to how existing and proposed staff parking facilities would be retained throughout the construction process. The applicant has identified that all site users will be encouraged to use public transport throughout the build process and that space for 70 cars has been secured on the Carisbrooke College site.
- 6.36 The Highway Engineer has recommended that the staff and pupil numbers are not permitted to increase until such time that the proposed bus facilities and car park as detailed on the northern site are complete and brought into operation. However, Officers acknowledge that pupil numbers have already increased and being taught in a series of mobile classrooms on site (which are currently the subject of an undetermined application). It is not considered reasonable to place such a restriction on the build programme as to reduce the pupil numbers, would require pupils to be re-located from the existing site during the construction process, at the same time as trying to relocate the classes from the element of the building which is to be demolished first to allow for the building works to commence. Furthermore, the car parking and drop-off area cannot be commenced until the school buildings on the northern site have been demolished, and this work could not commence until the new building was available.
- 6.37 Comments have been received with regards to the need to safeguard the route indicated as part of the 'Gunville Greenway' to the north boundary of the southern site. The 'Gunville Greenway' is an aspirational multi-use route between Gunville and Sainsbury's, with the hope of later extending this to the West Wight. The proposed development does not look to develop in this part of the site and therefore there would be no reason why negotiations could not continue with the school to balance the child safeguarding issues against the route. The proposed development does not propose this route, but the existing gate could be opened to provide an improved safe route to school as part of any Green Travel Plan, recommended to be submitted should permission be granted, covered by condition 14.

7. Conclusion

- 7.1 Giving due regard and appropriate weight to all material considerations referred to above the application is considered to represent an opportunity to significantly improve the educational facilities on site, as well as providing a building which would not have an unacceptable impact on the character of the area and would not result in an unacceptable impact on the amenities of neighbouring properties, trees or the existing highway network.

8. Recommendation

8.1 Conditional permission

9. Statement of Proactive Working

9.1 In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant was provided with pre application advice and following the submission of further information on trees, access arrangements and bats, during the course of the application that overcame the Council's concerns.

Conditions/Reasons

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 development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered:

- CKC-SLR-00-XX-DR-L-(90.4)002 P03
- CKC-SLR-00-XX-DR-L-(90.4)003 P02
- CKC-SLR-00-XX-DR-L-(90.4)004 P02
- CKC-SLR-00-XX-DR-A-(2-)0001 P2
- CKC-SLA-00-00-DR-A-(1-)0001 P2
- CKC-SLA-00-01-DR-A-(1-)0001 P2
- CKC-SLA-00-02-DR-A-(1-)0001 P2
- CKC-SLR-00-XX-DR-L-(90.4)008 P02
- SRM/CTK/SLD 001 Rev. D
- SRM/CTK/SLD 002 Rev. D
- SRM/CTK/SLD 003 Rev. D
- SRM/CTK/SLD 004 Rev. D
- SRM/CTK/SLD 005 Rev. D

SRM/CTK/SLD 006 Rev. D
SRM/CTK/SLD 007 Rev. D
SRM/CTK/SLD 008 Rev. D
SRM/CTK/SLD 009 Rev. D
SRM/CTK/SLD 010 Rev. D

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 3 No development shall take place, with the exception of the relocation of the mobile classrooms and the demolition works, until details of the 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 DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 4 No development shall take place, with the exception of the relocation of the mobile classrooms, until an Arboreal Method Statement has been submitted to and agreed in writing by the local planning authority detailing how the potential impact to the trees will be minimised during construction works, including details of protective tree fencing to be installed for the duration of construction works. Notwithstanding the approved plans the statement shall include details of the 'sugar syrup' method to be used to retain the Oak tree in the southern boundary of the southern site, following the raising of levels around it. The agreed method statement will then be adhered to throughout the development of the site.

Reason: This condition is a pre-commencement condition to prevent damage to trees during construction and to ensure that the high amenity tree(s) to be retained is adequately protected from damage to health and stability throughout the construction period in the interests of the amenity in compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 5 No construction works shall take place, with the exception of the relocation of the mobile classrooms, until full details of a soft landscape scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include potential future mitigation for the existing Oak tree, a schedule of plants, noting species, plant sizes and proposed numbers/densities, planting methodology and an implementation programme. Planting shall be carried out in accordance with the agreed details and shall be regularly maintained. Any trees or plants that die, are removed become seriously damaged or diseased within 5 years of planting are to be replaced in the following planting season with specimens of a like size or species) unless the Local Planning Authority gives written consent to any variation for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre-commencement condition to ensure appropriate soft landscaping is provided for the development, in the interests of visual amenity and to comply with policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no vehicle access gates shall be erected other than gates that are set back a minimum distance of 5.0 metres from the edge of the carriageway of the adjoining highway (Wellington Road).

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 7 Development shall not begin, with the exception of the relocation of the mobile classrooms, until details of the junctions serving the northern site between the proposed car park, bus entrance and bus exit and the highway (based on the principals of drawing no. CKC-SLR-00-XX-DR-L(90.4)003 Rev CP1 to include for the provision of associated tactile crossing points and drainage have been approved in writing by the Local Planning Authority; and the car park and bus pickup drop off facility may not be brought into operation until those junctions have been constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 8 Development shall not begin, with the exception of the relocation of the mobile classrooms, until details of the remodelling of the existing vehicle access serving the southern site from Wellington Road (as detailed on drawing no. CKC-SLR-00 XXDR-L-(90.4)004 Rev CP1) to include for the remodelling of the adjacent zebra crossing and raised plateau junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the approved works shall subsequently be implemented in accordance with a construction phasing plan to be submitted to and approved by the LPA.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 9 Prior to the new building hereby approved being brought into operation uncontrolled tactile crossing points and all associated works shall be installed at the junction of Wellington Road with Purdy Road and Kinchington Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

10 No development shall take place, with the exception of the relocation of the mobile classrooms, until details have been submitted to and approved in writing by the Local Planning Authority in respect of steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. The agreed facilities shall be installed prior to the commencement of development and shall be retained in accordance with the approved details during the construction phase of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

11 The development hereby permitted, including site clearance and preparation shall not commence (excluding the relocation of the mobile classrooms) until a Construction Management & Phasing Plan, including, but not limited to, the management of noise, dust and environmental disturbance and how construction traffic and staff / pupil parking would be managed (particularly to avoid conflicts with school dropping off and collecting times), and how and when all highways elements of the proposal will be delivered has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the proposed management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

12 Within six months following the demolition of the existing school buildings space shall be laid out within the site in accordance with drawing no CKC-SLR-00-XX-DR-L-(90.4)002 Rev P06 and [drained and surfaced in accordance with details to be submitted to and approved by the LPA for a minimum of 112 cars, 40 bicycles, 7 buses to be parked and for vehicles to be loaded and unloaded and for vehicles to turn so that they may enter and leave the site in forward gear. The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.

Reason: In the interests of highway safety and to comply with policy DM17 (Sustainable Transport) and policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

13 Notwithstanding the details on the submitted plans information with regards to any lighting to be installed on site shall be submitted to and approved in writing with the Local Planning Authority. No lighting other than that approved shall be installed on site.

Reason: In the interest of the amenities of the neighbouring properties in accordance with Policy DM2 (Design Standards of New Development) of the Island Plan Core Strategy.

- 14 Before the school is first brought in to use a School Travel Plan with the specific intention of reducing the need to travel to and from the school by car and to positively encourage travel by foot, bicycle, by public transport or by other sustainable means together with a programme for future monitoring shall be submitted to and agreed in writing with the local planning authority. The agreed plan shall then be implemented from the day that the use commences/building is brought into use in accordance with the measures set out in the document. The plan shall be monitored and an annual report produced and submitted to the local planning authority in accordance with the timescale also set out and agreed in the school travel plan.

Reason: In order to encourage sustainable methods of travel to and from the school, in accordance with policy DM2 (Design Quality) and DM17 (Sustainable Travel) of the Island Plan Core Strategy and the principles of the NPPF

- 15 Within 12 months of first occupation of the school buildings hereby permitted, a schedule of playing field maintenance including a programme for implementation, in accordance with the principles shown on drawing numbers CKC-SLR-00-XX-DR-L-(90.4)007 P02 and CKC-SLR-00-XX-DR-L-(90.4)006 P02 starting from the commencement of use of the development has been submitted to and approved in writing by the Local Planning Authority. Following the commencement of use of the development the approved schedule shall be complied with in full.

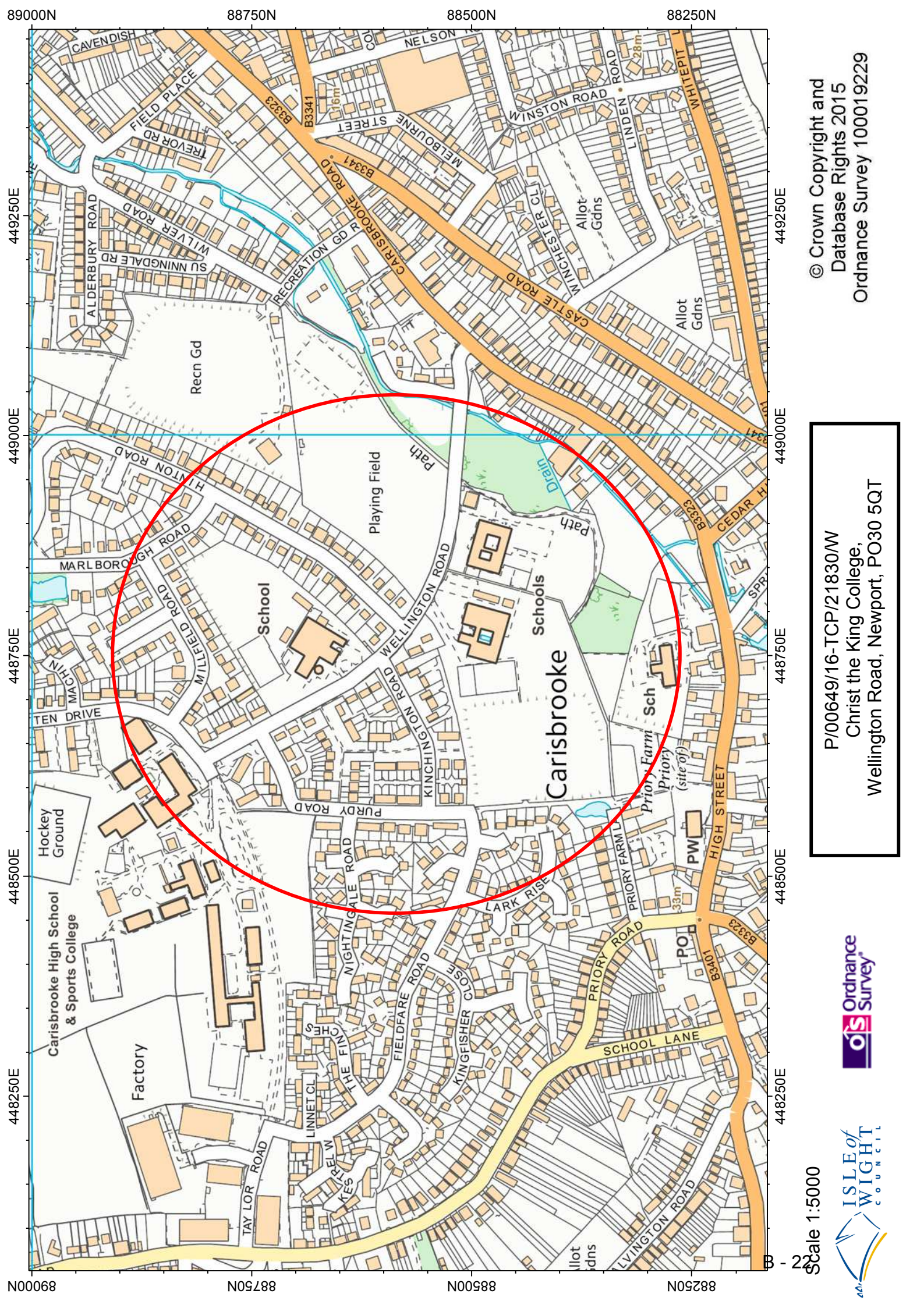
Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy DM13 (Green Infrastructure) of the Island Plan Core Strategy.

- 16 Prior to first use of the school buildings hereby permitted details of community use shall be submitted to and approved in writing by the Local Planning Authority. The details shall apply to the sports pitches, changing accommodation, floodlit MUGA, sports hall, outdoor sports courts and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved details.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Policy DM13 (Green Infrastructure) of the Island Plan Core Strategy.

- 17 Prior to the commencement of any development activities, excluding the relocation of the mobile classrooms a site-wide ecological mitigation and enhancement plan shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be in accordance with the outline mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (SLR, May 2016), GCN Survey, Impact Assessment and Mitigation Strategy (SLR, July 2016) and Bat Emergence Survey (SLR, July 2016). Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with Policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy



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Scale 1:5000



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02 Reference Number: P/00405/16

Description of application: Re-alignment of existing highway to provide new single track access road; associated excavation and removal of trees; formation of public right of way to align with Undercliff Drive; two proposed turning heads and associated landscaping (Revised description)

Site Address: section of highway east of Undercliff Gardens Nursery, The Undercliff Drive, Ventnor, Isle Of Wight.

Applicant: Ringway Island Roads

This application is recommended for conditional planning permission

REASON FOR COMMITTEE CONSIDERATION

This application has been referred to the Planning Committee, in line with the Council's constitution, as the application is made by the Highways PFI provider on behalf of the Council as Highway Authority.

MAIN CONSIDERATIONS

- Principle
- Impact on the character of the landscape and AONB
- Impact on ecology and trees
- Ground stability and drainage
- Highway implications and public access
- Impact on nearby residents
- Contamination issues
- Other matters

1. Location and Site Characteristics

- 1.1. The application site is located in a scenic area of coastal countryside that slopes steeply towards the English Channel. The area is characterised by areas of woodland and pasture that are set beneath the tall cliffs to the north. The area forms an ancient landslip that runs between Blackgang and Luccombe.
- 1.2. The application site is located 1.5km to the west of Niton and within the western extremity of St Lawrence, both attractive rural villages. The site is set within a dense area of woodland below chalk cliffs and includes the Undercliff Drive, a scenic highway that runs between Niton and Ventnor. Much of the highway is enclosed by woodland, but in places that are gaps that allow scenic views of the coast to the south.
- 1.3. Development in the area is sparse, although St Lawrence includes properties

set within large, landscaped plots. Nevertheless, woodland is still the defining characteristic of this area and this retains the rural, coastal character.

2. Details of Application

- 2.1 In February 2014 two large sections of the Undercliff Drive, a public highway, were the subject of land movement following high rainfall. The two sections of road were rendered impassable and the road has been closed since then. The current planning application proposes works that would provide access for home owners and businesses that currently cannot access their properties. In addition, the works would provide for full access for walkers, cyclists and horse riders. However, the road would be permanently closed as a through-route for all traffic and instead, turning heads would be installed either side of the closed section, so that public traffic could turn.
- 2.2 The planning application proposes works within three sections of Undercliff Drive. The submitted plans show that the largest element of the proposed development would provide a replacement section of highway to the west of St Lawrence that would measure 140m in length and on average, 3m in width. This would replace an existing curved section of the highway that has been the subject of settlement as a result of land movement. The new section would replicate the curved alignment of the now impassable section of road but be located further north, in an area of woodland below the Undercliff. A turning head would be provided at the western end to allow vehicles approaching from Niton to turn.
- 2.3 Further small scale works would be undertaken to a section of the highway that is approximately 500m west of the replacement road. The works here would take place within the limits of the highway and involve re-aligning a short, steep bump that has formed within the highway. The plans show that the existing Victorian stone retaining walls either side of the highway would be retained, with stabilising works to be carried out if necessary. These works are considered to fall within the permitted development rights afforded to the Council as Highway Authority and therefore would not require planning permission.
- 2.4 The third element of the proposals would relate to a 130m section of the existing highway at St Lawrence. This section of the highway has been rendered impassable by the land movement that has occurred and due to the steep slope that has since formed south of the highway, it is proposed that the road is not reinstated and that instead, a narrow footpath be formed along the line of the former highway. A second turning head would be provided to the east of the works on the southern side of the existing highway. Both turning heads would be surfaced with grass-crete to allow a green surface to establish. This would be supported by a retaining wall.

3. Relevant History

- 3.1. The Undercliff has been the subject of numerous planning applications in the past relating to the strengthening and re-alignment of the highway. The most recent applications include the following:
- 3.2 P/01467/04 - Landslide stabilisation works, ground stabilisation, realignment of highway, landscaping & associated works, (scheme 2) 4 sections of land & highway (additional information) (re-advertised application) – Granted planning permission 1st March 2005
- 3.3 P/01465/04 - Demolition of Woodington, The Undercliff Drive; landslide stabilisation works, ground stabilisation, realignment of highway, landscaping & associated works (scheme 1) 4 sections of land & highway (re-advertised application) - Granted planning permission 1st March 2005
- 3.4 P/00562/02 - Construction of new section of Undercliff Drive for local access & emergency services use – Granted planning permission 26th July 2002. This was a temporary measure pending a permanent solution.

4. Development Plan Policy

National Planning Policy

- 4.1 The National Planning Policy Framework. Section 4 of the NPPF supports sustainable forms of transport and states that transport policies have an important role in facilitating sustainable development. States that encouragement should be given to solutions that support reductions in greenhouse gas emissions.

Local Planning Policy

- 4.2 The Island Plan Core Strategy defines the application site as being within the Wider Rural Area, the AONB, a SSSI and SINCC. Parts of the woodland within the site area also covered by tree protection orders. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP5 Environment
- SP7 Travel
- DM2 Design Quality for New Development
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM17 Sustainable Travel

Other policy guidance

- 4.3 The Isle of Wight AONB Management Plan

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 The Council's Ecology Officer has confirmed that the proposed mitigation and enhancement measures set out within the applicant's ecology report is sensible and that a precautionary approach has been adopted that would avoid harm to protected species. The Officer has recommended that the works should be carried out in accordance with the mitigation measures sets out within the submitted information and that a condition should be imposed to secure the location of proposed bat and bird boxes. The Officer has also advised that mitigation measures set out within the applicant's bat report should be adhered to.
- 5.2 The Council's Tree Officer has advised that the loss of trees as a result of the proposed access road will be no greater than that already permitted in the recent tree works application for the site. However, the Officer has advised that to prevent greater impact to the surrounding trees, a method statement and fencing condition should be imposed. Also to ensure the loss of trees is mitigated a landscape plan should conditioned to replace the loss of woodland.
- 5.3 The Council's Building Control Manager advised that the submitted plans show that there will be comparatively little overall change in loading to the slope, and that as a result the proposals would not materially affect overall stability conditions.
- 5.4 The Council's Environmental Health Officer has noted that there is some material within and outside of the application site that is contaminated. The Officer has commented that the level of contamination is unknown due to the limited sampling that has been undertaken. The Officer has recommended a condition that would require further sampling to be undertaken and then the material to be removed.

External Consultees

- 5.5 The AONB Partnership confirmed no objection to the proposed development, reasoning that the works would be the minimum level of intervention necessary to provide access to properties and to maintain a right of way. The Partnership considers the area to be a dramatic landscape of high conservation and historic environmental interest with important elements of this area being its tranquility and secretive woodland areas. The strategy for the area is to conserve the character and inherent qualities of the area, including active geology, stone walls and historic sites and buildings. The Partnership concluded that the proposed development would on the whole, meet the objectives for the area and not undermine the landscape character of the AONB. The Partnership have confirmed support for Natural England's advice regarding the natural regeneration of woodland and raised no objection subject to conditions to ensure that stone walls are not affected by the development.

- 5.6 Natural England has confirmed no objection to the proposed development, advising that there is not likely to be a significant effect on the designated site as a result of the proposal being carried out in strict accordance with the submitted details. Natural England have advised conditions, which will be discussed within the ecology section of this report. Natural England have advised the Planning Authority to seek comments from the AONB Partnership in relation to impacts on landscape character and for the Planning Authority to consider the impact of the development on local sites, habitats and species.
- 5.7 The Island Roads Highway Engineer has advised that the proposed turning heads would allow vehicles to turn easily and that subject to a passing bay the proposed restricted access road would be suitable for vehicles. Considered that the likely level of traffic would be low.

Parish/Town Council Comments

- 5.8 Ventnor Town Council strongly supported the proposed development as it would provide access for existing dwellings.
- 5.9 Niton and Whitwell Parish Council stated that the works should go ahead as a temporary solution to access problems for residents and access for walkers, cyclists and horse riders. However, the Parish Council stated that this should not prejudice long term aspirations for the road to be permanently reinstated for all vehicles. The Parish Council considered that the application should have been invalidated due to the lack of a design and access statement

Third Party Representations

- 5.10 The Council has received 21 objections, which raised the following concerns:
- The turning area at St Lawrence should not be adjacent to properties
 - Lack of a footpath link between St Lawrence and Niton/ not clear whether there would be access for walkers, cyclists or horse riders/ the road would be gated – **Officer comment:** The applicants have confirmed that the route would be open for walkers, cyclists and horse riders and that it would not be gated
 - People now use Seven Sisters Road and St Lawrence Shute due to the closure of the road – **Officer comment** – These roads form part of the adopted highway network
 - Lack of vehicle access for some properties
 - Potential loss of access for properties in the future
 - Risk to highway safety from lorries turning/ there should be turning areas within the new road for larger vehicles
 - Lack of visibility for proposed turning heads
 - Impact on land stability
 - Loss of trees
 - Impact on heritage assets
 - No drainage information/ lack of contamination report

- Contradictions within the ecology information
- Incorrect location referred to – **Officer comment** – The forms and plans show the location of the proposed development
- Plans are too small
- The Council does not own the area of the proposed new road it is owned by Natural England
- No consultation with residents
- Loss of bus stop and postal service
- Inadequate description for the development – **Officers have amended the description to refer specifically to the proposed works**
- Lack of reference to traffic control measures, weight capacity of the highway, street lighting, the design life of the road or how the road would be maintained – **Officer comment** – These are not planning considerations and instead, matters for the Highway Authority
- The application does not comply with the requirements of the Disability Discrimination Act 2010

5.11 One letter of support has also been received, which states that vehicle access is supported subject to access being provided for walkers and cyclists.

5.12 Two comments that neither objected nor expressly supported the proposals were received. These stated that the proposals should provide access for walkers and cyclists.

6. Evaluation

Principle

6.1 Policy SP1 (Spatial Strategy) of the Island Plan states that new development will be supported where it takes place on appropriate land within or immediately adjacent to the defined settlement boundaries of the Key Regeneration Areas, Smaller Regeneration Areas and Rural Service Centres. Areas outside of these locations are considered to be the Wider Rural Area where new development will require a specific local need. In this case, the need for the development relates to the construction of a highway to replace a section of public highway that has been affected by ground movement. The ground movement occurred in February 2014 and caused parts of the public highway to slump and become impassable. The situation has meant that safe public access to some properties has not been possible since that time.

6.2 The proposal seeks planning permission for works that would provide a mix of restricted vehicle access for the residents of nine dwellings and a tourism business served by Undercliff Drive and full public access between Niton and St Lawrence for walkers, cyclists and horse riders. An existing section of public highway to the west of St Lawrence would be relocated further north in order to provide a section of restricted vehicle access while a narrower section of footpath would be constructed to the east. Further improvement works would be carried out along the route of Undercliff Drive and two turning heads would be installed either side of the restricted access area to allow road users to turn

safely.

- 6.3 In relation to local need, it should be noted that the Island Plan does not contain specific policies relating to major infrastructure projects. Nevertheless, policy SP7 (Travel) refers to the need for improvements to the existing road network will be required to support the development set out within the Core Strategy and that accessibility through all transport choices will be supported. In particular, the policy reasons that the ability to access employment, education, health services, shopping, leisure and other opportunities can significantly impact on people's quality of life and their life chances. The policy also notes the benefits of the wider highways PFI project.
- 6.4 In this case, the proposed development would re-establish access to existing properties and businesses within the eastern end of St Lawrence and thus allow residents to travel to and from their place of work, shops, schools and other destinations. The proposed works would also provide access for a range of transport modes and thus allow choice that would allow modes of transport other than by car. Given the importance of providing a means of access for the existing properties in the area close to the area of the works, it is considered that a local need has been established for the proposed development and that as a result, the proposals comply with the principle guidance within policies SP1 and SP7 of the Island Plan.

Impact on the character of the landscape and AONB

- 6.5 The Island Plan, at policy SP5 (Environment) states that the Council will support proposals that protect, conserve or enhance the Island's natural and historic environments. The policy states that all development proposals will be expected to take account of the environmental capacity of an area to accommodate new development. Leading from this, policy DM2 (Design Quality for New Development) states the Council will support proposals for high quality and inclusive design to protect, conserve and enhance the existing environment whilst allowing change to take place. The policy states that relevant information according to the site's size, location and context will be required in order for the Council to determine planning applications properly and quickly.
- 6.6 Policy DM2 states that development proposals will be expected to compliment the character of the surrounding area, particularly in the AONB and to be appropriately landscaped. Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) states that development proposals will be expected to protect the integrity of internal, national and local designations relating to landscape... the reasons for the these designations and the weight given to them and enhance their features of interest wherever possible. The policy also states that development will be expected to ensure new development avoids both direct and indirect adverse effects upon the integrity of designated sites and reflect the aims of the AONB Management Plan.
- 6.7 The highway is set within the area of coastal slope known as the Undercliff. This area is characterised by sloping land set beneath tall chalk cliffs and includes

areas of level land in which there are pockets of residential development and coastal farmland. In between are steeper slopes and extensive areas of deciduous woodland. Undercliff Drive forms an attractive coastal highway that is set between areas of woodland. The highway comprises two lanes and there are in places long stretches of low stone walls that define the limit of the carriageway. Much of the highway has an enclosed feel due to the tall, dense woodland canopy. The section of Undercliff Drive within St Lawrence remains enclosed but there are lines of dwellings set within spacious, attractively landscaped plots that result in a verdant yet developed character. The highway forms a key element of the landscape in this location due to the enclosed nature of views.

- 6.8 The planning application proposes development within three sections of Undercliff Drive. The submitted plans show that the largest element of the proposed development would provide a new section of highway to the west of St Lawrence that would measure 140m in length. This would replace an existing wider section of the highway that has been the subject of settlement as a result of land movement. The new section would replicate the curved alignment of the now impassable section of road but be located further north, in an area of woodland below the Undercliff. A turning head would be provided at the western end to allow vehicles to turn. The formation of the road and turning head would require the removal of existing trees and understorey growth. The old section of road would be removed and the land be allowed to re-populate naturally with native species, an approach that has been agreed with Natural England.
- 6.9 The Officer site inspection showed that this section of the Undercliff is surrounded by dense woodland and understorey greenery. The existing road forms an established element of the AONB landscape and indeed, in the immediate area the road performs the role of the main viewpoint from which the upper slopes of the Undercliff can be seen. Views of this area are limited to short distances by the woodland that surrounds the highway, which results in an enclosed and intimate feel, predominantly characterised by a highway flanked by woodland with dappled views of the high cliffs to the north. The proposed replacement road would not change this characteristic and instead preserve it. This is because the road would follow the curved alignment of the existing highway and retain the woodland planting either side.
- 6.10 Officers note that the formation of the road and turning head would require the removal of existing woodland, however the area of the existing road would be left to re-populate naturally and this would allow the character of the area to re-establish. Officers consider that this approach would be in keeping with the wider area, which has seen dramatic land movement over many years. When this occurs, the exposed land re-populates naturally and therefore, the development would merely reflect this process.
- 6.11 The proposed turning head would result in the permanent loss of a small section of woodland. However, this would be enclosed by the woodland that would surround it and given its limited size, set back nature and the use of surfacing to allow a green road surface, would not appear intrusive or dominant within the

AONB.

- 6.12 Further small scale works would be undertaken to a section of the highway that is approximately 500m west of the replacement road. The works here would take place within the limits of the highway and involve the levelling of a short, steep bump that has formed within the highway. The plans show that the existing Victorian stone retaining walls would be retained, with stabilising works to be carried out if necessary. These works are considered to fall within the permitted development rights afforded to the Council as Highway Authority and therefore would not require planning permission. However, it is apparent that the works would be minor and not change the character of this area of the AONB.
- 6.13 The third and final element of the proposals would relate to a 130m section of the existing highway at St Lawrence. This section of the highway has been rendered impassable by the land movement and due to the steep slope that has since formed south of the highway, it is proposed that the road is not reinstated and that instead, a narrow footpath be formed along the line of the former highway. Works would be minimal and the steep embankment to the south would be left albeit with materials from the now collapsed road would be removed. A second turning head would be constructed on the southern side of the highway.
- 6.14 This area of the AONB remains attractive, but has a slightly more open character owing to the gardens that surround properties, which allow greater views of the cliffs to the north. In addition, the houses in the area result in a more developed feel although the large gardens and attractive landscaping allows the verdant character of the Undercliff to be retained. The section of the landscape to the south of the highway is less developed and remains heavily wooded. The proposed works here would have little impact on the character of the landscape.
- 6.15 The proposed footpath would be narrow and following the alignment of the former highway. While the area of the collapsed highway is currently unsightly owing to the presence of exposed faces of gravel and concrete waste material, it is apparent that much of this would be removed and that the landscape would then be able to regenerate naturally. No details have been provided for this area of the development and therefore, it is considered necessary to impose condition that would require details of the landscaping solution to be agreed with the Local Planning Authority (condition 4).
- 6.16 The second turning head would replicate the scale and design of that proposed at the western extremity of the works. However, this turning head would be constructed into a steep slope, thus requiring a retaining wall. However, the turning head would be a small scale addition to an area of the landscape that comprises development and it is considered that existing woodland and planting around the turning head would soften its appearance. Moreover, it is considered that the use of appropriate materials for the retaining wall would allow the structure to blend with the characteristic features of the area. It is apparent that

stone walls are an established component of the Undercliff, as referred to by the AONB Partnership, and therefore it is considered that the retaining wall should be finished with natural stone to allow it to blend with the surrounding landscape. It is considered that alternative materials would not be appropriate.

- 6.17 In conclusion, it is considered that the proposed development would maintain the character of the designated landscape. The proposed works to retain and re-route the highway would replicate the character of Undercliff Drive and once woodland has re-populated, the area would return to dense, coastal woodland set within a dramatic but tranquil environment, through which a scenic highway runs. Taking into account the comments provided by the AONB Partnership, it is considered that the development complies with the requirements of policies SP5 and DM12 of the Island Plan and the guidance contained within the AONB Management Plan.

Impact on ecology and trees

- 6.18 The Undercliff forms a unique habitat on the Island and therefore, much of the woodland within the area of the application site is designated as Site of Special Scientific Interest (SSSI). The designation relates to the woodland to the west of St Lawrence, within which the re-aligned road and western turning head would be located. The woodland to the east of this area, within which the retained footpath access and eastern turning would be formed, is outside of the SSSI designation. However, the eastern turning head would be located within an area of woodland that is designated as a Site of Importance for Nature Conservation (SINC).
- 6.19 Due to the designated nature of the woodland and the potential impacts on protected habitats and species, the Planning Authority has undertaken a formal Environment Impact Assessment screening opinion in order to establish whether the development would be likely to result in significant impacts on the environment. Officers have carefully assessed the likely impacts of the proposed works to the highway on the environment and having taken into account the conclusions of consultees, have concluded that the current proposals would not result in a significant effect and thus, would not be classed as EIA development. Officers are satisfied that the likely effects of the development are understood and that impacts can be satisfactorily assessed through a standard planning application.
- 6.20 The planning application has been supported by a report that sets out ecological mitigation measures for the development. The report states that bat surveys and walkover surveys have been undertaken within the area of the proposed development and that mitigation measures have been designed in consultation with Natural England. The report sets out a mitigation strategy that would include the following:
- All trees and understorey vegetation to be removed to form the route of the re-aligned road would be removed before the end of March to avoid the bird nesting season, with trees to be checked for bats prior to felling

- Felled trees to be left intact for deadwood as far as safe and practicable
- Cuttings to be chipped and then left as piles along the north side of the road route
- Fences to be erected around the areas of the works to prevent access to the woodland, with no materials, plant, fuels & oils, facilities or waste and debris to be stored outside of the fenced working area
- The construction compound and any site office to be located on the existing road
- Tree stumps, mixed spoil and vegetation used to form banks alongside the new road, with the banks and soft verges left to vegetate naturally. No seeding or turving would be undertaken.
- The surface of the western turning head to be grass-crete, which would be left to vegetate naturally
- The surface of the new road would be tarmac with soft edges
- A comprehensive clear-up of the entire site to ensure the removal of all building materials, waste and debris once the works are completed

6.21 In addition, the ecology report states that mitigation would be undertaken and result in the provision of twenty bird boxes within the northern section of woodland and a further twenty bat boxes set within the woodland that edges the highway.

6.22 The applicant's bat survey established that only two trees within the site showed signs of supporting day roosting bats. One would not be affected by the proposed works, the other would be removed. As a result, the bat report proposes that the tree to be removed should be surveyed prior to the works being carried out. The report advises that should bats be found present, works would stop and advice would then be sought from an ecologist.

6.23 Natural England has noted the SSSI designation that relates to the woodland within the Undercliff. They have confirmed that the development would not be likely to result in a significant effect on this designation subject to it being carried out in accordance with the submitted information. Natural England have advised that the works should be carried out in accordance with the mitigation and enhancement works set out within the applicant's ecology report, that all materials to be used for the restoration of the area of the old collapsed road should be natural, that there should be no re-seeding of the restored areas because they should be allowed to reseed and colonise naturally and that the site should be cleared following the completion of the works.

6.24 The Council's Ecology Officer has also ratified the mitigation measures set out within the applicant's ecology and bat reports and recommended that proposed bird and bat boxes should be secured by condition, with the final location for these to be agreed via conditions (conditions 5 and 6). The Ecology Officer has reasoned that a precautionary approach that would avoid harm to protected species is proposed and that this approach would be sensible.

6.25 Officers note that the proposed works would result in the loss of 350 square metres of woodland within the SSSI, in order to provide the proposed re-aligned replacement road and turning heads. However, the applicants have devised a

mitigation scheme with input from Natural England that would see the area of the now impassable road be returned to woodland. This area of compensatory works would total approximately 450 square metres, which would result in a net gain of natural habitat. This area would be clear of all construction material, debris and waste and then be allowed to recolonise naturally.

- 6.26 In addition, while one of the trees that have been selected for removal showed signs of roosting bats, a suitable form of mitigation has been set out within the applicant's bat report and this has been agreed by the Council's Ecology Officer.
- 6.27 The section of works further east within St Lawrence would not require the removal of woodland. Instead, the proposed narrow path would follow the route of the existing but now collapsed section of the highway. While the turning head would be located next to the SINC woodland, the impact would be minor and the land left from the former highway would again be left for landscaping, which would compensate for the minor impact of the turning head.
- 6.28 As a result, Officers consider that the proposed development would not result in harm to designated site, habitat or protected species, provided that the recommendations within the submitted bat and ecology reports are followed. Therefore, it is considered that the proposed development would comply with policies SP5 and DM12 of the Island Plan.
- 6.29 With respect to trees, it should be noted that the tree works required in connection with the development were carried out in March 2016, prior to the bird nesting season. The works were carried out in accordance with a Tree Works application that was assessed by the Council's Tree Officer.
- 6.30 The Tree Officer has confirmed that the proposed development would not result in any further tree removal and that conditions should be imposed to protect trees and secure further landscaping. It is noted that the works would require the removal of several trees, however as stated above the applicants propose the natural landscaping of a large area of the site, which would compensate for the loss of trees as a result of this proposal. Therefore, subject to the conditions advised by the Tree Officer (conditions 7 and 8) it is considered that the proposal complies with the requirements of policy DM12.

Ground stability and drainage

- 6.31 The Undercliff is within an area of known land instability that affects the southern coast of the Island and in particular, the areas of land that lie between Blackgang to the west and Luccombe to the east. The Undercliff Drive is the subject of ground movement and has suffered from numerous landslides in the past, the most recent occurrence being in February 2014. This has resulted in the failure of two sections of the highway close to St Lawrence.
- 6.32 The Undercliff has been the subject of various reports and long term monitoring, in order to establish the reason for ground movement and to allow predictions. A

detailed review of ground behaviour was commissioned by the Council in 1994 and this found that rates of annual ground movement in the Undercliff were low, at less than 5mm per year. However, the report found that periods of instability were related to high rainfall and/ or coastal erosion.

- 6.33 The applicants have provided a Geological Failure Report to inform the planning application. This confirms the findings of earlier reports that episodes of land instability relate to periods of high rainfall. Rainfall within the area averages at between 120mm to 290mm. However, where there are four months of sustained high rainfall, ground movement is more likely to occur. Rainfall for the landslide that occurred in 2014 was above 600mm. As a result, in late 2013, ground water levels in the area were recorded to be between 1 to 2m higher than previously recorded levels, around 3m below ground level. The report advises that stability analysis has shown that construction works undertaken in relation to the highway at the time were not a driving component for the ground movement.
- 6.34 The applicant's information states that the proposed works to form the highway and footpath would involve mainly cutting out of slopes and little fill, therefore not resulting in additional loading on the area proposed for the development. Moreover, the applicants have stated that the proposed road would be mainly used by light vehicles, accessing properties. The area of active landslide to the south of the highway would continue to be the subject of ongoing monitoring.
- 6.35 The applicants have provided cross sections for the proposed works. These show the proposed ground levels for the re-aligned highway and for areas to be left for landscaping. The Council's Building Control Manager has assessed the submitted plans and advised that these show that there will be comparatively little overall change in loading to the slope, and that as a result, the proposals would not materially affect overall stability conditions.
- 6.36 The highway that runs through the Undercliff has been affected by landslides for many years and this has resulted in various works to stabilise the road and to allow continued access between Niton and St Lawrence. The objectives for the current proposals are to provide access for properties and a route for walkers, cyclists and horse riders. The proposed works would take place within the area of the existing highway and therefore, the area of ground movement. However, the information provided as part of this application has demonstrated that the loading of the proposed works would be no greater than that of the existing highway and therefore, not result in additional weight to increase the potential for ground movement.
- 6.37 The research carried out in relation to the Undercliff has shown that high rainfall is a cause of ground movement. The applicant's Ground Failure Report confirms that surface water is currently managed by a pumped drainage system. The drainage arrangements for the proposed works would replicate an existing situation whereby the road surfaces are cambered to allow water to drain naturally into surrounding vegetation.

6.38 While high rainfall is the main contributory factor for landslides in this area, research has not identified the highway as being a specific contributory factor. Officers note that hard surfaces can cause pooling and higher run-off rates for surface water. However, ultimately water would seep into the ground either side of the highway and then feed into the water table, as it does within the remainder of the Undercliff. The issues relating to landslides relate to the water table and therefore it is considered that retaining the existing drainage arrangements for the highway would not increase the potential for ground movement to occur.

Highway implications

6.39 The submitted plans and information confirm that Undercliff Drive would be closed as a route to all traffic and instead, effectively operate as a cul-de-sac from either direction. To allow this, turning heads are proposed either side of the area of the works to allow traffic to turn. The remainder of the Undercliff Drive would remain a public highway. A narrower section of highway would be provided from the west (Niton) to allow residents and a tourism site vehicle access. The remainder of the former highway would be used as a narrow right of way for walkers, horse riders and cyclists.

6.40 The Island Roads Highway Engineer has confirmed that the proposed turning heads would allow private motor vehicles and service vehicles to turn easily and alleviate the current situation, whereby vehicles turn within the limited confines of the highway carriageway. It is considered that the provision of turning heads would be a benefit because they would allow all road users to enjoy the scenic highway and then turn within a safe, purpose-built area. Members of the public have queried the visibility splays about the tuning heads, however it should be noted that traffic levels and vehicle speeds are likely to be low. When approaching the turning heads road closed signs would slow traffic and raise awareness of turning vehicles. Moreover, the Officer site inspection showed that vehicles could see and be seen in adequate time to ensure safe turning manoeuvres and access to the restricted western road.

6.41 The Highway Engineer has confirmed that the proposed access road would be a suitable width to allow vehicles to access the properties that it would serve. However, at 3m in width it would not be of sufficient width to allow two vehicles to pass; to do so the road would need to measure 4.1m in width. However, the Highway Engineer has noted that the road would be used by a low number of vehicles and as a result, has concluded that a passing bay should be provided at its midpoint to allow vehicles to pass. This approach is considered to be acceptable given the low number of vehicles that would use the road, the likely low vehicle speeds and good visibility. It is considered that the passing bay could be secured by condition 9.

6.42 In conclusion, it is considered that the proposed works would allow access for owners of properties, walkers, cyclists and horse-riders and that the access and turning arrangements would be safe for all highway users. As a result, it is considered that the proposed development would comply with policies DM2 and

DM17 of the Island Plan.

Impact on nearby residents

- 6.43 Officers consider that the proposed works would be beneficial to occupants of nearby properties by providing vehicle access. An objection has stated that the eastern turning head within St Lawrence should be repositioned away from a property known as Peppercorns. However, the submitted plans show that the turning head would not be opposite a dwelling and that Peppercorns would be some 60m from it, with woodland in between. It is considered that the turning head would have no impact on this property.
- 6.44 The remainder of the works would relate to sections of the existing highway or parallel to it. These would provide for limited vehicle access and continued access for walkers, cyclists and horse riders. This would not change the general impacts of an established highway onto which properties are fronted. As a result, it is considered that the proposed development would not compromise residential amenity and comply with policy DM2 of the Island Plan.

Contamination issues

- 6.45 The Environmental Health Officer has noted that a single trial pit has been dug within an area of a section of recently imported material at the site and that samples from this material showed evidence of contaminants including asbestos. The Officer has stated that the applicant's submissions give an assertion that the material is assumed to be contaminated and that other areas are not contaminated and the Officer has reasoned that such assertions may or may not be correct. As a result, the Officer has recommended a pre-commencement condition that would secure further sampling and then based on the findings, a suitable scheme of remediation.
- 6.46 The Officer has noted that the area or additional material covers land within and outside of the application site and has recommended that the proposed condition should secure the removal of material outside of the application site. However, it should be noted that this would be suitable given that conditions should only relate to land within the applicant's control. In this case, it is considered that the condition should relate to the red-lined area and that land outside of this should be remediated via alternative legislation, if necessary.

Other matters

- 6.47 A member of the public has commented that the proposed re-aligned highway would be within the SSSI and therefore within land owned by Natural England and not the Council. However, it should be noted that where an area is designated as a SSSI, this does not confer ownership by Natural England. The land within which the development would take place is within the ownership of the Council as Highway Authority.

- 6.48 Members of the public have also stated that the proposals would result in the loss of a bus stop and postal service. These matters are commercial decisions for the relevant providers and while Officers sympathise with such concerns, they are not material to the determination of the planning application.
- 6.49 Further comments have been received in relation to two heritage assets close to the site; the first is the stone wall adjacent to the highway close to Mirables (the area of the proposed road re-surfacing) and the second, a set of stone gate pillars that once served the Old Park Estate close to Mirables. However, the submitted plans show that works in this location would be limited and not require the removal of the stone walls or gate pillars.

7. Conclusion

- 7.1 The proposed development would provide a means of access for the residents of properties that have been inaccessible by vehicle since ground movement affected the highway. In addition, the development would allow walkers, cyclists and horse-riders to pass along the route of the Undercliff, which is a scenic route through the AONB. The development would also allow the wider public to drive along the passable sections of the highway and provide safe turning facilities. Therefore, the development is considered to comply with the principle advice contained within policies SP1 and SP7 of the Island Plan.
- 7.2 It is considered that the proposed development would appear in keeping with the current landscape character of the Undercliff, which is a scenic location within the AONB. Moreover, it is considered that the proposed development would not prejudice the SSSI or SINCD designations nor would it harm protected habitats or species.
- 7.3 The proposed development would not increase the likelihood of ground movement within the Undercliff, which is the subject of regular episodes of ground movement. The replacement highway and right of way would be safe for highway users.

8. Recommendation

- 8.1 Having given due weight and consideration to all comments received in relation to this application and for the reasons given above, the proposal is considered to comply with the requirements of the policies within the Island Plan that are listed above and it is recommended that the proposed development is approved subject to conditions.

9. Statement of Proactive Working

- 9.1 In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with

applicants in the following way:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant provided further information relating to land stability, public access, land contamination and ecology, which satisfactorily addressed Officer queries.

Conditions/Reasons

- 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 development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered below:

30594-RAM-0000DR-CR-001 Rev D

30594-RAM-0000DR-CR-005 Rev B

17863/GT/8D/001 Rev B

201 Rev P1

202 Rev P1

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 3 Notwithstanding the details shown on the approved plans, no boundary treatments, including any replacement or repairs to stone walls, shall be installed or undertaken 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 at the site. The boundary treatments shall be completed in accordance with a timetable to be agreed by the Local Planning Authority. 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 DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 4 No landscaping works connected to the development hereby permitted shall take place until there has been submitted to and approved in writing by the Local

Planning Authority a scheme of landscaping. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants suitable for this coastal location; noting species, plant sizes and proposed numbers/densities; and an implementation programme. The agreed details shall be carried out in accordance with the agreed details in accordance with a timetable to be agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area and to comply with policies DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 5 The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out within sections 2 and 3 of the Arc Ecology Report dated February 2015 and sections 4.2, 4.3 and 4.5 of the Davidson Watts Bat Survey dated October 2015.

Reason: To protect the interest features of the adjacent designated sites, to provide suitable habitat enhancement and management measures and to comply with policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 6 No development shall take place until details of 20 bird boxes and 20 bat boxes, including their location, have been submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the agreed details and the bird and bat boxes shall be installed following the completion of the highway works hereby permitted.

Reason: To provide suitable habitat enhancement and to comply with policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 7 No development shall take place until an Arboreal Method Statement has been submitted to and agreed in writing by the local planning authority detailing how the potential impact to the trees will be minimized during construction works and showing the positions of protective tree fencing as required by condition 8. The agreed method statement will then be adhered to throughout the development of the site.

Reason: To ensure that the high amenity tree to be retained is adequately protected from damage to health and stability throughout the construction period in the interests of the amenity in compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 8 No development shall commence on the site until trees shown to be retained in this permission have been protected by fencing or other agreed barrier, any fencing shall conform to the following specification:

Barriers shall consist of a scaffold framework as shown in figure 2 of BS 5837 (2012). Comprising of vertical and horizontal framework braced to resist impact, with vertical tubes spaced at a maximum of 3 m intervals. Onto this weld mesh panels are to be securely fixed. Such fencing or barrier shall be maintained throughout the course of the works on the site, during which period the following restrictions shall apply:

- (a) No placement or storage of material;
- (b) No placement or storage of fuels or chemicals.
- (c) No placement or storage of excavated soil.
- (d) No lighting of bonfires.
- (e) No physical damage to bark or branches.
- (f) No changes to natural ground drainage in the area.
- (g) No changes in ground levels.
- (h) No digging of trenches for services, drains or sewers.
- (i) Any trenches required in close proximity shall be hand dug ensuring all major roots are left undamaged.

Reason: To ensure that high amenity trees to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of the amenity in compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 9 The access road hereby approved shall not be brought into use until details of a vehicle passing bay at the mid-point of the access road have been submitted to and agreed in writing by the Local Planning Authority. The passing bay shall be installed prior to the access road being used, in accordance with the agreed details and shall be retained thereafter.

Reason: To allow suitable space for vehicles to pass within the highway, in the interests of highway safety and to comply with the requirements of policy DM2 (Design Standards for New Development) of the Island Plan Core Strategy.

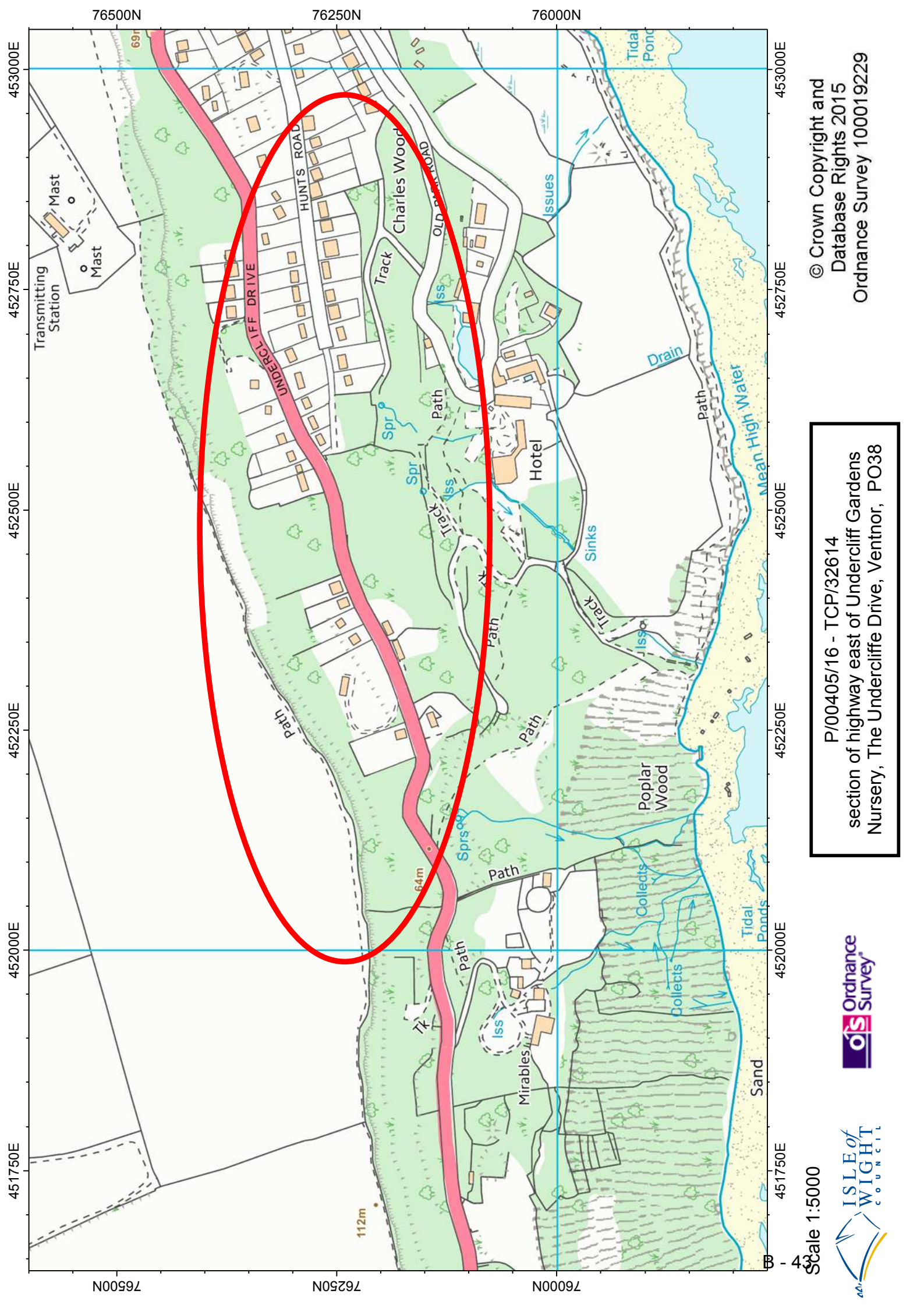
- 10 No part of the development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority a) and b) below. Parts c) and d) shall be required as necessary.

- 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 no 11 and BS10175:2011+A1:2013; 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: 2011+A1:2013 – “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.
 - d) The investigator shall provide 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 carried out.

The construction of the road, including any associated groundwork, shall not commence until such time as is approved by the Local Planning Authority.

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.



P/00405/16 - TCP/32614
 section of highway east of Undercliff Gardens
 Nursery, The Undercliffe Drive, Ventnor, PO38

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 Ordnance Survey 100019229



Scale 1:5000

03 Reference Number: P/00247/16

Description of application: Demolition of garages and store; proposed detached dwelling; alterations to vehicular access

Site Address: Baytrees, Colwell Road, Freshwater Isle of Wight

Applicant: Mr. M Gosling

This application is recommended for conditional permission

REASON FOR COMMITTEE CONSIDERATION

The Local Councillor has requested that the application be determined by the Planning Committee, due to concerns with regards to the impact on the amenities of the neighbouring property and the lack of need for a four bedroom dwelling.

MAIN CONSIDERATIONS

- Principle of positioning a dwelling on the site
- Impact on the character of the area
- Impact on the amenities of neighbouring properties
- Highway considerations
- Other matters

1 Location and Site Characteristics

- 1.1 The application site is currently the side curtilage of “Baytrees” which is a detached property located on the eastern side of Colwell Road. The site is currently occupied by a detached garage.
- 1.2 The site is within the Smaller Regeneration Area boundary.
- 1.3 The surrounding uses are predominantly residential in nature, with the exception of the Church and Church Hall located to the south.

2. Details of Application

- 2.1 The application seeks full planning permission for the demolition of the existing garage and the re-development of the site to provide for a detached 4-bedroomed property.

2.2 The dwelling proposed would be two storey scale and a simple hipped roof form. It would be constructed of facing brickwork under a plain tiled roof. An integral garage is also proposed.

2.3 The existing access would be retained to serve both “Baytrees” and the proposed dwelling, with turning areas provided within the frontages of both properties. Amenity space would be provided to the rear with a new boundary fence between the properties.

3. Relevant History

3.1. None relevant to this application

4. Development Plan Policy

National Planning Policy

4.1. National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. At the heart of the NPPF is a presumption in favour of sustainable development

4.2 The NPPF sets out three roles (economic, social and environmental) that should be performed by the planning system. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life.

Local Planning Policy

4.3 The Island Plan Core Strategy defines the application site as being within the West Wight Smaller Regeneration Area boundary. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP2 Housing
- SP7 Travel
- DM2 Design Quality for New Development
- DM3 Balanced Mix of Housing
- DM17 Sustainable Travel

Other documents or strategies

4.4 The Solent Special Protection Areas (SPA) Supplementary Planning Document (SPD)

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 The Highway Engineer from Island Roads has recommended conditional approval.

Parish/Town Council Comments

- 5.2 Freshwater Parish Council have objected to the application on the grounds that the proposal would materially affect the neighbouring property 4 Martine Close causing loss of privacy, loss of light and that it would affect the visual amenity so far as that property is concerned. Further it was felt that this was overdevelopment. Concern was also expressed regarding the building line.

Third Party Representations

- 5.3 6 letters of objections have been received which can be summarised as follows:-

- Out of character
- Overdevelopment
- Loss of amenity/overlooking
- Highway safety issues
- Flooding/drainage

6. Evaluation

Principle of positioning a dwelling on the site

- 6.1 The property is located within the settlement boundary of the West Wight Smaller Regeneration Area which is defined in Policy SP1 (Spatial Strategy) as an area where the Council will in principle support development on appropriate land within or immediately adjacent to the settlement boundary and will prioritise the redevelopment of previously developed land where such land is available, suitable and viable for the development proposed.
- 6.2 Policy SP2 (Housing) identifies a need for 980 new houses within the Rural Service Centres and the Wider Rural Area over the plan period. In addition the requirement for sufficient housing land is based upon the national planning policy context. The development would make a contribution to this provision. Core principle 6 of the NPPF relates to housing and identifies that "Housing applications should be considered in the context of the presumption in favour of sustainable development". Clearly the development would contribute a net gain of 1 unit towards the requirement identified by Policy SP2.
- 6.3 Therefore the proposal is acceptable in principle in accordance with Policy SP1 subject to the more detailed issues of the scheme being in accordance with the relevant development management policies of the Core Strategy which will be

discussed further below

- 6.4 Concerns have been expressed that there is not a need for this 4-bedroom property and the preference would be for a smaller unit. However it must be remembered that this site is within the Smaller Regeneration Area and as such there is no requirement for proposals to demonstrate a local need to comply with policy SP1 or the size of dwelling proposed. Further, to comply with policy DM3 (Balanced Mix of Housing), proposals should reflect the most up-to-date Strategic Housing Market Assessment (SHMA). The 2014 SHMA suggests that 4 bedroom properties should account for around 10% of the future market housing being provided in the West Wight and the scheme would accord with this requirement. In addition, when accounting for the scale of the proposal (i.e. it provides 1 new dwelling), Officers consider that it would be unsustainable to refuse permission based on the size of dwelling proposed as the scheme would be compliant with policy DM3 and would contribute to providing a balanced mix of housing.

Impact on the character of the area

- 6.5 The application includes for the demolition of the garages and store to the south of Baytrees which are of little architectural merit and as such their removal is considered acceptable.
- 6.6 The application seeks consent for a detached two storey property of conventional design. The property details a footprint of 10.10 metres by 7.50 metres with a gable roof. There would be a two storey projecting feature that would extend a further 1.50m in a westerly direction with a small open porch to the side.
- 6.7 The proposed unit comprises an open plan kitchen/dinner, lounge, study and integral garage at ground floor and four bedrooms, one of which is en-suite and a bathroom at first floor. The proposal is considered to result in a good quality design, subject to the use of appropriate materials, (which would be secured by condition), and would be appropriate in terms of size and scale. The ridge would be at a lower level when compared to Baytrees, thus it is not considered to appear over dominant or intrusive when viewed with the surrounding properties. The proposed dwelling is shown set well within the plot detailing acceptable separation distances between the adjoining properties and the functional buildings that serve the Church. The new dwelling is considered to be well proportioned and well positioned within the plot appearing commensurate with the spatial characteristics of the surrounding area. Due to the plot size and the location of the proposed dwelling adequate garden space would be retained with parking to the front.
- 6.8 In terms of the scale, proportions and design, it is considered that the proposal is reasonable within this varied street scene. It is Officers opinion that the proposed dwelling would contribute to the eclectic mix of styles, whilst at the same time efficiently and effectively integrating into the existing street scene.

- 6.9 The plans indicate hard/soft landscaping and new boundary treatment. Such details would be appropriately controlled through conditions
- 6.10 In terms of impact on the character and appearance of the area, concerns have been expressed that this scheme would be out of character as the predominant form in the area is of bungalows and not two storey properties. Having reviewed the surrounding context it is accepted that there is a strong presence of bungalows within this area, however these are interspersed by two storey properties. As such, Officers do not consider a sustainable reason for refusal on this basis could be presented. The key consideration is whether the proposal would acceptably integrate into the established character without any harmful or detrimental impact. Officers believe that the scale and form of the proposals would ensure that there is an appropriate transition to neighbouring built forms and that the resulting development would complement the established character. Whilst this would result in some visual change, this is not of itself considered to be harmful, and the visual impact can be mitigated by conditions (3, 4 and 9) relating to materials and landscaping as discussed above.
- 6.11 In conclusion, the proposal is considered to be appropriate in terms of design, scale and mass and would not have an adverse impact on the character of the surrounding area, in accordance with the aims of policy DM2 of the Core Strategy.

Impact on the neighbouring properties

- 6.12 Turning to the relationships with neighbouring properties, the proposed new dwelling would sit at a lower level and in a more westerly direction than Baytrees so as not to appear overbearing. There would be only one window within the north elevation which would be at first floor level. It would serve a stairwell and would be obscured glazed and fixed shut. To ensure this level of privacy is maintained appropriate conditions would be attached to the decision (5 & 6).
- 6.13 When assessing the buildings to the south and taking into account their community function as a Church and associated Church Hall no detrimental impact would occur. There is a good intervening distance and the windows within the new dwelling would be high level. The first floor windows would be obscured glazed and fixed shut. To ensure this level of privacy is maintained appropriate conditions would be attached to the decision (5 & 6).
- 6.14 Moving on to the properties to the east, 4 Martine Close is the closest neighbouring property sited south east of the common boundary serving the proposed dwelling. Officers have had the opportunity to visit 4 Martine Close and have taken a view from both within the property and its rear garden area. When taking a measurement from the rear of the new application dwelling to the rear of 4 Martine Close there would be a distance of 16m which is an adequate distance so as not to over dominate this particular property. When taking a view from the garden area, the position of the dwelling would be at a slightly lower level due to the contours within the site and when taking into account

juxtaposition of the new dwelling, which has been set within the site in a more westerly direction, away from 4 Martine Close, in combination with the common boundary treatment, the scheme would not compromise the use of this area. As previously stated there would be no side windows that would be capable of being opened and they would all be obscured glazed. It is noted that there would be the provision of two bedroom windows at first floor. These would not result in direct overlooking and given the use of these rooms, no detrimental loss of amenity would occur.

- 6.15 In conclusion, the proposed dwelling would not have an adverse effect on the living conditions of neighbouring residents. Therefore would accord with Policy DM2 of the Island Plan Core Strategy

Highway considerations

- 6.16 The proposed layout as detailed on drawing no D1823/5 provides adequate space within the confines of the site for the parking and turning of private motor vehicles, however, it is evident that while the existing access is of adequate width for the safe passage of private motor vehicles it is limited in respect to visibility.
- 6.17 Nevertheless, subject to the lowering of the roadside frontage of the site to a maximum height of 1.0m above the level of the adjacent public highway the level of visibility ability to users of the access would be significantly improved, this could be secured by condition (7 & 8) as recommended, thus the scheme, would accord with Policy DM2 of the Island Plan Core Strategy.

Other matters

- 6.18 Concerns have been raised with regard to flooding and drainage. The application site is within Flood Risk Zone 1 with a low probability of flooding. The application form states that the applicant would connect to the main sewage system which is a matter to be dealt with through Building Regulations.
- 6.19 The site is located within the 5.6km of the Solent and Southampton Waters SPA/ Ramsar site. This area is important habitat for a range of wildfowl, which use areas such as the Yarmouth Estuary for shelter and feeding during the winter. However, evidence shows that recreational activity on designated areas (and supporting habitats) can cause disturbance to wildfowl and therefore have an adverse impact on bird populations.
- 6.20 To mitigate for such impacts, Natural England and a range of other bodies including the Council have devised a means of mitigation known as the Solent Disturbance Mitigation Project (SDMP), as defined within the SPD.
- 6.21 The Council's SPD relating to the SDMP states that Developments of one or more dwellings will be required to provide financial contributions of £172 per dwelling towards the SDMP in order to prevent additional disturbance to the SPA/ Ramsar site. The applicants have provided Unilateral Undertaking which

would secure the requisite contribution, this agreement would comply with the requirements of the Council's Supplementary Planning Document and would be completed prior to the issuing of any permission.

7. Conclusion

- 7.1 The application site is within the settlement boundary for the West Wight Smaller Regeneration Area (Freshwater and Totland) and would constitute a previously-developed site. It is considered that the site is within a sustainable location for new housing development and the proposals would contribute towards the delivery of housing, in accordance with policies SP1 and SP2 of the Island Plan Core Strategy.
- 7.2 The provision of residential development on this site would be acceptable and would not result in an unacceptable level of impact when considering the relationship between the site and surrounding character of the area including the street scene. The scheme would therefore be acceptable in relation to the character and appearance of the area and would accord with policies SP1, DM2 and DM12 of the Island Plan.
- 7.3 The scheme would not have an unacceptable impact on the amenities of neighbouring residents, or highways, thus the proposals would accord with the requirements of policies SP5, SP7, DM2, DM12, and DM17 of the Island Plan.
- 7.4 Having regard to the above and having taken into account all relevant material considerations, Officers conclude that the proposed development is in full conformity with the provisions of the development plan.

8. Recommendation

- 8.1 Conditional permission

9. Statement of Proactive Working

- 9.1 In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- The IWC offers a pre-application advice service
- Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant was provided with pre application advice and was updated of any issues after the initial site visit.

The scheme was amended during the course of the application that overcame the Council's concerns in respect of the proximity to the side boundary.

Conditions/Reasons

- 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 development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plan, numbered D1823/5.

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 3 No development shall take place until full details of a hard and soft landscape scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. These details shall include; boundary treatments, hard-surfacing materials, and a soft landscaping scheme incorporating a schedule of plants, noting species, plant sizes and proposed numbers/densities and an implementation and maintenance programme. Development shall be carried out in accordance with the agreed details.

Reason: To ensure the appearance of the development is satisfactory and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance of the development is satisfactory and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed within the

eastern elevation of the dwelling hereby approved.

Reason: To protect the amenities of the neighbouring property and to comply with Policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 6 Prior to the development hereby approved being brought into use, the first floor windows on the north and south elevation, as shown on the submitted plans serving the stairwell, en-suite and bathroom shall be fitted with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), of which the cill of the only opening section shall be 1.7m above finished floor level. The windows shall be retained to this specification hereafter.

Reason: In the interests of the privacy of the neighbouring property occupiers and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 7 No (building/dwelling) hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing number D1823/5 dated Dec 2015 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.

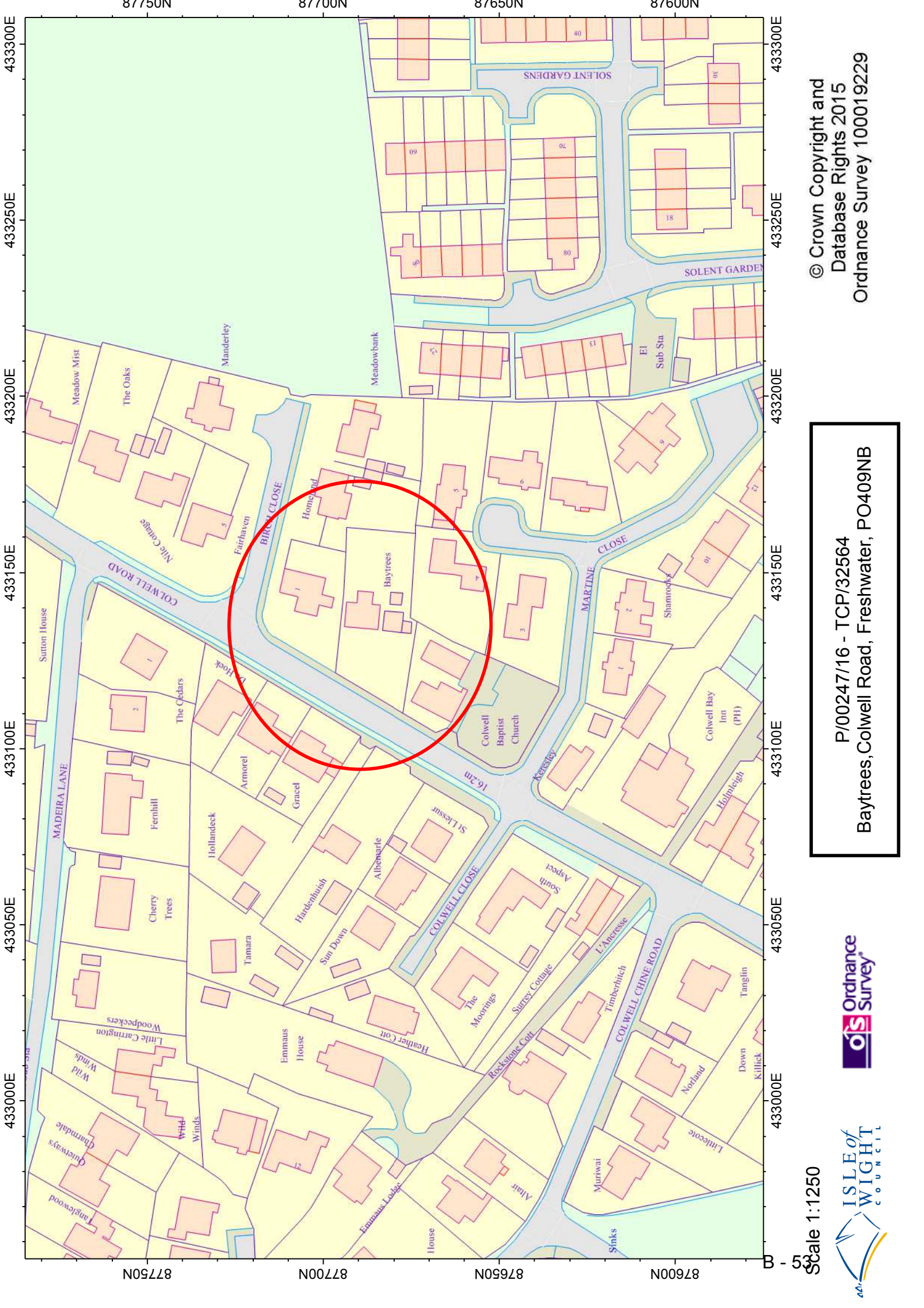
Reason: In the interests of highway safety and to comply with policy DM17 (Sustainable Transport) and policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 8 Development shall not begin until the roadside frontage of the site and the adjoining property Baytrees is lowered and thereafter retained at a maximum height of 1.0m above the level of the adjoining public highway. Nothing that may cause an obstruction to visibility shall at any time be placed or be permitted to remain within the visibility splays created by the lowering of the existing site boundary.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 9 No development shall take place until samples of materials of the materials and finishes 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 DM2 Design Quality for New Development of the Island Plan Core Strategy.



P/00247/16 - TCP/32564
 Baytrees, Colwell Road, Freshwater, PO409NB

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 Ordnance Survey 100019229



Scale 1:1250

04 Reference Number: P/00172/16

Description of application: Demolition of dwelling; replacement dwelling to include undercroft parking; proposed outbuilding to form boat store and sail loft (revised plans and additional information)

Site Address: 38 Castle Road, Cowes, Isle of Wight, PO317QZ

Applicant: Mr and Mrs Bettum

This application is recommended for conditional permission

REASON FOR COMMITTEE CONSIDERATION

At the request of the Local Ward Member (Cllr Bertie) due to concerns regarding the overall scale of the development, particularly in relation to the size of neighbouring properties.

MAIN CONSIDERATIONS

- Principle
- Impact on the character and appearance of the area (including the Conservation Area designation)
- Impact on the amenities of neighbouring properties
- Ground stability issues
- Other matters

1. Location and Site Characteristics

- 1.1. The application property is a generous detached property which sits within a substantial plot on the south-western side of Castle Road
- 1.2. The dwelling is two storeys in nature with a single storey element adjacent to 40 Castle Road. The footprint of the dwelling is approximately 15.2m x 5.2m, and it measures approximately 7.8m to ridge.
- 1.3. The property is set at the high point on the site in a similar fashion to other properties on this side of Castle Road, it benefits from a significantly sloping front garden and driveway, along with a modest enclosed rear amenity space.
- 1.4. Castle Road is residential in character with mainly large detached dwellings on its eastern side and flatted development on the western side. The properties exhibit a range of styles and materials reflective of the gradual development and redevelopment of properties in this area.

2. Details of Application

- 2.1 The proposal seeks to demolish the existing property and erect a replacement dwelling on the site. The dwelling would be of an irregular footprint.
- 2.2 The central core of the building would measure approximately 9m x 7.8m, this element would be three storeys with a maximum height of 7.3m (not including the chimney feature which would extend a further 600mm). An external terrace extending approximately 1.3m out from the proposed elevation of this core is shown; this would be located at the same finished floor level as the ground floor. It should be noted that this element principally comprises a double height space over the kitchen/diner, with only a small library and staircase providing access to bedrooms located at first floor level. At second floor level a "sky room" and roof terrace are proposed along with a double height void over the library below - it should be noted that following revisions a window in the "skyroom" is shown as obscure glazing and a storage cupboard has been incorporated within the terrace to restrict views towards number 40 Castle Road.
- 2.3 A single storey element measuring approximately 26.3m x 4.3m x 3.6m in height (to top of flat roof) would run adjacent to the boundary with 40 Castle Road. This would then return around the rear of the property and would abut the existing rear boundary which would be replaced. It should be noted that this element would project forward of the main part of the elevation by 4.2m.
- 2.4 A two storey wing would wrap around the western side of the core and round to the rear. This would be set back 1.4m at an angle to the main elevation, and would have a depth of approximately 12.1m and approximately 5.4m in height. Two walls would also project forward of the elevation of this element to create a feature entrance to the building.
- 2.5 An undercroft measuring approximately 6.8m x 5.7m to provide garage for 2 cars and bike/wood store would be provided to the front of the dwelling. This would be set at a level approximately 2.6m below the proposed finished floor level for the house. There would be a connecting pathway which would link this to the main house and this would sit below the external terrace located immediately adjacent to the main elevation of the building. The plans show the roof of the undercroft forming a patio/terrace which would be set approximately 400mm below the finished floor level for the ground floor of the house, a further set of steps would then lead down to the "lower patio" which is shown to be approximately 600mm lower than the patio and which would then step down to the remainder of the garden.
- 2.6 The materials proposed for the dwelling are a combination of brickwork or kebony timber cladding, zinc or composite cladding and render. As a result of the contemporary design approach, large areas of glazing are also included, some of which would be obscured and some would also be set behind architectural details such as perforated/patterned screens and brick detailing.

2.7 In addition to the above it is proposed that a boat store be erected in front of the dwelling adjacent to Castle Road. This would measure 5.7m x 5.8m, 2.6m to eaves and 3.8m to ridge. It is proposed that this would be between approximately 2.4m and 4.3m from the Castle Street boundary of the site. The building is proposed to be finished in vertical timber cladding under a natural slate roof.

2.8 It should be noted that following the original submission of the application, revised plans and additional information has been presented which sought to address comments received during the consultation period. The application is being determined based upon the application as now presented, including these submissions.

3. **Relevant History**

3.1. There is no relevant planning history for this site

4. **Development Plan Policy**

National Planning Policy

4.1. National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration on determining applications. At the heart of the NPPF is a presumption in favour of sustainable development.

4.2 The NPPF sets out three roles (economic, social and environmental) that should be performed by the planning system. The Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of bio-diversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure and
- widening the choice of high quality homes

4.3 Section 7 (paras 56-68) outlines the importance of good design, stating that good design is a key aspect of sustainable design. It outlines that design policies and planning decisions should respond to local character without preventing innovation or being overly prescriptive. This section outlines that proposals should promote or reinforce local distinctiveness and proposals which are of poor design, which fail to enhance areas should be refused.

4.4 Section 12 (paras 126-141) outlines the need for a positive approach to the conservation and enhancement of heritage assets. It defines "designated" and "non-designated" heritage assets, and outlines the requirement for the impact

on heritage assets to be assessed. Appropriate weighting should be applied depending on the level of impact and level of importance of the asset. Para 134 and 135 require that where a proposal would lead to less than substantial harm to a designated asset this harm should be weighed against public benefits of the proposal including securing an optimum viable use.

- 4.5 Although the NPPF has superseded PPG14 (Development on Unstable Land) and in doing so has rationalised the advice, the NPPF does nevertheless stress the key objective of the former PPG14. Section 11 (Conserving and enhancing the natural environment) discusses that the risk from land instability should be managed in a sustainable way. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, *“preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of.....land instability.”*

Local Planning Policy

- 4.6 The Island Plan Core Strategy defines the application site as being.....
The following policies are relevant to this application:

- SP5 Environment
- DM2 Design Quality for New Development
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity

5. **Consultee and Third Party Comments**

Internal Consultees

- 5.1 The Council’s Building Control Manager has considered the scheme in respect of stability issues. Initial comments advised that further information was required in respect of these matters to demonstrate acceptability. Following the receipt of additional information, the Building Control Manager has confirmed that the information provided by the geotechnical engineer has considered all relevant points and has reached an acceptable conclusion. The Building Control Manager is satisfied that ground stability issues have been considered in sufficient details for this Planning application, but recommends further sub-surface investigations by trial hole should be undertaken prior to commencement of works and the stability report should be up-dated as necessary in order to determine suitable design parameters for foundations/retaining structures. These matters could be controlled by condition (3) if permission is to be granted for this development.

External Consultees

- 5.2 Historic England raise no objection and advice that the application be determined based on local and national policy and on the basis of the Councils specialist conservation advice.

- 5.3 IW Gardens Trust raise concerns that the development has the potential to block views of the Solent from the park.

Town Council Comments

- 5.4 Cowes Town Council objects on the grounds of size, scale, design, position and dominance in a Conservation Area, proximity to the historic park and concerns regarding the height of the boat store and its proximity to Castle Road.

Third Party Representations

- 5.5 A total of 39 objections were received following the initial consultation, these raised various issues which are summarised as follows:

- Out of scale - inappropriate scale and mass
- Impact on character of the area
- Impact on Conservation Area
- Design lacks architectural merit and quality
- Sail-loft is out of scale and would be an "eye sore" on Castle Road
- Impact on Northwood Park and views
- Contrary to "building line"
- Impact on neighbouring properties
- Impact on stability
- Impact on drainage
- Impact on neighbouring properties
- Contrary to planning policies both local and NPPF
- Concerns regarding accuracy of plans and information with the application

The issue of precedent was also raised but this is not a material consideration.

- 5.6 A total of 13 letters of support were received following the initial consultation, these raised various issues which are summarised as follows:

- Road comprises a mix of properties and designs.
- Proposal would enhance the area
- Cohesive design approach
- Innovation should not be discouraged
- Would not impact on Conservation Area or Northwood Park
- Materials and landscaping would be acceptable
- Relationships with neighbouring properties would not have an adverse effect. Mutual overlooking in the area

- 5.7 Following the revisions to the scheme, a localised re-consultation was undertaken with the neighbouring properties and the Town Council. Following this, the Town Council advised that they had no further comments and their original comment was maintained. In addition 2 further representations were received from neighbouring properties which advised that:

- Revisions did not overcome key concerns with the proposal.
- Concerns regarding accuracy and portrayal of the scheme on the plans
- Contrary to "building line"
- Lowered boat store is an improvement

6. Evaluation

Principle

- 6.1 The site is located within the settlement boundary for Cowes which is located within the Medina Valley Key Regeneration Area as defined by the Island Plan. The proposal seeks permission for a replacement dwelling, and the scheme would therefore be in accordance with the principles of policy SP1 and SP2.

Impact on the character and appearance of the area (including the Conservation Area designation, the setting of Listed Buildings and the setting of Northwood Park)

- 6.2 In considering this issue, due regard is given to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which aims to ensure that all proposals within such areas preserve and where possible enhance the character and appearance of the respective Conservation Area. This statutory duty is achieved through appropriate decision-making and is the objective of DM11 and the NPPF
- 6.3 As stated above, the application site falls within the Cowes Conservation Area, and in particular the Northwood Park Character Area as defined within the associated Conservation Area Appraisal which was adopted in 2004. The key points of the character appraisal in relation to this area are:
- There is a history of development around Northwood House and the Park. It (the park) has been eroded over time by the encroachment of modern developments.
 - Northwood is set on the crest of the hill above and to the west of Cowes town. It is almost entirely surrounded by 20th century residential developments though these do not impose greatly on the setting due to the landform and the mature planting within the park. Much of the old park wall remains and forms and forms a strong edge to the character area.
- 6.4 The scale of the parkland provides the setting for the house and church. The modern insertions along Castle Road do not adversely affect those settings, "they are however inconsistent in style and form and do not make a positive contribution to the character and appearance of the area".
- 6.5 Officers would also highlight that there have been a number of Appeal decisions relating to development in this area which have been allowed by Inspectors who have noted the variety and diversity of buildings within this part

of the Cowes Conservation Area and have highlighted it as a changing/evolving context - for example the historic decision at 4 Queens Road (Yeomans/Vantage point). More recently it is considered that 2 Appeal decisions are of particular relevance, these are the findings of the Inspector relating to Cambridge Cottage (P/00159/11) and 36 Castle Road (P/00449/14). The key findings of these cases are set out below:

6.6 P/00159/11 – (It should be noted that this property is located within the Queens Road Character Area of the Conservation Area)

- "This part of the conservation area is characterised by residential properties of a mix of styles, size and date generally sited to reflect the steeply sloping nature of the area and orientated towards the coast to the north."
- "To my mind the proposed dwelling, like Cambridge Cottage, has been designed to relate to the topography of the site reinforcing the distinct change in levels across the site north to south. In this respect it also respects the history of the place as well as the lie of the land."
- "I consider that the dwelling as designed would not only respect important views but also, by reason of its form and juxtaposition to neighbouring dwellings, add to the variety and texture of the setting. Accordingly, therefore, while the spatial characteristics of the area would alter they would not, to my mind, be unduly harmed by the development."
- "The design proposes a building constructed of a mix of materials including natural slate roofing, coursed and dressed stone along with self coloured render, aluminium and glass. Providing that the materials, particularly the stone, its pointing and coursing were carefully selected, as well as the colour and texture of the render, both matters that if I were minded to allow the appeal could be conditioned, I see no reason why they would not be of the same high quality as those used in the better of the existing surrounding buildings."
- "I conclude in respect of the main issue that the proposed development would preserve the setting of the listed building as well as the character and appearance of the conservation area."

The Inspector concluded that that scheme: "would accord with the objectives of the Framework and Policies SP5, DM2 and DM11 of the Island Plan as they relate to the quality of design, the preservation of the setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas"

6.7 P/0044/14 - It should be noted that this property is located within the Northwood Park Character Area of the Conservation Area as is the application site which is immediately adjacent.

- The Cowes Conservation Area derives its character from its location overlooking the Solent and the associated town, port and other maritime activities. The Conservation Area comprises three character areas. The

- appeal property is within the Northwood Park Character Area
- "Northwood Park sits on a hill above Cowes. The park provides the setting for Northwood House and St Mary's Church which are the two main buildings in the character area. The quality of the park has been eroded over time by the development of 20th century residential developments on the edge of the park although these do not impose on the setting largely because of mature landscaping. As the Character Area Appraisal indicates, modern developments along Castle Road are inconsistent in style and form and do not make a positive contribution to the character and appearance of the area."
 - "Being located in elevated positions I find that the dwellings on the western side of Castle Road display a degree of prominence..."
 - "The existing garage has a degree of prominence because of its position, materials and absence of landscaping. This is in contrast to other frontages along this western part of Castle Road where hard landscaping and boundary features are softened by planting. This situation occurs at no.40 Castle Road where the visual impact of the garage adjoining the highway has been limited by the introduction of landscaping."
 - "The proposed replacement building through its design and use of materials would be an improvement on the existing structure. It would have a greater footprint and roof mass than the existing development which would add to the prominence of the development but not significantly so. Furthermore, with landscaping between the proposed garage and the boundary the visual impact of the building would be limited."
 - "...the proposal responds to its local context including the modern development which is a characteristic of this part of the Conservation Area and is therefore in line with the objectives of Policy DM2 of the Island Plan which seeks to ensure design quality for new developments. In addition, the proposals would conserve the special character of the Island's historic and built environment in line with Policy DM11."
 - "...the proposal would not detract from the appearance of the property and the heritage significance of the Cowes Conservation Area. It would not result in a loss of significance or be harmful to the character or appearance of the Conservation Area and therefore would not be contrary to policies DM2 and DM11 of the Island Plan Core Strategy or to the objectives in the National Planning Policy Framework designed to conserve and enhance the historic environment."

6.8 What it is important to understand from the above is that despite the property being located within the defined Conservation Area and being within the Northwood Park Character Area, there is an ability for the area to accommodate change through new development. In particular, the variations in character, size and type are noticeable and are reflective of periods of change within the area. The properties on the western side of Castle Road are prominent as a result of their elevated position and are not considered to be complimentary to Northwood Park. Within the area (taking the immediate context of Castle Road, but also surrounding areas) that there are examples of

more modern, contemporary designed 21st century development - such as the recently completed works at 42 Castle Road.

6.9 Some details relating to the character and appearance of the properties within Castle Road have been set out within the above, however, in summary it is considered that the properties in Castle Road (in particular those on the western side) can be described as being generous detached properties within appropriately sized plots, orientated to face the sea and take advantage of their positions looking towards the Solent. They are significantly elevated relative to the road and generally benefit from substantial front gardens which slope down to the road where stone walling generally defines the boundary. The rear the properties are constrained owing to the relationship with the boundary of Northwood Park, which is predominantly comprised of close-boarded fencing. The properties are varied in size, scale, design, massing and material treatment and are generally reflective of their period/age of construction. There is some commonality in terms of roof form where pitched forms are used. There is a significant presence of glazing and balconies within the front elevations which is not unexpected owing to the views towards the Solent.

6.10 Comments have been received which indicate that the development would be contrary to the established "building line", this is not accepted by Officers, as there is no such fixed criteria or clearly defined "building line" within this area. It is noted that most of the properties on the western side of the road are set towards the rear of their plots as a result of this being the most elevated position, and as a consequence, there is variance in the relationships between properties - for example 32/34a/34b are broadly in line with each other but these are forward of 36, 36/38/40 are broadly in line but these are set back from 42 which is set forward. Given the limited number of properties it is not considered that these arrangements can constitute a "building line" which provides a constraint against which the acceptability of development could be tested, nor is it sufficient to provide a clear criterion for definition of the character and spatial arrangements in the area. Whilst this is subject to differing opinion, it must be remembered that matters relating to spatial arrangement (including perceived building lines) must be considered within the context of the overall character and appearance of the area which takes into account matters such as scale, massing, orientation, design and material treatment as indicated by the Conservation Area Appraisal (which it should be noted does not provide specific commentary in relation to the arrangement of properties within the western side of Castle Road). It is therefore Officers position that the matter of conforming to a "building line" per-se is not one upon which this application should solely rest. The impacts of the development upon the character and appearance of the Conservation Area therefore require more detailed and wide ranging consideration.

6.11 The existing property at 38 Castle Road is a detached property comprised principally of two-storeys with a single storey element adjacent to 36. It is a gable ended property, finished in white render under a tiled roof. The proportions of the property are such that the dwelling has a wide elevation

reflective of the width of the plot, but is limited in depth. The building sits on a high-point within the site, this emphasises the elevated position of the dwelling relative to other properties within Castle Road. However, it is considered that this is consistent with other properties on this side of the road. The dwelling is considered to be of no particular architectural merit or importance and as such, there is no objection to its loss in principle and its replacement with another dwelling.

6.12 The proposed dwelling has been described in detail earlier in this report. The approach seeks to address the falling topography to the north through raising the ground floor finished floor levels of the proposed building by approximately 425mm compared to existing (taken at the front elevation of the existing property), the use of this level allows for a level arrangement throughout the site with the garaging to the front being 'cut in; to create an undercroft, and the development towards the rear being set at around the existing level. The proposed dwelling varies in scale and comprises single, two and three storey elements. It also presents a contemporary design which is reinforced through the choice of materials. The result is a bespoke and clearly defined individual property.

6.13 Looking specifically at the scale of the building, although the dwelling would incorporate a 3 storey element, its overall height would be comparable to the ridge height of the existing dwelling, the 2 storey element of the building, which would comprise the predominant part of the front elevation would be similar to the existing proportions of the front elevation, albeit exceeding the existing eaves height by approximately 400mm. It is however accepted that owing to the design approach and lack of a pitched roof, the massing of the building would appear significantly different. In terms of width the proposed footprint of the building would be similar to that of the existing building, with only a modest expansion towards 40 Castle Road. It is the depth of the proposal where the increased scale of the building would be most significant, in this respect, the built form as proposed would extend by up to 10.8m to the front (as a result of the forward projection and undercroft parking) and 14.2m to the rear (as a result of the wrap around extension at the rear). Having considered the scale of the resultant building, whilst this would significant exceed the scale of the existing property in respect of the forward projection and rear projection this would not make the scale of the building unacceptable per-se, as harm resulting from this would have to be identified, given the close proximity of these elements to the boundary with number 36 Castle Road, (this relationships are considered in more detail within later sections of this report). In terms of visual impact resulting from the scale of the building it is not considered that this would be detrimental;' the height of the proposed dwelling would be comparable to that of the existing property and it would in Officers opinion, sit comfortably within the wider street scene which does include properties of varying scales. Therefore, Officers do not raise a concern with a dwelling of this overall scale as a replacement for the existing.

6.14 In terms of layout, the proposed building would be broadly located on the existing footprint. Again, it would extend forward and backward of the

established footprint, but as outlined above, this is not considered to be unacceptable per-se, subject to the resultant dwelling having an acceptable relationship with neighbouring properties as considered later in this report.

6.15 Regarding the bulk and massing of the resultant building, it is considered that although the design approach seeks to utilise a contemporary, flat roof ethos, the overall massing of the building would be successfully broken as a result of the various projections and steps within the footprint, combined with the use of different materials for different elements (such as the main elevation being brick, but with 2 "wings" that would be finished in different types of cladding). In addition, the use of large expanses of glazing, and other architectural details are considered to be appropriate and make a contribution to the scheme in terms of breaking up the overall scale and massing of the resultant building. It is considered by Officers that the structure would not appear excessively bulky or out of proportion and would be acceptable. In terms of the impact of the massing of the building, this needs to be considered within the context of the wider area and the street scene. The stepped/staggered approach would reduce the massing of the building in longer-distance viewpoints (in particular from Castle Road). When taken together with the scale and position of the dwelling, the massing of the resultant property would not appear excessive within the street scene and the dwelling would sit comfortably within this context.

6.16 Matters relating to design and appearance can be very subjective, and therefore in considering this, Officer advise that the emphasis of policy DM2 is for high quality developments which work with the constraints and opportunities of sites to create attractive buildings and places which contribute towards conserving or enhancing the existing environment. Furthermore, it is noted that the aims of section 7 of the NPPF are to encourage high quality design as part of the planning process, as good quality design should be used to improve the character and quality of areas as a fundamental part of sustainable development. It advocates ensuring proposals would integrate into the established character and context of areas, but decisions and policies should not be overly prescriptive. In particular it states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

6.17 The design and appearance is clearly one of individual taste and aspiration and as such is bound to divide opinion. As highlighted by the NPPF, Local Authorities should not be unduly prescriptive when it comes to particular architectural styles and tastes. Officers consider that there is no objection to the design approach, and that if developed using attention to the key detailing elements and with high quality materials, the building could provide an interesting architectural addition to both this part of Cowes, and contribute to the mix of properties found within the Northwood Park Character area.

- 6.18 In terms of design, the proposals are considered to represent a high-quality architectural solution which would, as a result of the design detailing and material choices, embed the building within the setting of this sloped site, and would also integrate the scheme into the wider character and appearance of the area. As such, it is considered that this is a sympathetically conceived proposal which would integrate into the established context. As stated, there is a variety of building size and styles in the area, and it is noted that there are examples of nearby sites which have accommodated contemporary forms and where Inspectors have supported contemporary design in the area. Taking this into account, given the variety of architectural styles in the area and the characteristics of the proposed building in terms of its scale, massing, footprint and position, coupled with the varied nature of the immediate street scene, it is considered that the dwelling would contribute to the aesthetic quality of the area and that the street scene could absorb this development, thus the dwelling would conserve and in some ways enhance the character of the Conservation Area. Appropriate conditions have been recommended by Officers to ensure that the finer detail of the scheme is submitted to the Local Planning Authority to ensure that such details are of sufficient quality to ensure that the architectural quality of the scheme is not diluted through the construction process. As such, it is considered that there is no objection to the contemporary design approach and a refusal on this basis could not be sustained.
- 6.19 Turning to the impact on Northwood Park and nearby Listed Buildings; Northwood Park is on the Council's local list of heritage assets and comprises a landscape park surrounding Northwood House (Grade 2*) and St Mary's Church (Grade 2*), situated in an elevated position above Cowes with views of the Solent. The application property shares an existing boundary with the park. In light of the proximity to these heritage assets the application must be considered to determine whether it would have an acceptable level of impact in respect of these designations. There are currently some restricted views of the existing properties in Castle Road and the application property from Northwood House and St Mary's Church, these distance views are however restricted and dappled by the existing trees. In short distance views from the park the properties can be seen more prominently, but again can be restricted by the established trees, in such views it should be noted that the rear elevations are visible along with the presence of rear boundaries, comprised of close boarded fencing which are in various states of repair. In both of these views the proposed building would result in a change to the existing vistas, however, it is not considered that the change would be significant or harmful, particularly given that it is recognised that the historic development which boundaries the park is already considered to have had a considerable impact. It is therefore considered that there are no sustainable reasons for refusal based on the impact on Northwood Park and the setting of buildings contained therein.
- 6.20 As set out earlier in this section, the site lies within the Northwood Park Character area which forms part of the overall Cowes Conservation Area. As the Character Area Appraisal indicates, modern developments along Castle

Road are inconsistent in style and form and do not make a positive contribution to the character and appearance of the area" and "The quality of the park has been eroded over time by the development of 20th century residential developments on the edge of the park although these do not impose on the setting largely because of mature landscaping." It is considered that the proposed dwelling as a result of its elevated position would have a degree of prominence, which would be reinforced by its contemporary design approach, but this is not considered to be unacceptable given the level of variety within the area. The overall scale, massing and form of the dwelling would be compatible with both the immediate street scene and wider context and it is considered that this would preserve and in some respects enhance the character and appearance of the Conservation Area. The proposal responds to its local context including the modern development which is a characteristic of this part of the Conservation Area and is therefore in line with the objectives of Policy DM2 of the Island Plan which seeks to ensure design quality for new developments. In addition, the proposals would conserve the special character of the Island's historic and built environment in line with Policy DM11.

- 6.21 Concerns have been expressed with regard to the visual impact of the proposed building when viewed from the Solent, with contradictory views presented that the dwelling would not be visible. From experience of other sites in the area, and knowledge of the visibility of developments in this area from the Solent it is considered that there would be some views of the proposed building as a result of its elevated position on the hillside which forms the backdrop of Cowes when viewed from this direction. However, there would also be views from the Solent where the building would be screened by other developments in the foreground depending on the position, distance from shore and angles of view. In considering this issue, it must be remembered that this building would be seen as one component of an overall composition of development forming the townscape of Cowes, at this point when viewed from the sea. As such, in such views the building would be seen in the context of a variety of building sizes, scales and designs, and in Officers opinion, the proposed building (subject to choice of appropriate material palettes) would not appear unduly prominent or have a harmful effect in such views and would contribute to the overall eclectic mix of properties which form the townscape. As such, it is considered that a refusal on this basis could not be sustained.
- 6.22 The proposal would not detract from the appearance of, and the heritage significance of the Cowes Conservation Area. It would not result in a loss of significance or be harmful to the character or appearance of the Conservation Area and therefore would not be contrary to policies DM2 and DM11 of the Island Plan Core Strategy or to the objectives in the National Planning Policy Framework designed to conserve and enhance the historic environment.
- 6.23 Attention is drawn to the recommended conditions which seek to ensure that the design quality identified and integrity of the solution proposed are maintained and provided within the construction process.

- 6.24 Moving away from the dwelling, attention must turn to the proposed boat-store. This would be a single storey structure under a pitched roof which would be located adjacent to Castle Road. As has been recognised, the properties on the western side of Castle Road are set at higher level with sloping gardens and driveways occupying the intervening space between the dwellings and the road, with some properties benefiting from garages or other structures within these spaces including in proximity to Castle Road. The recent Appeal decision at 36 Castle Road (P/0044/14) has seen an Inspector conclude that the erection of a replacement garage of a significantly greater overall size and scale would not contradict the character and appearance of the area. The revised proposal would see the boat store being of a more modest scale compared to originally suggested, it would be of a contemporary material finish and appearance but its form would be traditional. Having considered the merits of this particular element of the development, and having afforded significant weight to the findings of the Inspector on the adjacent site it is considered that the boat store would not detract from the appearance of the property and the heritage significance of the Cowes Conservation Area. It would not result in a loss of significance or be harmful to the character or appearance of the Conservation Area and therefore would not be contrary to policies DM2 and DM11 of the Island Plan Core Strategy or to the objectives in the National Planning Policy Framework designed to conserve and enhance the historic environment.
- 6.25 In concluding this issue with regard to the impact on the character and appearance of the Conservation Area and the setting of the heritage assets within Northwood Park; as a result of size, scale, massing and design of the proposal, it is considered that the proposal reflects the requirements of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and takes into account the requirements of policies DM2 and DM11 of the Isle of Wight Council Core Strategy Island Plan and the requirements of the NPPF.

Impact on the amenities of neighbouring properties

- 6.26 There are two properties which could be principally affected by this proposal, owing to their immediate adjacency to the site and in particular the area proposed for the replacement dwelling and boat-store. These are number 36 and number 40 Castle Road; the impacts upon these properties will be examined in greater detail below. It is considered that the impacts upon other properties within the vicinity would be mitigated owing to the existing relationships created by the existing property and also the considerable separation distances.
- 6.27 In considering this issue, there must be an acceptance that there is an existing relationship between the application property and neighbouring properties. The critical issue is therefore whether the proposal would exacerbate any impacts, to a point that the proposals would be considered unacceptable upon the amenities of neighbouring properties.

6.28 Number 36 Castle Road is a detached property, set at the very rear of its plot. It has been extended in the past and has also seen balconies added to the front elevation, furthermore, recent permissions have been granted for a series of outbuildings to be positioned in between the dwelling and Castle Road. The property benefits from no amenity area to the rear owing to the position and scale of the property, with the amenity space being provided to the front. The area directly in front of the dwelling forms the immediate amenity space. The property benefits from established boundaries comprised of close-boarded fencing and vegetation, and it appears that the existing levels on site are lower than those which presently exist at number 38. It should be noted that currently 36 & 38 Castle Road are broadly in-line with each other. There is an existing level of mutual overlooking of front amenity spaces owing to the orientation of the two properties and the changes in topography, furthermore, it is noted that there are existing windows in both 36 and 38 which overlook.

6.29 As a result of the replacement building being forward of the existing, there would be elements of the development which would be set forward of number 36. In considering the acceptability of the proposed scheme, detailed consideration has been given to the proposed levels for the site which would differ from existing.

6.30 The closest element of the building would be the single storey wing immediately adjacent to the boundary, this comprises two sections which require consideration, that forward of the existing dwelling, and that to the rear:

The element to the front would be parallel to the existing single storey element for a distance of 1.6m, before angling in to the application site creating a distance of 1.8m between the extension and the boundary at approximately 5.8m from the existing building, it would then angle in again to its furthest position from the existing building (some 7.8m) where it would be 5.5m from the boundary. This wing would be set approximately 900mm above existing ground levels, and would have a maximum height of 3.6m from ground level, the extension would therefore sit above the existing lowest point of ground level by 4.5m although it should be noted that this would be reduced closer to the existing dwelling due to the rising ground level. Having considered the impact of the physical form of this element, whilst this would have a significantly different relationship with number 36, this is not considered to be unacceptable or harmful. This wing would be located to the west of number 36, and thus would be unlikely to cause any issues of overshadowing. In terms of dominance and loss of light, it is accepted that the proposal would see a new structure located forward of number 36, however, it would be set a reasonable distance from the boundary and would step away from it. It is recognised that the wing would be set above the existing ground level and these levels are already higher than those at number 36, as such, the extension would visually appear bigger from number 36, particularly from the amenity space immediately adjacent. However, its visual massing and form when viewed from number 36 would be mitigated by the presence of the existing boundary treatment (approximately 2m in height). It is not considered therefore that the massing of this element would be excessive or overbearing. In terms of loss of

light, the existing accommodation at ground floor within 36 is a large open-plan dining space served by both side and front windows, the light to this space is already restricted by virtue of the balconies located to the front along with the orientation of the room, in Officers opinion the proposed situation would not significantly worsen this to an unacceptable degree. It is therefore considered that the proposal would have an acceptable relationship with number 36, and whilst it would result in change, this is not considered to be harmful or result in an impact upon which the scheme could be refused in respect of dominance or loss of light. In respect of overlooking, within this section there are 4 windows proposed, 2 small windows serving en-suite and dressing room, a larger feature window in the en-suite and a prominent feature window on the point of the extension which would form the corner of the proposed bedroom. It is considered that there would not be an unacceptable impact from the two small windows and the en-suite window, owing to these being ground floor and any impact would be mitigated by the boundary treatment between the properties. It is also noted that the 2 smaller windows are shown as being obscure glazed and this could be controlled by condition (X). In terms of potential overlooking from the feature corner window, this would allow longer distance views towards the Solent and East Cowes owing to the changes in levels, however, it is considered that this would be unlikely to have detrimental impact on the neighbouring property owing to the presence of the boundary treatment which would prevent users of this window from looking down into the curtilage of 36.

- 6.31 The rear section of this wing would run parallel to the boundary, approximately 1m from it, this would be single storey and would comprise both flat roof and pitched roof (pitched away from the boundary). It is considered that this element would not impact upon number 36 in terms of dominance, loss of light or overlooking owing to the scale, mass and form of what is proposed coupled with the resultant relationships.
- 6.32 With regard to the impact of the two/three storey element, this would be set 5m away from the common boundary, and as such, whilst this again would be a significant visual change, it is not considered to be over dominant, overbearing or unacceptable in terms of form owing to the separation distance. It would also not result in any overshadowing or loss of light. The main consideration here is the issue of overlooking, in particular from the sky-lounge and roof terrace at second floor and the kitchen window at first floor level. It should be noted that there is currently a degree of mutual overlooking owing to an existing bedroom window in 36 which is located in the side elevation and a similar window in number 38. Through the revisions made to the scheme an architectural solution has been proposed to screen the window in the sky-lounge, which Officers consider would make this relationship acceptable and which would be controlled by condition (13). Furthermore, the revisions also show a storage unit included into the design of the terrace to prevent users standing on the edge of the terrace and which, in combination with the parapet detail would mean users would be set back 1.2m within the terrace, which would further increase the distance between the user and the neighbouring property. It is considered that this feature would aid in limiting the extent of direct overlooking which could occur. The agent has identified that this terrace

would be to provide views towards the Solent and over the roofscape of Cowes in front of the dwelling, and identifies the extent of mutual overlooking within the area owing to the design to obtain views of the Solent and the prevailing topography. It is accepted that there is currently an existing level of mutual overlooking between the sites, with 36 being able to see into the front garden of 38 and vice versa. It is therefore Officers view that the proposed roof terrace would not increase overlooking to an unacceptable level.

- 6.33 Concerns have also been expressed regarding the impact of overlooking from the proposed patio to be located above the undercroft parking, and the external terrace. Whilst both of these elements would be higher than current ground levels (owing to the falling topography), it is not considered that these would be elevated to such an extent that any views from these areas would have an adverse effect on number 36, particularly when due regard is given to the existing boundary arrangements and separation distances.
- 6.34 It is acknowledged that number 36 has its primary amenity space to the front and through recent permissions (and developments underway) there is an intention to add additional facilities into this area, however, this area is already overlooked by the existing dwelling at 38, and as such, it is not considered that any impacts from the proposed dwelling would worsen this to an unacceptable degree. As stated earlier, there is a considerable degree of mutual overlooking within this area.
- 6.35 It is noted that as a result of all of the above, some views and outlook from the neighbouring property at 36 may be lost, obscured or changed through the erection of the proposed building. Whilst this would be a change to the existing arrangements as described above, this is not likely to have a detrimental effect upon the amenities of number 36 by reason of dominance. Furthermore, the loss of a view or views is not a material planning consideration.
- 6.36 In light of the above , it is considered that the scheme would be acceptable with regard to the potential impact upon the amenities of number 36 Castle Road.
- 6.37 Number 40 Castle Road is a detached dormer-style property, set in a similar arrangement to 38. The property benefits from limited amenity area to the rear owing to the position and scale of the property, with the amenity space also being provided to the front. The property benefits from established boundaries comprised of close-boarded fencing and vegetation. It should be noted that currently 38 & 40 Castle Road are broadly in-line with each other. It should be noted that there is already an existing level of mutual overlooking of front amenity spaces owing to the orientation of the two properties, Juliette balconies on the front and the changes in topography. Furthermore, there are two windows within the side elevation of 40 which currently aspect towards 38 and owing to the trellis nature of the boundary fencing have some views toward 38, these appear to serve habitable rooms/spaces. There is currently approximately 4m between number 38 and the boundary.

- 6.38 The proposed building would be approximately 2m closer to number 40, and would be two storey at this point with a predominantly blank elevation. The relationships between number 38 and 40 would be similar to those explained above (36 to 38) in respect of mutual overlooking and dominance owing to the separation distances involved and as such, it is considered that the proposed building would be acceptable in this regard. To the rear the proposed scheme includes a two storey element which would be to the east of number 38 and could result in some overshadowing owing to the position and scale of this element. However this would be unlikely to significantly affect number 40 and its side elevation windows given the separation distances and the existing relationships between these windows and the boundary treatment. It should also be noted that a 2m fence could be erected along this boundary under permitted development which would also impact on these windows serving number 40. As with the relationship with 36, whilst the proposed building would result in change to the relationship with number 40 and would in particular result in changes to views, this is not considered to be material to this determination, and the impact of the development would not be detrimental to the amenities of the occupants of number 40. It is noted that there is a first floor corner window proposed to serve a bathroom which could overlook the rear amenity area of number 40 at close proximity, however, this could be controlled by condition (13).
- 6.39 In light of this, it is considered that subject to conditions, the proposal would have an acceptable relationship with number 40 Castle Road.
- 6.40 In conclusion of this issue, whilst it is accepted that the development proposed would result in change to the relationships that currently exist between number 36 and 40 Castle Road with the application property at number 38, it is Officers view that subject to the imposition of conditions as recommended, the scheme would have an acceptable relationship, and the proposals would be compliant in respect of policy DM2 of the Island Plan.

Ground stability issues

- 6.41 The site falls within an area requiring a ground stability report as identified in the Cowes to Gurnard Coastal Stability Study. It is also noted that within this area a number of properties which have been replaced or re-developed have required considerable works to be undertaken in order to ensure ground stability for resultant buildings. The NPPF (para 109) identifies that planning should seek to ensure that both new and existing development are prevented from being put at risk of land instability and that where appropriate remediation or mitigation measures should be considered.
- 6.42 Concerns have been raised by third parties regarding the impact of the proposed development upon the stability of land both of the application site and also surrounding land, interlinked with this are concerns regarding drainage.

6.43 A report on the appraisal of slope stability and ground conditions prepared by a consultant engineer has been submitted in support of the application. This has been revised during the application process and its conclusions checked following comments from the Council's Building Control Manager. The Council's Building Control Manager has appraised the submitted information, and has advised that the principle of developing the site would be acceptable and that there are some matters which could be dealt with by Planning Conditions or at Building Regulations Stage.

6.44 In this regard it is considered that subject to the imposition of conditions (X), the application has demonstrated that it is possible to develop the site in an appropriate manner without compromising the stability of both the site and the surrounding land/buildings and thus the proposals would be compliant with the requirements of the NPPF.

Other matters

6.45 Concerns have been expressed regarding the information submitted with the proposal in terms of accuracy, the manner in which the proposals are displayed and the validity of the application. Officers have considered this and reviewed key dimensions on site. It is considered that the application contains sufficient information in order for an appropriate determination to be made and that there is no obvious inaccuracy in the plans, in particular those which would form the approved plans. Whilst there may be perceived issues with the portrayal of the scheme on "indicative" plans, these would not form part of the suite of approved plans in the event that permission is granted and the scheme has been determined based upon an assessment of these drawings. As such, Officers consider that the submission as presented is acceptable in relation to validity and accuracy.

7. Conclusion

7.1 The proposal is for a replacement dwelling which is considered to be acceptable and which would be in accordance with policies DM2, DM11 and DM12 with regard to the consideration of the Conservation Area, the setting of Listed Buildings, and the setting of Northwood Park.

7.2 The scheme would also be acceptable with regard to the impact on neighbouring properties, and matters relating to ground stability.

7.3 In conclusion, having regard to the above and having taken into account all relevant material considerations, subject to the imposition of the recommended conditions, Officers conclude that the proposed development is in full conformity with the provisions of the development plan.

8. Recommendation

8.1 Conditional permission

9. Statement of Proactive Working

9.1 In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the applicant's agent was updated on the progress of the application and was engaged in discussions which resulted in the submission of additional information and revised drawings.

Conditions/Reasons

- 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 development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered:
LMA-38CR-0.13/REV A
LMA-38CR-01.1/REV A
LMA-38CR-01.1/REV B

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 3 Notwithstanding the submitted details, no development shall take place until a survey of ground conditions has been undertaken and the results provided to the local planning authority. The survey shall be taken at such points and to such depths as the local planning authority may stipulate. A scheme for remedial, preventive and precautionary measures to address the stability of the site and adjoining land shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed before the residential unit hereby permitted is first occupied.

Reason: In the interests of ensuring ground stability matters are fully considered during the construction of the building in order to ensure the future

stability of the site and to ensure that adjacent sites would not be impacted upon, and to accord with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan and the principles of the NPPF.

Informative

In addition to the information provided with this application, details relating to the following matters would be required to accord with this condition, these include: Further sub-surface investigations (including bore-hole data, ground movement monitoring results and ground water levels) and associated detailed stability analysis, design and calculations associated with proposed engineering work, and a method statement to ensure stability at all stages of development.

- 4 Notwithstanding the details shown on the approved drawings, no construction of the buildings hereby permitted shall take place until a full specification and samples of all materials and finishes (including render, brickwork, cladding etc.) to be used in the construction of the development hereby permitted and based upon those details shown on the approved plans, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the agreed details.

Reason: In the interests of ensuring the high quality of the design solution proposed, the amenities of the area and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 5 Notwithstanding the approved plans construction of the dwelling hereby permitted shall not commence until a detailed specification for the brickwork, render and cladding, to be used on the building (including detailed drawings, and a sample of material, jointing, cutting and laying, for mortar and render - strength of mix, colour, texture and finish) to be used 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: In the interests of ensuring the high quality of the design solution proposed, the amenities of the area and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 6 Notwithstanding the submitted details, no construction of the building hereby permitted shall commence until a typical specification (including their location, material, finish, glazing, means of operation etc.) for the new windows and doors, has been submitted to and approved in writing by the local planning authority. All working drawings should be of 1:20, 1:10, 1:5 or other appropriate scale. The development shall only be carried out and maintained in accordance with the approved details.

Reason: In the interests of ensuring the high quality of the design solution

proposed, the amenities of the area and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 7 No construction of the buildings hereby permitted shall commence until full details of the proposed hard and soft landscape scheme/planting strategy for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include a schedule of plants, noting species, plant sizes and proposed numbers/densities, an implementation programme and details of ongoing management and maintenance. Planting shall be carried out in accordance with the agreed details. The approved landscaping scheme shall be carried out within six months of the first occupation of the building or completion of the development, whichever is soonest unless agreed otherwise in writing with the Local Planning Authority. If within a period of five years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

Reason: In the interests of ensuring the high quality of the design solution proposed, the amenities of the area and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 8 Prior to the commencement of development, details of a construction management code (including site clearance and preparation) to include details of noise and vibration management; hours of working; dust management; access and safety measures for construction traffic; timing of delivery of materials and collection of equipment; security arrangements and contact details (including in the event of emergencies) shall be submitted to the Local Planning Authority for agreement in writing. Development to be carried out in accordance with the agreed details.

Reason: In the interest of regulating the potential impacts as a result of the construction of the development and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the principles of the NPPF.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 or Class A of Part 2 of Schedule 2 to that Order shall be carried out [other than that expressly authorised by this permission] unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the development and the character and appearance of the area, and to accord with policy DM2 (Design

Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring properties and amenity of the area, and to comply with policy DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 11 Notwithstanding the submitted details, prior to the commencement of development a detailed specification of all required external equipment including vents, flues, air-conditioning or extraction units, and satellite dishes etc to be fixed to the exterior of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall thereafter only be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the preservation of the clean-lines which are an intrinsic design feature of the development and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 12 Notwithstanding the submitted details, no construction of the building hereby permitted shall commence until a detailed specification of each of the main flat roofs including details of fascia and parapet details, rainwater goods/channels have been submitted to and approved in writing by the local planning authority. The details shall include typical sections, and all working drawings should be of 1:20, 1:10, 1:5 or other appropriate scale. The development shall only be carried out and maintained in accordance with the approved details.

Reason: In the interests of ensuring the high quality of the design solution proposed, the amenities of the area and to comply with policy DM2 (Design Quality for New Development), DM11 (Historic Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

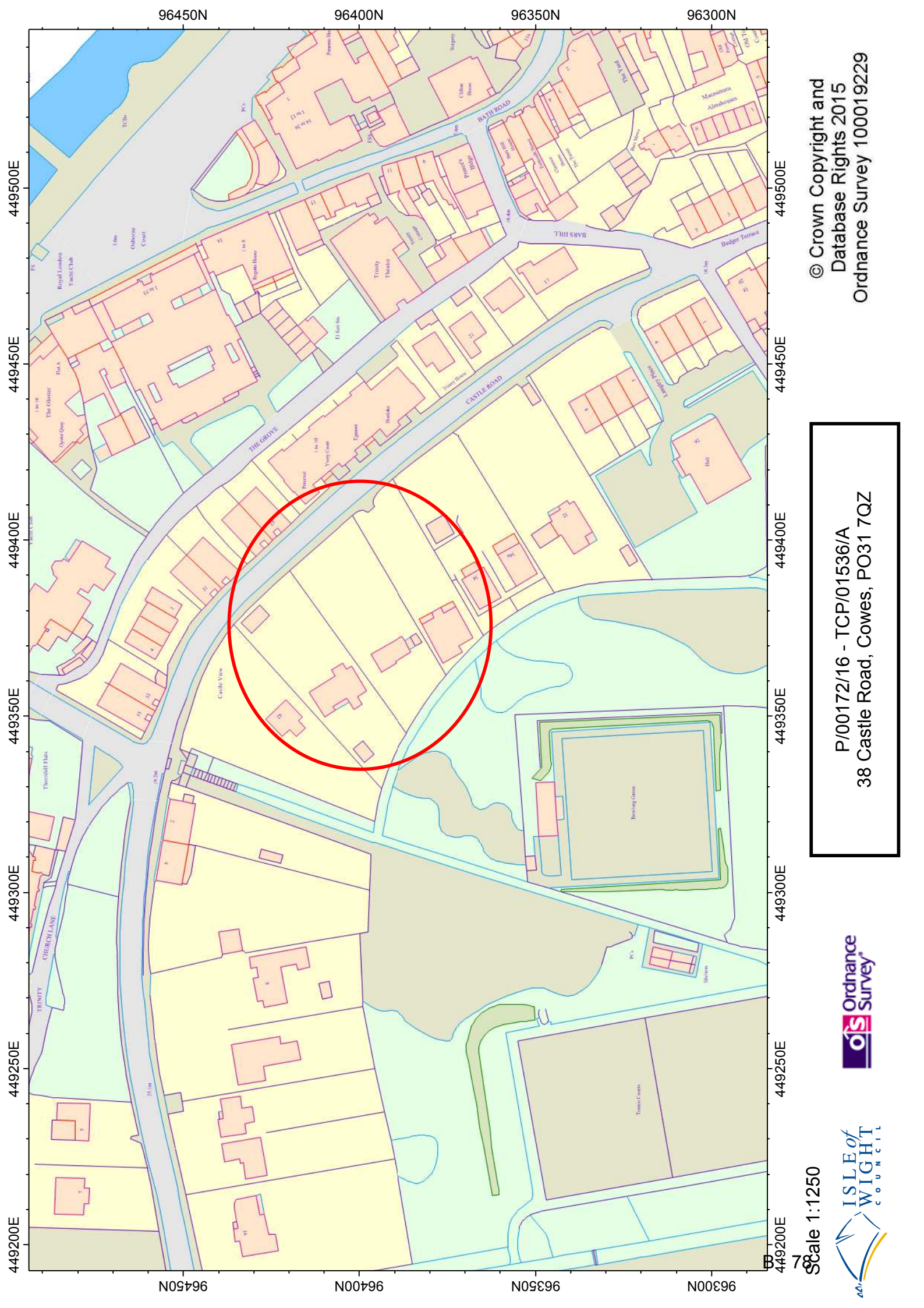
- 13 Prior to the first occupation of the dwelling hereby approved, the ground floor windows (serving en-suite, dressing room and bathroom) located in the side elevation, the first floor window (serving bathroom) located on the south-western corner, and the second floor window (serving sky lounge), all as shown on drawing LMA-38CR-01.1/REVA) shall be fitted with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an

alternative manufacturer), and any opening sections of these windows shall be 1.7m above finished floor level for the room within which they are located, unless in accordance with an alternative specification that has been submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained to this specification hereafter.

Reason: In the interests of the privacy of the neighbouring property occupiers and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 14 The boat store building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house (38 Castle Road) and shall not be used for any business, commercial or industrial purposes whatsoever.

Reason: In order to ensure that the structures are only used for ancillary purposes in connection with the main dwellinghouse in the interests of the amenities of the area and neighbouring properties and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy



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