

ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 16 JULY 2019

REPORT OF THE DIRECTOR OF REGENERATION

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 – 16 JULY 2019

1	P/00670/18 TCP/01875/T	St. Helens	Refusal
Page 3	Guildford Park, Guildford Road, St. Helens, Ryde, Isle Of Wight, PO33		
	Outline for proposed construction of 57 homes		

01 Reference Number: P/00670/18

Description of application: Outline for proposed construction of 57 homes.

Site Address: Guildford Park, Guildford Road, St. Helens

Applicant: Phil Salmon Planning Ltd.

This application is recommended for Refusal

REASON FOR COMMITTEE CONSIDERATION

The application represents a balanced recommendation for difficult policy issues and it was therefore considered appropriate for the application to be considered by the Planning Committee.

MAIN CONSIDERATIONS

- Principle of the proposed development
- Impact on the character of the area
- Impact on neighbouring properties
- Highway considerations
- Archaeology
- Trees and ecology

1. Location and Site Characteristics

- 1.1. The application site is a rectangular parcel of land that covers an area of 2.39 hectares, located on the northern side of Upper Green Road, St Helens and accessed off and including Guildford Road.
- 1.2. Guildford Road is an unmade road which currently serves the camp site and eight properties, together with parking for St Helens community centre, located on the corner of Guildford Road and Upper Green Road.
- 1.3. The site is a former campsite but today, aside from some derelict buildings appears as an overgrown field. The boundaries of the site are defined by a mix of hedging and trees.
- 1.4. Residential development, a medical centre and community centre define the southern boundary of the site. Further residential development is located to the east, with school fields and a caravan park to the west and Fakenham Farm to the north.
- 1.5. The area is primarily characterised by residential development and associated social and community infrastructure.

- 1.6 Guildford Road is located within the conservation area, but the remainder of the site falls outside of this designation.

2. Details of Application

- 2.1 The application seeks outline permission for 57 dwellings, with access, layout and scale to be determined at this time. Appearance and landscaping would therefore be reserved for later consideration.
- 2.2 The proposed layout includes for additional parking for the medical centre and 'community' spaces, together with areas of landscaping and ecology corridors.
- 2.3 Access to the site would be gained via Guildford Road, utilising the existing gated access point at the termination of the current road. The road itself forms part of the application boundary but is unregistered land and therefore no owner is known. The application would include for the re-surfacing of the road to an adoptable standard, together with alterations to the junction.
- 2.4 A total of 118 car parking spaces are proposed (including garages). This would include for 82 spaces for the residential units. 16 visitor spaces and 20 spaces for community use.

3. Relevant History

- 3.1. There is no planning history considered to be relevant to this application although officers acknowledge that objectors have reference a refusal of residential development on this site. However, this was in 1988 and is therefore not considered relevant, due to the changes in planning policy since this time.

4. Development Plan Policy

National Planning Policy

- 4.1. The NPPF 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 NPPF, but they are not criteria against which every decision can or should be judged.
- 4.2 At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means 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 the NPPF that protect areas or assets of particular importance provide 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 the NPPF taken as a whole.

Local Planning Policy

4.3 The Island Plan Core Strategy defines the application site as being within and immediately adjacent to the settlement boundary of St. Helens Rural Service Centre (albeit officers acknowledged that only Guildford Road itself is within the settlement boundary). The following policies are relevant to this application:

- SP1 Spatial Strategy
- SP2 Housing
- SP4 Tourism
- SP5 Environment
- SP7 Travel
- DM2 Design Quality for New Development
- DM3 Balanced Mix of Housing
- DM4 Locally Affordable Housing
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM17 Sustainable Travel
- DM22 Developer Contributions

4.4 St. Helens Village Design Statement 1999

4.5 Affordable Housing Contributions (SPD) (2017)

4.6 Bird Aware Solent Recreation Mitigation Strategy (2018)

4.7 Guidelines for Parking Provision as Part of New Developments (SPD) (2017)

4.8 Guidelines for Recycling and Refuse Storage in New Developments (SPD) (2017)

5. Consultee and Third Party Comments

Internal Consultees

5.1 Island Roads have recommended approval, subject to the re-surfacing Guildford Road to an adoptable standard and a Traffic Regulation Order for double yellow lines on part of Guildford Road and Upper Green Road.

5.2 The Council's Ecology Officer has raised no objection but recommends conditions, should the application be approved.

5.3 The Council's Archaeologist has raised concerns with regards to the level of information submitted.

- 5.4 The Council's Tree Officer has recommended conditions be attached to any approval for a method statement and landscaping plan.

Parish/Town Council Comments

- 5.5 St. Helens Parish Council object to the application on grounds that can be summarised as follows:

- Impact on the highway and road safety, including access/egress to emergency services
- Ownership of Guildford Road
- Increase in traffic movements
- Accessibility of the site
- Drainage and water supply
- Noise and disturbance
- Parking
- Precedent for similar parcels of green space
- Conservation and ecological implications of the proposal, including loss of trees and the legal standing of the orchard.

Third Party Representations

- 5.6 106 letters of objection have been received which cover matters which can be summarised as follows:

- Greenfield site
- Site is agricultural land classification 3
- The applicant does not own Guildford Road, the residents own the road
- SP1 requires that no previously developed land is available and local need is met
- Council's regeneration plan from December 2016 identifies 11 strategic brownfield sites in Newport, Ryde and The Bay. 3 of these sites are in Ryde and are less than 4 miles from St. Helens
- 24 properties are to rent in 3 – 4 miles of St. Helens so no local need
- 21 properties on Rightmove within the village boundary
- Development on non-previously developed land should demonstrate how it will enhance the character and context of the area
- Character of Guildford Road will change, having an impact on the conservation area
- Impact on the use of the community centre, due to the impact on safety for users who use Guildford Road for on-road parking.
- Impact on the character of the village
- Junction has insufficient visibility
- Loss of on-road parking in both Guildford Road and Upper Green Road
- St Helens has already developed 56 houses of the 980 required within the Rural Service Centre and wider Rural Area therefore providing 17.5% which should be sufficient
- Guildford Park has not been used as a campsite for over 30 years

- Application states 'no' to any public rights of way to be provided this is incorrect as Guildford Road is private
- Application states no to whether any public right of way require any diversion/extinguishment and/or creation of right of way. This is incorrect as Guildford Road is private and there are no public rights of way over it
- Concern over foul sewage disposal
- Concerns in respect of flood risk from surface water drainage
- Insufficient percentage of affordable housing if calculated by bedroom numbers
- Wrong certificate serviced as applicant does not own Guildford Road
- Insufficient public consultation by the applicant
- Covenant on part of the site
- Number of parking spaces does not comply with the Governments Annex A: residential parking standard calculator
- Community parking spaces are proposed in the location of the existing air raid shelters
- Medical centre does not want a car park
- Applicant claims that the air raid shelters are not on the site but they are
- Air raid shelter is community heritage asset and home to colony of bats
- Only small part of the site abuts the settlement boundary
- Not 'appropriate' site
- Over-development of the village, which does not have sufficient infrastructure or services for extra influx of people
- Contrary to SP7 as does not enhance alternative means of travel, but encourages the use of the car
- Inadequate parking
- Does not provide a balanced mix of housing as it is loaded with 4-bedroom units
- Does not provide high quality design
- Does not conserve or enhance the historic and built environment or the conservation area
- Does not promote sustainable transport
- Would not provide Affordable Housing, due to house prices in St. Helens
- Not developable as it does not have available access
- Will stop people enjoying the quality of life that they already enjoy
- Claim that the site could accommodate 126 caravans/pitches is spurious and misleading
- Campsite was used by the Boys Brigade, who would drop off at the end of the road and walk to the site
- Auto traffic count was done in April and September when June, July and August are busiest months
- Bus stops at Eddington Road and Medical Centre do not have shelters as suggested in submission.
- Transport statement makes no reference to the volume of traffic associated with medical centre and community centre
- Appendix D of the transport statement does not include an appraisal of fire appliances and refuge vehicles swept paths into Guildford Road from Upper

Green Road

- Barriers would need to be installed outside the community centre and the opposite side of the road for pedestrian safety, which would impact on visibility
- Impact on wildlife
- Application site includes land outside of SHLAA
- Unneighbourly form of development by reason of stopping residents parking outside of their properties
- Increase volume of traffic and construction process will have an adverse impact on amenities of adjacent properties
- Decrease in parking will lead to vehicles parking on the Green and across residents' driveways
- Layout and siting in itself and in relation to adjoining buildings, views is inappropriate and unsympathetic to the appearance and character of the local environment
- Mass, bulk and proximity of the rear elevation of some of the development will be overbearing, intrusive and impact on privacy to neighbouring properties to the rear
- Proximity of car park to medical centre will stop doctors opening their windows for fear of confidential information being overheard
- Inappropriate form of development in the greenbelt, detrimental to its open, rural and undeveloped character
- Increased congestion
- Emergency service and refuse vehicles may have difficulty entering the estate
- Will set a precedent to develop the remaining fields around the village
- Many dilapidated buildings in an around Ryde, Shanklin and Sandown should be addressed first
- Site is at the highest point in the village, the three-storey building would be seen from the sea
- Oak tree would be felled for car parking, impacting on wildlife
- Loss of tourism due to the impact on the character of the area
- Constructing roads over gardens is not appropriate
- Loss of parking, which would not be mitigated by the community parking, as it would be distant from its current location.
- Users of the community centre require parking outside of the centre to unload supplies and equipment
- Insufficient parking
- Inappropriate for the village to large and intrusive
- Mineral resources on site
- Minimal employment opportunities in the area
- Public transport is inadequate
- Previous applications for the site have been refused
- No information has supported the claim that 126 pitches were accommodated on site, part from a layout plan dated February 1981
- Increase in traffic generation onto Guildford Road
- Upper Green Road is not lightly trafficked and therefore reduction in junction

criteria should not be accepted

- Removal of on-road parking will speed up traffic negating the advantage used to allow reduced visibility
- Tarmacking and installation of double yellow lines will increase speeds down Guildford Road
- Density
- Lack of housing needs assessment is not adequate justification for approval
- Affordable housing will be offered to local residents first, but there is not clear rental need in the vicinity
- No turning head so vehicles would have to reverse down Guildford Road
- Impact of heavy construction vehicles on the surface of the road
- Out of keeping with the natural environment
- Would create a dangerous place to cross
- Highway plans are incorrect or misleading
- Unacceptable reduction in width of Upper Green Road.
- Proposed realignment will impact on users of the community centre
- No dropped kerbs shown which would impact on safe pedestrian crossing
- Congestion
- Comings and goings of residents would cause noise disturbance, impacting on the rural character of the village
- Loss of wildlife habitat
- Traffic pollution
- Light pollution
- Public consultation was inadequate
- Other housing development approved in the village
- Too many houses being built in the east wight
- Guildford Road retains old flagstone and gullies, the loss of which would impact the conservation area
- Design and appearance would be out of keeping
- Overshadowing, overlooking and loss of privacy
- Detrimental impact of heritage assets, including conservation area and air raid shelters
- Overlooking of school grounds
- Inaccuracies in transport statement
- Development should not commence until all access improvements have been made
- No benefits to St. Helens or the IOW
- Not sustainable development in terms of transport sustainability
- Unneighbourly form of development
- Will be second homes
- Land not designated for housing
- Impact on water pressure
- Would destroy essence of Island appeal
- Incongruous

5.7 43 letters of support have been received which have raised points that can be summarised as follows:

- Wonderful development opportunity
- Convenient location
- Sufficient parking
- Would bring diversity of housing stock
- Plans are considerate of the needs of young families and the younger generation
- Island has a huge shortage of housing
- Would not represent an over-development
- Would enhance the vicinity
- Issue of ownership and parking seems specious and without merit
- Development would provide employment during the construction process and would benefit the economy
- The development would help to ensure that the village retains amenities for all.
- Would incorporate affordable housing
- Access was used for the holiday park and was in constant use.
- Design is stylist and well thought out.
- Great consideration has been given to the conservation of wildlife
- Welcome the upgrading of parking, access, utility infrastructure and road lighting.
- Issues of traffic can be resolved.
- Will have minimal effect on changing the character of the village given its location
- This is an excellent way for the village to adapt to change
- Generous plots, ecological corridor and new tree planting and the preservation of existing trees

5.8 Cycle Wight have commented that for the proposed development to make a contribution towards the sustainable transport policy of the council several actions should be taken:

- the 30mph zone within the village extended westwards on Carpenter's Lane to beyond the entrance to the path B56,
- the upgrading of footpath R82 and bridle path R84, which are both important links in the strategic walking and cycling network on the Island.

5.9 CPRE IW Branch have objected to the application on grounds that can be summarised as follows:

- Local need and lack of social rental properties
- Greenfield site
- Applicant has not provided information in respect of available previously developed land
- Housing density.
- Site not deliverable within the SHLAA
- Fails to enhance the character and context of the local area.
- Information has not been submitted to demonstrate that the site is no longer viable for tourism.

- 5.10 Island Watch have objected to the application on the grounds of:
- Lack of infrastructure and amenities including school and medical centre
 - Traffic generation cannot be accommodated into network
 - Out of keeping with the rural environment

6. Evaluation

Principle of the proposed development

- 6.1 The application seeks outline consent for the construction of 57 units on a former campsite. Matters relating to access, layout and scale are for consideration at this time with appearance and landscaping reserved.
- 6.2 The application site is located within and immediately adjacent to the settlement boundary of the St. Helens Rural Service Centre, albeit the element of the site within the boundary is solely the access road.
- 6.3 The application would see the development of a site previously used for camping, but which is now overgrown green space, since the cessation of the camping use many years ago. Although the site has not been used for camping for in excess of 30 years (according to objectors), no evidence has been submitted to indicate that the use has been abandoned in planning terms. It is therefore considered to be possible that someone could trim the grass and pitch tents on the land without the need for further permission.
- 6.4 Policy SP1 outlines that the Council will support the principle of development on land immediately adjacent to the settlement boundary of St. Helens and as such the general principle is considered to be acceptable.
- 6.5 It is acknowledged that SP1 does outline that for non-previously development land adjacent to rural service centres proposals would have to demonstrate that an identified local need is met. However, this policy position should be taken in the context of the most recent housing needs assessment, Strategic Housing Land Availability Assessment (SHLAA) and the Council's Five Year Land Supply Update 2018. The latter of these documents outlines at paragraph 7.18 that "the Isle of Wight Council considers that it cannot demonstrate a five year land supply as at 1 April 2018."
- 6.6 Paragraph 11 of the NPPF outlines that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking means:
“(c) approving development proposals that accord with an up-to-date development plan without delay; or
(d) 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 the policies in this Framework taken as a whole.”
- 6.7 The importance of the above paragraph relates to the footnote attributed to 'out-of-date' associated with section (d) which states: "This includes, for applications involving the

provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

- 6.8 The Council’s annual monitoring reports demonstrate that delivery over the last three years has been in the region of 70% and we therefore fall within both categories. In light of this it is not considered necessary for the applicant to demonstrate a need, as policy SP1 can be considered out of date.
- 6.9 In light of the above the general principle of the use of the site for residential development is considered to be acceptable. It should be noted that despite the principle issues outlined above, any development proposals should still represent a sustainable form of development.
- 6.10 A number of concerns have been raised by third parties with regards to the ability of the areas infrastructure (doctors, schools etc.) to accommodate the number of units. Prior to the Core Strategy being adopted a number of consultation processes took place with key stakeholders to establish that the recommended number of units required over the plan period could be accommodated. This application is in line with the overall number.

Impact on the character of the area

- 6.11 The area surrounding the site is characterised by residential development and associated uses, such as a school, medical centre and chapel. The proposed development seeks consent for residential development and would therefore respect the general character of uses immediately adjacent to the site.
- 6.12 The area surrounding the green is characterised by linear development running parallel with Upper and Lower Green Road, with roads and cul-de-sacs running at 90 degrees. Although the proposed development would form a larger cul-de-sec than such developments as Broomlands Close, to the west of the site, it would not project further north than existing development off Eddington Road or historical layouts of the Holiday Park to the west. As a result, officers consider that the proposed development, in layout terms, would sit within the establish built form of the village centre and would not appear prominent or incongruous.
- 6.13 The proposed layout would see units following the linear pattern of Guildford Road, initially following the building line, before stepping back to allow for on-plot parking spaces to be provided. Moving through the site a range of unit types would be provided, including terraces of three properties, semi-detached pairs and detached units. This mix would respect the range of property types and sizes through-out St. Helens.
- 6.14 The proposed layout would allow for differing sizes of private amenity spaces, together with areas of managed landscaping adjacent to the access road, to soften the built form and provide a more rural feel to the layout, as well as extending the ecological corridors though the site.

- 6.15 Policy DM2 seeks high quality and inclusive design to protect, conserve and enhance the existing environment whilst allowing change to take place. Policy DM12 lists matters that development proposals will be expected to protect in relation to the landscape. It is Officers opinion that the proposals would complement the established character and appearance of the area, and whilst the proposals would result in a change to this part of the landscape, the impact of this change would be limited and would be outweighed by other factors forming part of the overall planning balance.
- 6.16 The access into the site, Guildford Road sits within the conservation area of St. Helens, while the remainder of the site is outside of the designation. Nonetheless the setting of the conservation area must be given due consideration. The part of the site within the conservation area sits within character area 1 'The Green'. The assessment outlines that the negative elements of the conservation area include the unmade road (specifically listing Guildford Road) and on street parking and high level of traffic on Upper Green Road. The proposed development would see the resurfacing of Guildford Road and the removal of some of the on-street parking, although it is acknowledged that the proposal would result in increased vehicle traffic. On balance however, officers considered the direct impact on the conservation area from the works to Guildford Road would be positive, by removing a negative element, contrary to the concerns of the objectors.
- 6.17 The conservation appraisal discusses the materials, height, mass and form of dwellings together with typical details. These elements could be incorporated within any design when appearance is considered at the reserved matters stage.
- 6.18 Concerns have been raised that three storey properties would be visually intrusive, and it is noted that the conservation area appraisal outlines that properties are "typically 2 storeys". The design and access statement submitted with the application outlines that properties would be no greater than 2.5 storeys, although the parameter plans indicate that plots 1 – 14 (flatted units) would be 11 metres, which equates more to three storeys. Officers have therefore sought more details in respect of indicative elevations to demonstrate how this height could be accommodated on site. Plans have now been provided to show that these units could provide the number of flats proposed within a building of 9.5 metres, which would sit more comfortably within the street scene. Officers are satisfied that subject to a condition restricting the maximum height of units on site, the proposed development would not result in an unacceptable street scene and would in turn preserve the character of the conservation area.
- 6.19 Having due regard to the above officers considered that the proposed layout and scale would not result in an unacceptable impact on the character of the area.

Impact on neighbouring properties

- 6.20 The application site has residential development to the east (properties fronting Eddington Road) and south (properties fronting Guildford Road, Upper Green Road and Greystone Lane). Land to the west is playing field and a farm to the north. There is also the potential for impact to those living along the proposed access road, Guildford Road. Considering each of these in turn below.
- 6.21 The proposed layout would see a row of 10 two-bedroom flats, split into five blocks positioned along the eastern boundary of the site. The proposed units would sit

approximately 13 metres from the shared boundary, with the properties fronting Eddington Road. The existing properties have rear gardens of between approximately 26 metres and 35 meters from this same boundary. This overall distance together with the boundary treatment would protect the amenities of the neighbouring properties. The detailed design of these units would need to ensure that there would not be an unreasonable level of overlooking to the neighbouring properties garden areas, but the above factors are considered to be sufficient to ensure against an unacceptable level of harm, especially when considering the inter-visibility between first floor windows of the properties within the street.

- 6.22 The properties fronting Upper Green Road are between approximately 55 metres and 95 metres from the boundary of the site. This distance is considered to be substantial and therefore the proposed development would not result in any unacceptable harm to these properties. The Medical Centre sits on the southern boundary, the scheme proposing to incorporate a car parking area for this facility. Officers consider that the proposed development would provide an enhancement through the provision of car parking, opposed to any negative impacts. Third parties have raised concerns that the proposed car park would be undesirable as it would prevent doctors from opening windows, as they would not be able to deal with confidential matters, as people would over hear. Officers do not consider that this would be the case, with a significant number of surgeries across the island incorporating areas for car parking, which does not have an impact on the functionality of the service.
- 6.23 To the north of the site is Fakenham Farm. Having due regard to the existing natural growth boundary between these sites and the uses officers are satisfied that there would be no unacceptable harm on the Farm.
- 6.24 It is proposed to access the site via Guildford Road, although the highway considerations of this will be considered in the relevant section below, it is appropriate to have regard to the impact on the existing residents of Guildford Road from this access route.
- 6.25 The proposed development would result in an increased use of Guildford Road. Although it is acknowledged that this would result in a greater level of disruption from both the construction process and once the site is operational, this would not be deemed unacceptable and would be comparative to many residential accesses. The current road has some pavement provision and the existing houses have areas of defensible space, protecting the amenity of the existing properties served off it.
- 6.26 The proposal would require double yellow lines to be installed on one side of Guildford Road and a section of Upper Green Road. This highways issues associated with this are discussed below in the relevant section, but it is considered appropriate to consider the impact on residential amenity from the displacement of car parking.
- 6.27 In this regard a recent appeal at Noke Common, Newport was allowed at appeal and the matter of displaced car parking was discussed. At this appeal the Inspector concluded *“There would clearly be some loss of parking bays, with up to 9 being affected, but the appeal scheme would provide additional parking to offset this. Although the new spaces would require residents to park further from their homes, it is not an excessive walking distance and the benefits of improved visibility splays would outweigh the added inconvenience”*. In this example to proposed car parking was place

over 115 metres from the parking that was being displaced. In the case of this application, the displaced car parking would result in a walking distance of a maximum of approximately 35 metres for those on Guildford Road and around 75 metres for those on Upper Green Road. This is within the reasonable walking distance determined by the Inspector at the referenced appeal and officer therefore consider it to be acceptable in this instance.

- 6.28 An objection has been received raising concerns that the application would be located adjacent to and therefore overlook the school. There are many circumstances for schools being located in residential areas and the school in questions sits at the end of a residential cul-de-sac.
- 6.29 In light of the above officers are satisfied that the application would not result in an unacceptable impact on neighbouring properties.

Highway considerations

- 6.30 The application seeks to utilise the former access to the camp site for the proposed housing development of 57 residential units, Guildford Road. This is an unmade road running from Upper Green Road and terminating at the site. However, the proposal includes for the upgrading / remodelling of Guildford Road, its associated footways and its junction with Upper Green Road.
- 6.31 Guildford Road is a private road which falls outside of the limit of the adopted highway that is maintained by the Local Highway Authority. The road and abutting footways have been included within the redline application area, with the appropriate notice being served in circumstances where the owner is unknown. Should consent be granted, the applicant proposes to seek adoption of the highway elements of the site (including for the existing extent of Guildford Road) by the Local Highway Authority.
- 6.32 Multiple owners claim an easement over the road for parking, that is outside of the Local Planning Authority's gift to determine or indeed evaluate, however, the fall-back position without any formal rights being registered is that, in the absence of any land owner the courts will, if necessary, adopt a rebuttable presumption, *ad medium filum viae*, which assumes that adjoining land owners own to the middle line of any road (including a private road). The same presumption is adopted by HM Land Registry for the purposes of determining boundaries.
- 6.33 Island Roads raised concern in respect to the traffic data contained within the original submission, with a site inspection also bringing into question the level of visibility achievable at the junction of Guildford Road with Upper Green Road within the limit of adopted highway, and land shown to fall under the control of the applicant (or within the red line). Concern was also raised in respect to vehicle and emergency vehicle access due to the existing on-street parking practices within Guildford Road. Guildford Road has an average kerb to kerb width of 7.30 metres however existing parking on either side of the carriageway reduces this down to 3.30 metres. A minimum clear carriageway width of 3.70m is required for the passage of a fire appliance, a width of 4.10m for two private motor vehicles and a width of 5.0m for the purpose of refuse collection.

- 6.34 As a result of the above concerns, additional traffic data and a revised proposal to address the concerns raised in respect to the junction and width of Guildford Road have been submitted.
- 6.35 The proposal recognises the existing shortfall in junction visibility and seeks to address this by realigning the existing kerb lines on the northern side of Upper Green Road about the junction with Guildford Road and introducing on-street parking restrictions to maximise visibility and improve highway safety. Provision is also made for a buildout within Upper Green Road to the west of the junction with Guildford Road to aid pedestrian connectivity to 'The Green' and the local bus stop. This buildout also improves the ease by which service vehicle may exit Lower Green Road and turn in a westerly direction onto Upper Green Road.
- 6.36 The submitted traffic data has evidenced the 85th%tile speed of vehicles travelling in a north east bound direction along Upper Green Road past the junction in question to be 29.6mph and that of south-west bound vehicles to be 26.7mph. In accordance with design standards this allows for the reduction in the typical junction visibility splay for a posted 30mph speed limit from 43.0m to 40.0m and 34.0m respectively.
- 6.37 Due to existing on-street parking practices and the land shown to fall under the control of the applicant and Local Highway Authority junction visibility is currently restricted to 28.5m when exiting Guilford Road and viewing to the east and 8.0m to the west. When coming to this conclusion consideration has been given to the alignment and useable width of Upper Green Road on the approaches to the junction, allowing for the visibility splays to be taken to the centre of the carriageway as opposed to a 1.0m from the nearside kerb. Furthermore, when approaching from the southwest motorists are only afforded 15.0m forward visibility in respect of a vehicle waiting to pull out of Guildford Road.
- 6.38 It is acknowledged that design standards allow for vehicles to be parked within junction visibility splays in a low speed environment. However, when considering the scale and nature of the proposed development, the classification of Upper Green Road, and its strategic importance as a link between St Helens / Bembridge – Nettlestone / Seaview, the implementation of parking restrictions to protect the junction visibility and maximise highway safety is deemed to be essential.
- 6.39 The revised layout (as detailed on drawings no. TS3004-SK-002 Rev B and TS3004-SK-004 Rev B) now provides for a compliant junction arrangement, while at the same time retaining adequate width on Upper Green Road so not to compromise the safe passage and passing of wider network vehicles. The proposal also seeks to address the issue of service and private vehicle access width within Guildford Road by introducing parking restrictions and providing replacement community parking bays within the site.
- 6.40 When considering the existing traffic movements that maybe attributable to the site and subject to the imposition of the proposed junction improvements and on-street parking restrictions, along with the construction and upgrading of Guildford Road and its abutting footways, the traffic generation associated with this proposal is not deemed to have a negative impact on the capacity of the local highway/project network.

- 6.41 However, Island Roads have confirmed that should the proposed imposition of parking restrictions via the TRO process not be reasonable or obtainable and therefore prohibit the Upper Green Road / Guildford Road junction improvements the proposal is deemed to have a significant (+5%) impact on the operation of Guildford Road, its junction with Upper Green Road and its users. This is because current parking arrangement in Guildford Road would result in a conflict with vehicles entering and exiting, leading to the potential for standing vehicles in the highway. Based on the traffic data contained within Section 4.0 of the Transport Statement the proposal has the potential to bring about a 18% increase in daily traffic movements.
- 6.42 The above parking restrictions would require a Traffic Regulation Order (TRO). Such an order is deemed to be essential on highway safety grounds (provision of junction visibility and the safe passage of private and service vehicles into and out of the site). In the absence of such an order, the associated junction / access improvements cannot be secured. The proposed development would then be deemed to result in a significant increase in daily traffic movements through a junction that is limited in respect to visibility and through an access (Guildford Road) that is limited in respect to width, posing a significant hazard to highway users.
- 6.43 Subject to the required TRO being secured and implemented along with the proposed junction improvements, upgrading / remodelling of Guildford Road and the provision of onsite community parking bays, the proposed level of development is deemed to be acceptable from a highway safety perspective.
- 6.44 When conditioning the requirement for a TRO the Local Planning Authority (LPA) must be comfortable that there is a prospect of the Order being approved. However, to install double yellow lines Guildford Road must a "road" for the purposes of the Road Traffic Regulation Act 1984. The Act defines a "road" as the meaning "any length of highway or of any other road to which the public has access, and includes bridges over which a road passes". In this instance it has been concluded by the Highway Authority that Guildford Road is not a road for the purposes of the Road Traffic Regulation Act 1984 as the public do not have the right to pass over it, but do so by invitation only. Other persons who access do so as of right granted by deed.
- 6.45 Taking this point a stage further, it is considered that "to qualify as a highway, a way must be:
- Open to the public at large;
 - The public use must be as a right;
 - The public right must be for passage; and
 - The public right of passage must follow a defined route."¹
- 6.46 Although it is noted that Guildford Road has a constructed footpath running along its route, it is considered that the wider public do not have a right to access over it with the access to the properties, camp site and the parking associated with the community centre being by invitation. A number of letters have been received from the residents of Guildford Road confirming that this their understanding.

¹ Graham; A practical guide to planning, highways and development May 2019 (page 6).

- 6.47 The Highway Authority have therefore concluded that Guildford Road is not a highway and as such there are no powers to install double yellow lines along its length and as such there is no prospect of the TRO being approved meaning that the impact from the limited width cannot be mitigated.
- 6.48 Without the provision of double yellow lines along Guildford Road the proposed access to the site could not achieve acceptable width and would therefore be unacceptable for the level of traffic that would be associated with the proposed development.
- 6.49 This site falls within Zone 2 as defined within the Guidelines for parking Provision as Part of New Developments SPD January 2017 forming part of the Island Plan. In accordance with the guidance set out within Table 1, a development of this nature should typically provide 1 space per 1 / 2 bedroomed unit and 2 spaces per 3 / 4 bedroomed unit. Based on the proposed dwellings (8 x 1 bedroomed units, 28 x 2 bedroomed units, 8 x 3 bedroomed units and 13 x 4 bedroomed units) a total of 78 space would be acceptable.
- 6.50 As proposed the level of on-site parking exceeds the Local Authority guidance with provision being made for 118 spaces (82 allocated householder spaces, 16 visitor bays and 20 community use bays).
- 6.51 This level of provision acknowledges the loss in on-street parking that would be bought about by the imposition of parking restrictions within Upper Green Road and Guildford Road and seeks to address the existing limited parking available to users of the local Doctors Surgery and Community Centre. The provision of off-road visitor bays should also result in safer passage throughout the site for pedestrians and motor vehicles.
- 6.52 Therefore, while the proposed level of onsite parking exceeds that of the Local Authority Parking Guidance it is not seen to pose a highway safety or capacity issue and is therefore deemed to be acceptable from a highway perspective.
- 6.53 On review of the onsite highway layout as detailed on drawing no. 2017.010-001 the proposal complies with local and national highway design standards (Manual for Streets / Manual for Streets 2 / Guidelines for Parking Provision as Part of New Development / Guidelines for Recycling and Refuse Storage in New Development) providing adequate space for the safe passage of pedestrians, private and service vehicles, while at the same time providing onsite parking.
- 6.54 When considering the existing traffic movements that maybe attributable to the site and subject to the imposition of the proposed junction improvements and on-street parking restrictions, along with the construction and upgrading of Guildford Road and its abutting footways. The traffic generation associated with this proposal is not deemed to have a negative impact on the capacity of the local highway/project network. However, as detailed above, it is not possible to undertake the parking restrictions and therefore the access to the site would be of an unacceptable width, resulting in a hazard to highway safety.

Archaeology

- 6.55 Up-to-date mapping shows that the development site is located within an area of superficial geological deposits which is an outcrop of the Wootton Gravel Complex

Member (WGCM). Head deposits lie to the east and may encroach on the site. Of particular significance is its relationship with the nationally important Palaeolithic site at Priory Bay (IWHER1192) which lies less than 1km to the north east and has yielded over 1000 flint artefacts. It is recognised as one of the richest Palaeolithic sites in southern England (Wenban Smith *et al* 2009) and contains both *in situ* deposits and derived geological deposits.

- 6.56 There has been little modern disturbance of this outcrop of WGCM from either gravel extraction or housing development and therefore no previous investigation and few chance finds, although a palaeolithic hand axe has been found within this localised deposit (IWHER9296).

The walk over survey recorded two small machine scrapes which showed that a 'sandy gravel deposit appeared to extend across the site'. This could confirm that the WGCM deposits are present within the site, although this has not been further discussed in the Desk Based Assessment (DBA).

- 6.57 The site may also hold potential for prehistoric features and deposits from the Upper Palaeolithic/Mesolithic (old and middle stone ages) to later Prehistoric period and is highly likely these may include flint scatters. The DBA has noted the presence of prehistoric lithics within a 500m radius (as recorded in the HER) but dismissed this as 'not unusual' although debitage and burnt flint suggest a 'focus of activity'. The DBA suggests that this scatter is the results of bias due to one individual collecting lithics. However, the presence of lithics adjacent to the development site does indicate that these may also extend into the development site. These flint scatters may be associated with buried archaeological features. Therefore, there is potential on the site for prehistoric deposits to survive, but the nature and extent is unknown, and the impact of the development cannot be ascertained.

- 6.58 The walk over survey has confirmed the presence of one air raid shelter. Although this was not accessible at the time, a description is given as it was in November 2018. Unfortunately, no map has been provided in the DBA to confirm its precise location within the development site. The HER record indicates that there were two air raid shelters, but one was obscured by bramble in 2014. The ground conditions during the walk over survey in June 2019 suggest that scrub may be obscuring features including remains of the second air raid shelter and features of WWII date or associated with the use of the site as a military camp. It is unfortunate that the DBA has not consulted the aerial photographs held in the HER which cover the period from the 1940s onwards, as this could have provided a more detailed assessment of the location and likely survival of any WWII features.

- 6.59 The Council's Archaeologist therefore concludes that predetermination investigation would be essential to assess the potential for Palaeolithic and prehistoric archaeology present within the development site. This can identify the nature and likely extent of any deposits, their significance and the likely impact of the development. It is recommended that this is addressed with an archaeological and geoarchaeological evaluation (to include test pitting and trial trenching to investigate the Pleistocene deposits, and potential for presence of artefacts, flint scatters and below ground features). The results of the evaluation would guide any conditions for mitigation.

- 6.60 Predetermination investigation is essential to understand the significance of the WWII air raid shelter and any associated remains and structures on the site prior to development. The DBA suggests the shelter is possibly not a Stanton type, however it has been nominated and accepted for the Local List, although not yet officially adopted (R. Smout pers. comm. 21/09/2018). It is recommended that a historic building survey and condition survey is carried out along with historic research of this structure, to understand its nature, context, type of construction, and its rarity in a local, regional and national context, to fully assess the significance and inform appropriate mitigation. This assessment would require the removal of scrub in this area of the site to enable access and recording and to examine any other above ground features that may not have been visible during the walk over survey.
- 6.61 In the absence of the information required above it is recommended that the application also be refused on the grounds of insufficient information in respect of archaeology, which could in turn impact upon the proposed layout.

Trees and ecology

- 6.62 There are several trees of high amenity located around this site the majority of which are located around the perimeter of the site. The quality of the trees varies between A and C grade. Whilst their individual worth is important the general arboreal characteristic seen from outside the site is as a collective whole. As such it is thought as a rural landscape feature the trees collectively worthy of a "B2".
- 6.63 The general impact to the trees as a result of the proposed development would be limited. There would be the loss of a "C" grade oak tree from one of the groups (G9), but this would have a limited impact to the collective value of the group. Where the R.P.A of the trees are shown to be compromised, such as by parking areas or a minor intrusion by the proposed structures, it is possible to overcome these issues by using arb sympathetic methods such as cellular confinement system or specialised foundation. It is therefore concluded that the impact to the trees would be limited subject to conditions to ensure the trees health is maintained and protected during the development, should the application be approved.
- 6.64 The application has been supported by a Preliminary Ecological Appraisal (PEA) and separate reptile survey report. The Council's Ecology Officer has considered these reports and concludes that the recommendations set out within the PEA are sensible and includes timing of works, sensitive clearance methods, retaining and enhancing native hedgerow and boundary planting, retaining on site greenspace buffers to provide ecological connectivity.
- 6.65 It was initially advised that the ecological networks, as shown on the plans, were widened and that more onsite greenspace should be retained. This was to ensure sufficient mitigation for protected species would be maintained and that net gains for biodiversity were provided. However, it has been confirmed that the 'buffer zone' should be considered in relation to the adjacent site, with the site not having to provide a 15-metre buffer zone but instead be provided in combination with adjacent land, so that the whole buffer would form 15 metres (e.g. 7.5 metres either side of the shared boundary). This is considered to be acceptable, subject to the management and conservation both during construction and the life time of the development, which could be secured via planning condition.

- 6.66 Further information was also submitted in respect of bats. The reports provide a comprehensive assessment of the potential impacts to bats, and mitigation measures have been recommended. Whilst the survey data is 2 years old this is considered sufficient to determine the impacts and that site conditions have not significantly changed in this time. The reports conclude that roosting bats are not inhabiting the existing structures, including the air raid shelters and so mitigation is not required. Several species of foraging and/ or commuting bats were recorded onsite and measures are required to ensure the conservation status of these are protected. These measures together with a control on lighting could be secured by condition should the application be approved.
- 6.67 It is concluded that the proposed development would therefore not result in an unacceptable impact on ecology and biodiversity, subject to conditions.

7. Conclusion

- 7.1 Having given due regard and appropriate weight to all material considerations, as referred to above the application is considered to be acceptable in respect of principle but the proposed access would have an unacceptable impact on highway safety and the lack of a detailed archaeology assessment would have an unacceptable impact on historic assets.
- 7.2 Officers acknowledged that there is a need for housing and that we cannot currently demonstrate a five-year land supply. However, on balance the harm which would result from the development in respect of highway safety and the historic environment would be too significant and would result in an unsustainable form of development.

8. Recommendation

- 8.1 Refusal

9. Statement of Proactive Working

- 9.1 In accordance with paragraph 38 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. Unfortunately, the access issues were insurmountable and concerns regarding scale could not be overcome. As such the application was not considered to be a sustainable form of development.

Reasons

- 1 The proposed development would be likely to lead to a significant increase in use of the junction of Guildford Road with the classified road the B3330 Upper Green Road, St Helens, and would add unduly to the hazards of highway users and would therefore be contrary to Policy DM2 (Design Quality for New Development) of the Isle of Wight Core Strategy due to junction being limited in respect to width and visibility.

- 2 The proposed development would be likely to attract standing vehicles on the highway B3330 Upper Green Road, St Helens due to the existing on-street parking practices within Guildford Road limiting its width and preventing the ability of two motor vehicle to pass, which would interrupt the free flow of traffic and thereby add to the hazards of road users at this point and therefore be contrary to Policy DM2 (Design Quality for New Development) of the Isle of Wight Core Strategy.

- 3 The access is unsatisfactory to serve the proposed development by reason of the inadequacy of Guildford Road to allow adequate access and working area for the Fire Service due to existing on-street parking practices. The proposal is therefore considered to be contrary to policy DM2 (Design Quality for New Development) of the Isle of Wight Core Strategy.

- 4 The information accompanying this application is inadequate and deficient in detail in respect of archaeological deposits and heritage assets so that the Local Planning Authority is unable to consider fully the impacts of the development on these historic assets. In the absence of further details it is considered that the proposal would be contrary to Policy DM11 (Historic and Build Environment) of the Island Plan Core Strategy and paragraphs 189 – 199 of the NPPF.

89400N

89300N

89200N

89100N

463300E

463200E

463100E

463000E

462900E

462800E

462700E

89400N

89300N

89200N

89100N

B - 2

Scale 1:2500



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