

ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 14 AUGUST 2018

REPORT OF THE HEAD OF PLACE

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 Legal Services 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 - 14/08/2018**

1	P/01372/17 TCP/09102/C	Gurnard	Conditional Permission
	Water's Edge Café, 40 Shore Road, Cowes, Isle of Wight, PO318LD		
	Demolition of existing building; replacement two storey cafe/restaurant including balconies.		

Reference Number: [P/01372/17](#)

Description of application: Demolition of existing building; replacement two storey café/restaurant, including balconies

Site Address: Water's Edge Café, 40 Shore Road, Gurnard, PO31 8LD

Applicant: Curve Motion Ltd

This application is recommended for Conditional Permission

REASON FOR COMMITTEE CONSIDERATION

The Local Ward Member has requested determination by the Committee due to the potential impact of the development on the local community. He has raised the following concerns:

- Size, scale, mass, design and appearance of the proposed building and the impact of this on the Shore Road street scene, neighbours (in particular 36 Shore Road) and the seascape;
- Noise impact due to proposed later opening (to 11pm) daily and proposed balconies;
- Economic justification for increased floor space within 2nd storey queried;
- Additional traffic and parking demand not considered;
- Need for additional staff not considered;
- Impact on integrity of existing culvert and land stability.

MAIN CONSIDERATIONS

- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring properties
- Highways considerations
- Flood risk and drainage

1. Location and Site Characteristics

- 1.1. The application relates to an existing café, known as Water's Edge located on the eastern side of Shore Road at its junction with the Esplanade. To the north, situated between the Esplanade and Prince's Esplanade is a large green and public conveniences. Gurnard Sailing Club is to the SW. Existing residential development surrounds the site to the south and SE. There is a wooded corridor to

the east, within which a boat park is located and through which runs a culverted watercourse that runs underneath the northern end of the site and outfalls to the beach.

- 1.2 The existing café is a modest single storey building, originally a dwelling that has been extended and adapted, including a glazed internal seating area being added at its northern end. The existing building still includes some residential accommodation. There is a small decked outside seating area within the NW corner of the site and an existing single storey outbuilding within the SE corner that abuts the SE and SW boundaries of the site.
- 1.3 The surrounding area has a leisurely seaside character, with the sailing club, boating/sailing facilities, beach huts and green, the existing café and the Woodvale pub to the east complimenting this. Residential development comprises a variety of single and two storey housing, often with a nautical theme or inspired appearance. Many of the properties in Shore Road are of a scale and appearance reflective of a beach hut-style. Given the seaside location, balconies are a common feature. Trees and wooded corridors do make a positive contribution to the setting of built development and views toward the sea from the public realm are important and visually link the wider settlement to the coast.
- 1.4 Topography of the area generally falls north and west towards the coast. The site is located within Flood Zone 3 and the Solent SPA buffer zone.

2. Details of Application

- 2.1 The application proposes replacement of the existing single storey café with a new two storey café/restaurant building. The proposed building would occupy almost all of the site area, with limited outside space retained within the southern and north-eastern corners, for access around the building and to provide bin storage. The proposed café/restaurant would have a capacity of around 120 covers.
- 2.2 The proposed building is primarily orientated toward the NW corner of the site and would have its main entrance off Shore Road to the west. It would have an irregular shaped pitched zinc roof with its NW apex rising to 9m in height. The roof would rise south to north from an eaves height of 4.5m to an eaves height of 6m and the apex height of 9m. It would rise from east to west from an eaves height of 5.5m again to the eaves height and roof apex height at the NW end of 6m and 9m respectively.
- 2.3 The submitted plans show that the design of the building would incorporate vertical clad walls (with timber and zinc faced sections), timber soffits, anodized aluminium/stone cladding to lower ground plinth and grey aluminium windows/doors.
- 2.4 The building design includes a ground floor terrace and first floor balcony, which would provide outdoor seating and these would be enclosed by glazed

balustrading.

3. Relevant History

3.1. None.

4. Development Plan Policy

National Planning Policy

- 4.1. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that so this is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 sets out that this means for decision-taking, approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

The Framework does not change the statutory status of the development plan as the starting point for decision making, but it is a material consideration when determining planning applications.

- 4.2 The Framework explains that sustainable development has 3 objectives, economic, social and environmental, and that these overarching objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). It adds at paragraph 9 that these objectives should be delivered through the implementation of plans and the application of policies in the Framework, but they are not criteria against which every decision can or should be judged.
- 4.3 Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.4 Paragraph 109 advocates that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

4.5 The Framework explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. At paragraph 127 it sets out criteria for development, including:

- a) will function well and add to the overall quality of the area;
- b) is visually attractive;
- c) sympathetic to local character and history;
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraphs 130 and 131 state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Local Planning Policy

4.6 The Gurnard Neighbouring Development Plan 2016-2027 (GNDP) sets out the following aims for the Parish:

- Support the business community, allow it to develop and adapt to changing economic conditions;
- Protect and enhance shops and commercial services in Gurnard;
- Encourage people to visit Gurnard;
- Improve transport links from Gurnard to Cowes and Newport and increase opportunities to travel on foot, by bike or by public transport, delivering environmental and health benefits;
- Create a safe and healthy environment that supports the well-being of residents and visitors;
- Safeguard and enhance Gurnard's valued landscape, open spaces and biodiversity for the benefit of the local community and visitors.

Relevant policies of the GNDP are: LE1.1, LE2.1, T1, E1 and E2.

4.7 The Island Plan Core Strategy (CS) defines the application site as being within the settlement boundary of the Medina Valley Key Regeneration Area. The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP3 Economy
- SP4 Tourism

- SP5 Environment
- SP7 Travel

- DM2 Design Quality for New Development
- DM8 Economic Development
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM17 Sustainable Travel

Supplementary Planning Documents (SPDs)

4.8 The following SPDs are relevant to this application:

- Guidelines for Parking Provision as Part of New Developments
- Guidelines for Recycling and Refuse Storage in New Developments

5. Consultee and Third Party Comments

Internal Consultees

- 5.1 Island Roads, commenting on behalf of the Local Highway Authority, has reviewed the submitted parking assessment and is satisfied there is adequate on-street capacity available to accommodate the additional parking demand that could be derived from the proposed development. Given the accessibility of the location and availability of on-street parking, the obligations detailed within the Council's parking guidelines SPD are deemed to have been met. In addition, no concerns have been raised in relation to traffic generation or implications for the highway network during construction.
- 5.2 Highway Engineer has commented that the construction method set out in the submitted addendum to the Flood Risk Assessment would ensure reduced cover over the culvert and hopefully this should satisfy the Environment Agency's desire for maintenance access. He has advised that a risk assessment and method statement will be required to detail how construction would proceed without risk to the culvert structure or of pollution generated by the works. He has requested that a condition survey of the culvert is carried out in conjunction with a contingency for repairs.
- 5.3 The Council's Building Control Surveyor has advised that further geotechnical investigation is required to establish local ground stability issues and to inform foundation design.
- 5.4 Environmental Health Officer has highlighted the potential for noise and odour nuisance from extraction equipment that would be required to service this development. However, he has acknowledged that there is already some extraction equipment at the existing café and that this has co-existed with residential properties without giving rise to complaint. He has recommended

conditions to control the ventilation/extraction equipment to be installed to service the development to prevent odour/noise disturbance from the premises.

- 5.5 Emergency Management Team has advised that the details included with the submitted Flood Risk Assessment (FRA) appear appropriate to the level of risk and has requested that should the application be approved a planning condition is used to ensure that a Flood Warning and Evacuation Plan (FWEP) for the site is prepared and put in place before the building is occupied.

External Consultees

- 5.6 Environment Agency has insisted on the use of planning conditions to ensure a detailed scheme for piling works, culvert bridging arrangements and for improving access to the culvert are agreed with the LPA prior to commencement of the development and that the development would be carried in accordance with the submitted Flood Risk Assessment and its subsequent addendum, to include that the finished floor levels of the new building would be no lower than those of the existing building.

An informative has also been provided advising that any proposed works or structures within 8 metres of the top bank of the Shore Road Watercourse, which is designated a 'main river', will require a permit from the Environment Agency in accordance with the Environmental Permitting (England and Wales) Regulations 2010. These regulations and any requirement for a permit under those regulations would be separate of, and in addition to, any planning permission granted by the LPA.

- 5.7 Natural England has advised it has no comments to make on this application.

Parish/Town Council Comments

- 5.8 Gurnard Parish Council has objected, raising the following concerns:

- Over-dominant for the site;
- design out of character with the street scene;
- potential parking problems;
- potential noise problem from the balconies, particularly at late evening/night.

The Parish Council has commented that if the application is successful a construction management plan should be used and works carried out over the winter period to minimise disruption to residents and users of the beach/green.

Third Party Representations

- 5.9 47 comments have been received from local residents who object, raising the following concerns:
- large size, overbearing, out of scale with neighbouring buildings;

- out of character with, and would dominate, the street scene/area;
- adverse impact on neighbouring properties in terms of noise, odour, outlook/views, access, overshadowing, overcrowding and loss of light and privacy;
- impact of construction work on integrity of neighbouring property and amenities of surrounding area;
- noise and disturbance;
- unacceptable hours of operation given proximity to neighbouring homes;
- lack of parking provision and non-compliance with Council's parking guidelines;
- increased traffic and highway safety;
- inadequate access, in particular for refuse/delivery vehicles;
- security;
- no additional employment opportunities;
- disturb local wildlife;
- drainage and flood risk;
- ground stability;
- set a precedent for future similar proposals;
- inaccuracies within application and supporting documents.

5.10 6 comments have been received from Island residents/visitors who support the application for the following reasons:

- local amenity would be developed for the benefit of both locals and visitors and would be an asset to the green and Gurnard;
- building would fit in well with immediate environment;
- modernise the area;
- would not affect neighbouring views;
- sustain existing business;
- a lot of users of the cafe walk to it from neighbouring areas.

5.11 Isle of Wight Society objects on the basis the building is out of character and scale with neighbouring buildings and would not reflect the area's unique character. It has also raised concerns that the proposal may create traffic movement and parking problems locally.

6. Evaluation

Principle of development

6.1 The application relates to an existing café within the defined settlement boundary of the Medina Valley Key Regeneration Area. Policy SP1 of the CS states that the Council will support development proposals on land within the existing settlement boundaries of the Island's Key Regeneration Areas and policies SP3, SP4 and DM8 of the CS state that the Council will support locally sustainable employment opportunities, proposals that increase the quality of existing tourism destinations

across the Island and premises that offer room for the expansion of existing Island companies and inward investors. Given this, it is considered that the proposal can be supported, in principle, in accordance with the aims of these policies of the CS.

Impact on the character and appearance of the area

- 6.2 The appearance of the proposed building would be unique and modern, but this would compliment and add to the wide variety of architectural styles and materials found locally. In addition, due to its scale, appearance and location at the end of the esplanade, including its orientation toward the surrounding roads and sea, the proposed building itself would be a notable landmark building, which it is considered would have a positive effect on the vitality and legibility of this area, adding to its local distinctiveness and quality as a visitor destination. Furthermore, given that there is already a café in this location, it is considered that the proposed café/restaurant use, including the proposed outside terrace and balconies, would compliment the leisurely seaside character of this area, adding to its vibrancy.
- 6.3 Taking into consideration the above, it is considered that although the proposed building would be larger in terms of its scale and mass than the existing building and immediate neighbours and would have a modern appearance, the proposal would not be overly prominent and would have a positive effect on the character, appearance and local distinctiveness of the area in accordance with the aims of policy E1 of the GNDP and policies DM2 and DM12 of the CS.

Impact on neighbouring properties

- 6.4 No. 36 to the SE is a detached single storey timber chalet situated at an elevated level in relation to the application site. This property is primarily orientated SW-NE away from the application site, but it does have two small ground floor windows facing NW toward the shared SE boundary of the site. At present the existing outdoor seating area and storage outbuilding adjoin the common boundary.
- 6.5 The proposal would see a 1m wide path provided adjacent the SE boundary with No. 36 and the southern corner would be used for bin storage. Given the current use of this area, this would not be harmful to the amenities of occupiers of No. 36. Whilst the proximity, scale and mass of the building would result in an increased sense of enclosure for occupants of this neighbouring property along its NW side, the proposed plans have been revised by the applicant to cut back the upper floor within the southern corner of the site to provide additional space between the upper part of the building and the side windows of this neighbouring building. The separation distance between the upper walls and roof of the proposed building directly opposite these windows would be between 5-6m. Given this and taking into consideration the primary orientation of this neighbouring property and that the proposed building would be to the NW of No. 36, it is considered that the proposal would not have an unacceptably harmful impact on occupiers of this neighbouring property in terms of loss of outlook or light.
- 6.6 The upper floor windows to be installed within the SE elevation of the building

would be high level and obscure-glazed. These windows would serve the washing and storage areas and would primarily be for light and ventilation to these interior spaces. A planning condition can ensure these windows would be obscure-glazed and therefore, subject to this, the proposal would not have a harmful impact on occupants of No. 36 in terms of their privacy.

- 6.7 No. 38 to the south is orientated NW-SE and whilst single storey has a roof terrace accessed from its NE side. The proposed building would be constructed hard onto the shared southern boundary with No. 38 and would project 5.3m forward of the front elevation of this neighbouring property. As a result, the proposed vertical timber clad wall of the proposed building and its roof would reduce in height along this boundary to 4.5m at its western end. Whilst this would enclose this side of No. 38 and limit outlook from the front of this neighbouring property to the NW, given the orientation of this neighbouring property and size of the glazing within its front elevation, together with the size of its upper floor roof terrace, it is considered that outlook from this neighbouring property and light to it would not be harmfully reduced. Again, the upper floor window facing toward this neighbouring property would be obscure-glazed and high level, which would protect neighbouring residents' privacy.
- 6.8 No. 34 is a chalet-style property, with upper floor accommodation, orientated NW toward the sea. This property is not an immediate neighbour separated from the site by Nos. 36 and 38, but it does currently aspect north with views toward and over the application site.
- 6.9 No. 34 is separated about 7.5m from the application site and its curtilage extends to within 3.5m of southern end of the application site. Although the proposed building would reduce outlook and views from this neighbouring property to the north toward the sea, esplanade and green, given its orientation and the intervening distance a reasonable NW outlook would still be maintained for occupiers of this neighbouring property. Furthermore, given separation distances and that upper floor windows would be obscure-glazed and high level, there would be no harmful impacts from this development in terms of loss of light or privacy.
- 6.10 The proposal would incorporate outside seating, but these areas, including the ground floor terrace and upper floor balcony would be orientated away from neighbouring residential properties toward the sea, esplanade and green. In addition, it is appreciated that there is already outdoor seating close to neighbouring residential properties and the site already operates as a café with extraction equipment already in situ serving this use. Furthermore, the area is popular with visitors and due to its seaside and leisurely character many properties include roof terraces and balconies close to neighbouring properties.
- 6.11 The Council's Environmental Health Officer has highlighted the potential for extraction equipment to present a noise and odour nuisance to neighbouring properties, but has acknowledged the existing café use, the existence of extraction equipment already at the site and that this has co-existed with neighbouring residential properties without giving rise to complaint. The plans have been revised

to show the means of extraction from the kitchen being contained within the building and protruding through the roof. Officers consider that the precise details of extraction can be controlled by a planning condition to protect neighbouring amenity and to ensure that this equipment and the use would not result in a noise or odour nuisance to neighbouring properties.

- 6.12 Proposed hours of opening are 0700 to 2300 hours, which would limit the opening of the café to customers outside of core sleep hours. Environmental Health has not raised concerns with these intended hours of opening. In addition, it is noted from the planning history that the current café use is not restricted in terms of hours of opening. A planning condition could be used to limit opening hours to those applied for, which would protect the amenities of neighbouring residents during core sleep hours of 2300 to 0700 hours daily.
- 6.13 In terms of potential disturbance or damage to neighbouring property during the construction phase of the development, any disturbance would be temporary and damage to neighbouring property would be a civil matter. The grant of planning permission would not prejudice the ability of neighbouring land owners to protect their private property rights. The Parish Council has requested conditions to agree a Construction Management Plan and limit the construction to the winter months only to reduce disturbance to users of the beach/green and neighbouring properties. However, given the scale of the development proposed and the temporary nature of any disturbance that may arise from construction works, it is not considered that these issues would warrant such measures or justify refusal of planning permission. It would not be reasonable to limit construction to the winter months only and the Council can take action in relation to nuisance caused by construction through other environmental protection legislation if necessary.
- 6.14 Having regard to the above, it is considered that whilst neighbouring amenity would be impacted by the proposed development, a good level of amenity would be maintained for occupiers of neighbouring properties in accordance with the aims of policy DM2 of the CS and the NPPF.

Highways considerations

- 6.15 The existing café has 84 covers and the proposal would provide for approximately 120 covers, which is an increased capacity of 43%. As a result of this increase the proposal would be likely to generate increased demand locally for car parking. The existing café does not benefit from any on-site parking and there is no scope to provide parking within the site. It is understood from the applicant that no additional staff are anticipated to operate the proposed café/restaurant.
- 6.16 The applicant has submitted a Parking Provision Assessment (PPA) which evidences that there is capacity within the local road network to accommodate increased demand for car parking as a result of the proposed use. The submitted PPA was carried out in September 2017 and comprised of two on-street counts per day over a period of five consecutive days (including a weekend) within a

300m radius of the site. Island Roads' Highway Engineer has reviewed this assessment and is satisfied there is adequate on-street capacity to accommodate the additional parking demand that could be generated by the development. Officers would add that in their experience, having visited this area on a number of occasions, including during the summer period, whilst within the immediate vicinity of the café and seafront, on-street parking availability can be limited, it is possible to find space to park within the wider area within walking distance of the site, including within residential streets not covered by the applicant's PPA (i.e. Solent View Road).

6.17 This is a seaside location connected to Cowes via the esplanades and people travelling to this area can do so by means of transport other than the private car (including by sea). Despite the local bus service (Route 32) only operating during the mornings/lunchtime Tuesdays to Saturdays, Cowes has a regular bus service (Route 1) connecting it to Newport. Taking into consideration the bus services and that it is possible to cycle/walk to the area from Cowes or even from further afield, it is considered that the area is accessible without reliance on the private car. Furthermore, the beach itself is a destination and therefore in daytime, when the local road network may be more busy with on road parking people using the café would most likely already be visiting the area for the beach, the café representing an improved service offer rather than necessarily a specific destination in its own right.

6.18 Policy T1 of the GDNP does not prescribe parking provision requirements for non-residential uses but states:

New development must make adequate provision for off-street parking, taking into consideration the type of development and the accessibility of the location.

Having regard to the accessibility of the area, that the proposal would enhance facilities on offer to people visiting this coastal location, which is a popular leisure destination irrespective of the existing café and proposed café/restaurant, and that there is capacity within the wider highway network to accommodate demand for car parking that may be generated by the proposed development, it is considered that the proposal would not have a negative impact on the highway network in accordance with the aims of policies SP7 and DM17 of the CS.

Flood risk and drainage

6.19 The application is supported by a Flood Risk Assessment and subsequent addendum to this that considers the flood risks to the site, which lies within Flood Zone 3 and at risk of surface water and tidal flooding, and also the potential impact on flood risk to the surrounding area. There is also a culverted (piped) section of the Shore Road watercourse that runs underneath the site and outfalls to the beach. The addendum submitted considers the impacts to this existing culvert.

6.20 The submitted FRA explains that the rebuilding of the café provides an opportunity to remove existing residential accommodation within the building, provide a more

flood resilient building and provide an upper floor, which would provide safe refuge should a flood event occur. The FRA sets out a series of design measures to be incorporated into the building as well as operational measures, which include a Flood Warning and Evacuation Plan and enhancements to the capacity of the surface water drainage system.

- 6.21 The addendum to the FRA sets out measures to avoid negative impacts to the culvert which may affect its ability to function and obstruction to access for maintenance. These measures include the use of a piled foundation solution to bridge the culvert where the proposed building would oversail it and provision of access points to improve access to the culvert. It is also explained that the proposed development would result in an improved relationship with the culvert in that the length over which no access is possible to the culvert would be reduced by 6.5m compared to the present situation (where the culvert is covered by approximately 8.4m of exterior decked seating area and 10.6m of conservatory structure, the latter providing no easy access to the culvert beneath).
- 6.22 Having regard to the above, it is considered that provided conditions are imposed to ensure measures proposed are undertaken, the proposal would take the opportunities available to reduce flood risk to the site and surrounding area in accordance with the aims of policy DM14 of the CS.

Other issues raised

- 6.23 Whilst concerns have been raised by third parties in relation to the potential for the development to disturb wildlife, any disturbance that could result from construction would be temporary and unlikely to have any longer term or harmful impacts. Natural England has not raised any concerns or objections to this development proposal and it is not considered that there would be any significant or adverse impacts to the Solent SPA site as a result of the proposed development. Therefore It is considered that there would be no conflict with the requirements and aims of policy E2 of the GNDP or policies DM2 and DM12 of the CS in terms of the protection and enhancement of biodiversity.
- 6.24 Further information in relation to ground stability and foundation design can be secured by a pre-commencement planning condition to ensure the development would be designed to take full account of ground conditions/stability issues. This would also be further considered at Building Control stage.

7. Conclusion

- 7.1 For the above reasons, it is considered that the proposal would comply with the aims of policies of the GNDP, the provisions of the CS and the aims of the NPPF.

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 provided with pre-application advice;
- The applicant was advised of any issues during the application process and given the opportunity to submit additional information and revised plans to address those issues;
- Following receipt of additional information and revised plans, the application was considered to be acceptable and therefore no further discussions were required.

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 Except for the details approved in accordance with conditions 3-6 and 8-11 (inclusive) and the requirements of condition 7, the development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered 17-1626-031 and 17-1626-041 Revision A (both dated July 2018), the submitted Flood Risk Assessment (by Battlies Planning Consultancy) and its addendum (by Mayer Brown, March 2018), and the finished floor level of the ground floor of the building shall be set no lower than 4.57 metres above Ordnance Datum (mAOD).

Reason: For the avoidance of doubt and to ensure the satisfactory implementation of the development in accordance with the aims of policies DM2 (Design Quality for New Development) and DM14 (Flood Risk) of the Island Plan Core Strategy.

- 3 Development shall not begin until a stability report, including the results of further geotechnical investigation into local ground conditions and stability issues and, where required, details of design measures to ensure safe and stable development (including details of any retaining walls and foundations design) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the design of the development would take into account ground conditions and ground stability issues to ensure a safe and stable development in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 4 The development hereby permitted shall not begin until the following has been submitted to and approved in writing by the Local Planning Authority:

1. A condition survey of the existing culvert;
2. Details of measures to be implemented to protect the culvert during construction, including pollution prevention control measures;
3. Details of a contingency plan to repair any damage that may be caused to the culvert during development;
4. A finalised piling layout plan and details of the culvert bridging arrangements, including plans and calculations;
5. Detailed designs for improving access to the culvert, including site investigations and construction details for any new manholes required.

Development shall be carried out in accordance with the approved details, measures and contingency plan and the agreed access improvements to the culvert shall be completed before the building is brought into use and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the structural integrity of the culvert would be protected, access to the culvert for maintenance purposes would be maintained and improved thereby reducing the risk of flooding to the site and surrounding area, and to protect water quality in accordance with the aims of policy DM2 (Design Quality for New Development) and DM14 (Flood Risk) of the Island Plan Core Strategy.

- 5 No development shall begin until details of the means of surface water and foul drainage to service the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a plan showing pipe runs and connection points to any private or public sewer, details of any attenuation, and evidence (including calculations) to demonstrate that the means of disposal has the capacity to accommodate the flows from the development. The

design of the drainage system(s) shall also take into account the recommendations within the submitted Flood Risk Assessment. The approved drainage works shall be completed before the building is brought into use.

Reason: To ensure adequate means of surface water and foul drainage would be provided and that flood risk would not be increased and opportunities taken to reduce flood risk in accordance with the aims of policies DM2 (Design Quality for New Development) and DM14 (Flood Risk) of the Island Plan Core Strategy.

- 6 No exterior work to construct the building, terrace or exterior paths hereby permitted shall begin until details 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 the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 7 The upper floor windows to be installed within the southern and eastern elevations of the building to service the upper floor storage and washing/servery areas as indicated on drawing 17-1626-031 shall be:

- (1) obscure-glazed; and
- (2) non-opening, unless the parts of the window that can be opened are more than 1.7 metres above the floor level of the room in which that window is installed.

These windows shall be installed and thereafter maintained and retained in accordance with the requirements of this condition.

Reason: To protect the privacy and amenities of neighbouring residents in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 8 The building shall not be brought into use until de-mountable flood barriers to ground floor doors have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The agreed flood barriers shall thereafter be maintained and retained in accordance with the approved details and any de-mountable elements shall be stored within the site so that they may be available for use in the event of a flood warning or flood event affecting the site.

Reason: To reduce the risk of flood waters affecting the building in accordance with the aims of policy DM14 (Flood Risk) of the Island Plan

Core Strategy and the National Planning Policy Framework.

- 9 The building hereby permitted shall not be brought into use until a Flood Warning and Evacuation Plan (FWEP) for the premises has been submitted to and approved in writing by the Local Planning Authority. The FWEP should have regard to Council's Flood Warning and Evacuation Plan Guidance (April 2017 or any subsequent updated version) and shall address the following:

- Raise awareness of the flood hazard at the location specified in the plan;
- Define the flood warnings and estimated lead-in times available;
- Detail how, when and by who the plan is triggered;
- Define the responsibilities of those participating in the plan (i.e. the site user/occupants/site manager/flood warden);
- Outline the place of safe refuge, evacuation procedure and the safe evacuation route away from the development; and
- Establish the procedure for implementing, monitoring and maintaining the plan.

Following the building being brought into use the agreed plan shall be implemented and adhered to.

Reason: To reduce the risk to life of the occupiers and users of the development and to comply with the aims of policy DM14 (Flood Risk) of the Island Plan Core Strategy and the National Planning Policy Framework.

- 10 The building hereby permitted shall not be brought into use until the facilities for recycling and refuse storage have been provided within the site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision would be made within the site for the storage of waste generated by the permitted use of the building in accordance with the aims of Policy SP8 (Waste) of the Island Plan Core Strategy.

- 11 The use of the building hereby permitted shall not begin until the facilities for the treatment and extraction of fumes and smells from the premises have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and thereafter maintained and retained in accordance with the approved details.

Reason: To protect the amenities of neighbouring residents and the surrounding area in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

12 The building hereby permitted and its curtilage shall only be used for a purpose falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other purpose, unless that other purpose is ancillary to the principal A3 use.

Reason: To protect the character, vitality and vibrancy of the surrounding area and the amenities of neighbouring residents in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

13 The use hereby permitted shall not at any time operate outside the hours of 0700 to 2300 hours.

Reason: To protect the amenities of neighbouring residents, in particular from noise disturbance, in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the National Planning Policy Framework.

14 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 upper floor windows, dormer windows or roof lights (other than those expressly authorised by this permission) shall be constructed within the southern or eastern elevations or roof slopes of the building hereby permitted.

Reason: To protect the privacy and amenities of neighbouring residents in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

Informative

1 This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Shore Road Watercourse which is designated a 'main river'. Some activities may be excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.