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Monitoring Officer
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Agenda

Name of meeting	PLANNING COMMITTEE
Date	TUESDAY 17 OCTOBER 2023
Time	4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the Committee	CLLrs W Drew (Chairman), C Quirk (Vice-Chairman), D Andre, J Bacon, G Brodie, V Churchman, C Critchison, J Jones-Evans, M Oliver, M Price, P Spink, N Stuart E Cox (IWALC Representative) (Non-voting) Cllr P Fuller (Cabinet Member for Planning, Coastal Protection and Flooding) (Non-voting) Democratic Services Officer: Marie Bartlett democratic.services@iow.gov.uk

1. **Apologies and Changes in Membership (if any)**

To note any changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the Constitution.

2. **Minutes** (Pages 5 - 10)

To confirm as a true record the Minutes of the meeting held on 5 September 2023.



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's Committee [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

3. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

4. **Public Question Time - 15 Minutes Maximum**

Questions are restricted to matters not on the agenda. Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at democratic.services@iow.gov.uk no later than two clear working days before the start of the meeting. Normally, Planning Committee is held on a Tuesday, therefore the deadline for written questions will be Thursday 12 October 2023.

5. **Report of the Strategic Manager for Planning and Infrastructure** (Pages 11 - 114)

Planning applications and related matters.

6. **Members' Question Time**

To guarantee a reply to a question, a question must be submitted in writing or by electronic mail to democratic.services@iow.gov.uk no later than 4.00 pm on Friday, 13 October 2023. A question may be asked at the meeting without prior notice but in these circumstances there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER
Monitoring Officer
Monday, 9 October 2023

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

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Minutes

Name of meeting	PLANNING COMMITTEE
Date and Time	TUESDAY 5 SEPTEMBER 2023 COMMENCING AT 4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs W Drew (Chairman), C Quirk (Vice-Chairman), D Andre, J Bacon, G Brodie, V Churchman, C Critchison, J Jones-Evans, M Oliver, M Price, N Stuart, Cox and P Fuller
Co-opted	E Cox (IWALC representative) (non voting)
Also Present	Oliver Boulter, Russell Chick, Ben Gard and Neil Troughton
Apologies	Cllrs P Spink

8. **Apologies and Changes in Membership (if any)**

There were no apologies or changes in membership.

9. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 13 June 2023 be approved.

10. **Declarations of Interest**

There were no declarations received at this stage.

11. **Public Question Time - 15 Minutes Maximum**

There were no public questions submitted.

12. **Report of the Strategic Manager for Planning and Infrastructure**

Consideration was given to items 1 - 3 of the report of the Strategic Manager for Planning and Infrastructure Delivery.

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

Application:

21/00684/FUL

Details:

Demolition of barns and storage buildings; proposed construction of 16 dwellings and use of existing holiday bungalow as permanent dwelling; access road, garaging/car ports, parking and associated landscaping

Land at Lee Farm, Main Road, Wellow.

Comment:

Concern was raised regarding the surface water drainage, officers advised that a proposed condition requiring a scheme for drainage and disposal of surface water be submitted and approved by the Local Planning Authority prior to the commencement of works.

Decision:

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

RESOLVED:

THAT the application be approved.

As per report (Item 1)

Application:

22/01793/FUL

Details:

Construction and operation of a solar photovoltaic (PV) farm with all associated works, equipment, and necessary infrastructure, to include buried cable within road network (Broad Lane, B3401 Thorley Street to Station Road, and Warlands Lane) to connect solar farm to Shalfleet Substation (revised plans and further information received) (re-advertised application).

Barnfield Solar Farm, East of Wilmingham Lane, West of Broad Lane, Yarmouth, and Parts of Broad Lane, B3401 Thorley Street, Station Road and Warlands Lane, and Shalfleet Substation, Warlands Lane, Shalfleet, Isle of Wight.

The Committee asked whether battery storage was included. Officers confirmed it had not been proposed as part of the application.

Site Visits:

The site visit was carried out on Friday, 1 September 203

Public Participants:

Mrs M James (Objector)

Mr C Peplow (Objector)

Mr E Nicholson (Objector on behalf of CPRE)

Mr S Dix (Applicant)

Additional Representations:

Two additional comments had been received following the publication of the report raising concerns which were summarised.

Comment:

The Chairman read a statement on behalf of Councillor P Spink as Local Councillor.

The Committee asked about the benefit to the local community from the proposed development and were advised that the application would generate 10% of local target towards self sufficiency in terms of renewable energy generation, biodiversity gain would result from the proposal and an improved public right of way through the site.

Decision:

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

RESOLVED:

THAT the application be approved

As per report (Item 2)

Prior to the start of the application, Councillor J Bacon declared an interest as he knew one of the objectors (Mr Goodwin).

Application:

22/01585/FUL

Details:

Proposed renewable energy park - consisting of ground mounted solar arrays, battery energy storage system, substation building, ancillary infrastructure, means of access and associated landscaping

Land To the Northwest of Whiterails Road/west of Park Road + Land to the Southeast of Whiterails Road/west of Briddlesford Road, Wootton, Isle of Wight.

Site Visits:

The site visit was carried out on Friday, 1 September 2023

Public Participants:

Mr L Davis (Objector)

Mr O Goodwin (Objector)

Mr B Hailstone (on behalf of Wootton Parish Council)

Mr J Murphy (Applicant)

Additional Representations:

Four additional comments had been received following the publication of the report two supporting and two objecting to the application, the applicant had provided information in respect of these comments.

Comment:

The Chairman read a statement on behalf of Councillor S Redrup as Local Councillor.

There was discussion regarding the request from the forestry commission to extend the buffer zone around the site, officers advised that both the Council's Ecology and Tree officers had both looked at the application and were satisfied that the buffer zone was acceptable and suitable.

Councillor Brodie asked whether a right of way link could be extended between Whiterails Road and Briddlesford Lodge, using fields close to the proposed batter storage site. Officers advised that the farmer (who is not the applicant) had been approached about such a link, but had raised strong concerns about the impact it would have on farming practises. Officers advised that as a development would not compromise rights of way in the area, it would not be reasonable to require the right of way link.

Prior to the three hour point in the meeting, a proposal to extend the meeting under Part 4B(6) (Duration of meetings) of the Council's Constitution.

A vote was taken, of which the results were:

RESOLVED:

THAT the meeting be extended.

The Committee carefully considered the impact the proposal would have on the ancient woodland, in particular the impact on rare native species within them woodland and asked if the applicant could speak with the owner of the woodland to assist in the condition discharge process for agreeing planting adjacent to the ancient woodland. Officers advised that formal consultation with the adjoining landowner during the condition discharge process would

not meet the tests related to planning conditions but commented that the applicant could choose to speak to the adjoining landowner informally, when designing their planting proposals.

Decision:

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

RESOLVED:

THAT the application be approved

As per report (Item 3)

13. **Members' Question Time**

There were no Members Questions.

CHAIRMAN

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ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 17 OCTOBER 2023

REPORT OF THE STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE

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.

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1	21/01884/FUL	Parish: Bembridge	
	Land off Hillway Road and, Steyne Road, Bembridge.	Ward: Bembridge	Conditional Approval
	Proposed Development of 56 Dwellings, means of access off Hillway Road and Steyne Road associated landscaping and infrastructure (Revised plans; additional information relating to landscaping, trees and drainage) (re-advertised application)		
2	20/01281/FUL	Parish: Brighstone	
	Section of, Military Road, Brighstone.	Ward: Brighstone Calbourne and Shalfleet	Refusal
	Stabilisation works to road, to include installation of piled wall (Further information received - revised Environmental Statement, revised Shadow Habitat Regulations Assessment, revised Planning and Transport Statement, Written Scheme of Investigation for Archaeological Borehole Survey, Method Statement for removal of piled wall and pile cap, Response to Planning Comments on piled wall design, Erosion Monitoring Report)(Readvertised application)		

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Purpose: For Decision

Planning Committee Report

Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY
Date	17 October 2023
Application Reference	21/01884/FUL
Application type	Full planning permission
Application Description	Proposed Development of 56 Dwellings, means of access off Hillway Road and Steyne Road associated landscaping and infrastructure (Revised plans; additional information relating to landscaping and drainage) (readvertised application)
Site address	Land off Hillway Road and Steyne Road, Bembridge, Isle of Wight
Parish	Bembridge
Ward Councillor	Cllr Joe Robertson
Applicant	Thornwood Estate IW Ltd
Planning Officer	Russell Chick

Reason for Planning Committee consideration	The application is considered to raise marginal and difficult policy issues, in balancing the need for additional housing with the policies within the Bembridge Neighbourhood Development Plan.
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Recommendation	Conditional permission subject to Legal Agreement securing the provision of affordable housing, the marketing of affordable and open market housing, the provision of a management company for the management of open spaces, communal landscaping and ecology corridors at the site and a contribution towards rights of way provision within the locality.
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Main considerations

- Principle of the development
- Mix of housing and tenure
- Loss of agricultural land
- Impact upon the character of the surrounding area
- Impact on neighbouring properties
- Impact on heritage assets
- Ecology and trees
- Highway considerations/ Rights of Way
- Drainage and flood risk
- Other matters

1 Recommendation

1.1 Conditional permission subject to planning conditions covering the following matters:

- Compliance with submitted plans

- Timing of works
- Archaeological investigations
- Tree protection
- Surface water strategy and foul drainage connection
- Materials to be used
- Landscaping works and a strategy to secure Biodiversity Net Gain
- Ecological mitigation and enhancement
- On-site parking provision
- Provision of a right of way through the site, linking Steyne Road to Hillway Road
- External lighting

The permission would also be subject to a planning obligation securing a contribution towards the Solent Recreation Mitigation Strategy, rights of way improvements, marketing of housing to local people and on-site affordable housing provision.

2 Location and Site Characteristics

- 2.1** The application site is located on the south-western edge of Bembridge, forming two fields that are bounded by Steyne Road to the north and Hillway Road to the west. It is not the subject of ecological designations but includes several protected trees and lies 44m north of the AONB.
- 2.2** The site is formed by two fields, all laid to pasture and level. The site includes low dividing hedgerows and several large trees, which are prominent when seen from the adjacent highway. The site area extends to 4.39 hectares.
- 2.3** The area surrounding the site has a mixed character, with housing located to the north and east and woodland and open countryside to the south and west. The site is enclosed by a mix of hedges and trees. The western boundary of the site is formed by a well-established hedgerow that includes groups of mature trees, which combine with the woodland to the west to give the area a rural character and the highway an enclosed appearance.
- 2.4** The southern boundary of the site is formed by a treelined hedge, while the eastern boundary, is formed by a hedge with a small copse at the southern end. The northern section of the site fronts onto Steyne Road, and this area benefits from planning consent for nine dwellings.
- 2.5** Immediately to the east of the site is a large recreation/ sports ground which includes the Bembridge Youth and Community Centre, and Bembridge Primary School on its eastern edge. To the north and east are extensive areas of housing. In Steyne Road the street scene is generally characterised by Edwardian era two storey houses and bungalows, mixed with more modern infill development. Predominant materials include red brick, pebbledash render, red tiled roofs and a handful of slate roofs. Many properties include details such as gabled bays, string course detailing between floors, decorative bargeboards, porches and sash windows.

- 2.6** The housing to the east of the site is densely laid out and formed by 1960s and 1980s era extensions to the village. These areas are characterised by winding open plan estate roads fronted by a mix of bungalows and two storey dwellings.
- 2.7** There are two existing properties located on the north-western corner of the site, that are adjacent to the corner of Steyne Road and Hillway Road. Popes Cottage is a detached one and a half storey brick and stone property, with its principal elevations facing east and west, presenting a narrow gable to Steyne Road. Damson Cottage is located immediately west of this property and is a more modern artificial stone bungalow. Both properties are enclosed by low timber fences.
- 2.8** To the south of the site is a large, detached property that is accessed via Howgate Road. This property is enclosed by significant areas of woodland.

3 Details of Application

3.1 Full planning permission is sought for the construction of 56 dwellings, arranged in a variety of detached and semi-detached two-storey houses, with one terrace of three houses within the north-western corner of the site. The development would also include detached bungalows, concentrated within the southern section of the site.

3.2 The plans show that there would be several house types, these being:

Type A 3B – Three-bedroom, two storey pair of semi-detached houses x 15

Type B-2B – Two-bedroom, two storey pair of semi-detached houses x 10

Type B1-2B – Two-bedroom, detached bungalow x 1

Type CB4 -3B – Three-bedroom, detached one and half storey bungalow x 1

Type CB5 – 5B – Five-bedroom, detached one a half storey bungalow x 2

Type CB6 – 3B – Two-bedroom, detached house x 1

Type CB7 – 5B - Five-bedroom, detached one a half storey bungalow x 2

Type CB8 – 4B – Four-bedroom, detached chalet bungalow x 2

Type CB8 – B-4B – Four-bedroom, detached chalet bungalow attached garage x 1

Type CB8A-4B - Four-bedroom, detached chalet bungalow attached garage x 2

Type CB9-3B – Three-bedroom, chalet bungalow x 1

Type D-E – Two and three-bedroom, two storey semi-detached houses x 4

Type G-3B – Three-bedroom, two storey detached house x 7

Type H-3B – Three-bedroom, two storey detached house x 2

Type H-3B – A – Three-bedroom, two storey detached house attached garage x 5

The plans also show that 29 of the properties would be provided with detached garages, that eight properties would include attached garages, with the remaining properties including on-site driveways.

3.3 The houses would be laid out in a relatively rigid fashion, with the majority of the housing arranged in a north-south alignment, with a handful arranged in an east-west alignment. The northern and central sections of the site would be laid out in a denser manner, than the southern section of the site, which would be laid out more sparsely and include five bungalows within large gardens.

- 3.4** The proposed housing would have a traditional appearance, with two storey housing to include features such as bay windows, simple balanced fenestration and porches. Roofs would include a variety of simple gables and hipped gables. Bungalows would include gabled and hipped-gabled roofs, with dormer windows and porches adding to the simple fenestration. The plans show that units would be constructed with red brick and buff brick detailing. The units would be set back from the highway and include front and rear gardens, with front gardens separated from the highway by low hedgerows. The plans show that rear gardens would be divided by a mix of fencing and hedgerow planting, with additional garden size trees planted throughout the development.
- 3.5** The site would be accessed via two entrances, one onto Hillway Road, the other via a previously approved access onto Steyne Road. Both would include simple bell-mouth junctions, leading onto estate roads. A further access would be created onto Hillway Road to serve one property, proposed within the south-western corner of the site. The roads within the site would include a network of pavements and crossing points with parts of the roads surfaced with 'home zone' shared surfacing.
- 3.6** Areas of open space would be provided at both the southern and northern sections of the site, surrounding existing large oak trees. The southern area of open space would also include a drainage swale. In addition, a small copse of trees that occupies the southern section of the eastern boundary and existing protected trees that are located alongside the western boundary onto Hillway Road would be retained, as would those throughout the site. A low hedge that subdivides the site would be removed.
- 3.7** The application would provide a policy compliant twenty affordable houses (35% of the total new homes proposed). In addition, the applicant has agreed to provide a footpath link through the site, between Steyne Road and Hillway Road, alongside a financial contribution towards further rights of way improvements within the area. The plans also show that a bus-stop and shelter would be provided within the north-western corner of the site, adjacent to Hillway Road.

4 Relevant History

- 4.1** 20/00695/FUL – Proposed development of 9 dwellings, vehicles accesses, garages, landscaping and associated infrastructure – Granted planning permission 1st July 2020.

5 Development Plan Policy

National Planning Policy

- 5.1** The National Planning Policy Framework (NPPF). 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.

5.2 The following sections of the NPPF are considered to be directly relevant to this planning application:

Section 2 – Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

Local Planning Policy

5.3 The Island Plan Core Strategy defines the application site as being immediately adjacent to the settlement boundary. The following policies are considered to be relevant to this application:

- SP1 Spatial Strategy
- SP2 Housing
- SP3 Economy
- 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
- DM13 Green Infrastructure
- DM14 Flood Risk
- DM17 Sustainable Travel
- DM22 Developer Contributions

Neighbourhood Development Plans

5.4 The Bembridge Neighbourhood Development Plan.
The following policies are considered to be relevant to this application:

- BNDP.OL.1 Scale of Development
- BNDP.H.1 New Housing Development
- BNDP.H.3 Safeguarding for Development to Meet Local Need
- BNDP.GA.1 Car Parking Provision for New Development
- BNDP.GA.2 Public Rights of Way
- BNDP.EH.1 Built Environment
- BNDP.EH.4 Woodland, Trees and Hedgerows
- BNDP.D.1 Design Criteria

Supplementary Planning Documents (SPD) and other guidance

- 5.5 The Affordable Housing Contributions Supplementary Planning Document.
- 5.6 The Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document.
- 5.7 The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document.
- 5.8 The LPA's Position Statement on Nitrogen neutral housing development.
- 5.9 The Isle of Wight Council Housing Strategy 2020 – 2025.
- 5.10 Local Cycling Walking Infrastructure Plan (LCWIP) for Bembridge, Brading and St Helens 2022.
- 5.11 The Isle of Wight Local Flood Risk Management Strategy 2016.
- 5.12 Bembridge Section 19 Flood Investigation, May 2022.
- 5.13 Bembridge Housing Needs Survey 2018

6. Consultee and Third Party Comments

Internal Consultees

- 6.1 The Council's Ecology Officer has not objected to the proposed development but recommended that a Biodiversity Net Gain is secured by condition, along with a Biodiversity Mitigation Plan.
- 6.2 The Council's Tree Officer has raised no objection to the proposed development, commenting that it would have an acceptable impact on trees at the site. The Tree Officer has confirmed that the Arboricultural Impact Assessment provided by the applicant is acceptable and therefore, advised that it should be secured by condition.
- 6.3 Island Roads Highway Engineer has raised no objection to the proposed development in respect of highway capacity, highway safety, onsite access and parking arrangements or connectivity, and has recommended planning conditions.
- 6.4 The Council's Rights of Way Manager has advised that a site of the size proposed would have impacts on the local public right of way network and has concluded that a planning contribution should be secured for the provision of funding to make improvements to public rights of way in the vicinity of the site.
- 6.5 The Council's Archaeological Officer has raised no objection to the proposed development, recommending conditions.

External Consultees

- 6.6** Natural England have commented that without necessary mitigation, the development would have the potential to cause detrimental impacts on designated sites, as a result of wastewater from housing, and recreational disturbance to protected species of birds that use the Solent Special Protection Areas. Natural England have advised that as competent authority, the Planning Authority should fully assess the impacts of wastewater and on designated sites. Natural England have confirmed that subject to the appropriate financial contribution being secured, they are satisfied that the proposal would mitigate against the potential recreational impacts of the development. Natural England have ratified the Council's Appropriate Assessment in relation to both recreational impacts and nutrient neutrality.
- 6.7** Southern Water have raised no objection to the development, confirming that they could provide foul sewage disposal for the development, subject to the necessary formal application process being applied for. Southern Water have recommended informatives in the event of permission being granted.
- 6.8** The Hampshire Constabulary's Designing Out Crime Officer has commented that a pedestrian link between the site and Steyne Park would allow for disorder within the park to move into the proposed development. The Officer has also referred to a proposed bus stop to be located alongside Hillway Road, advising that due to a lack of natural surveillance the shelter should not be fully enclosed, with only a single glazed side and roof. The officer has also advised that there should be good illumination in the area of the bus stop.

Parish/Town Council Comments

- 6.9** Bembridge Parish Council noted the submission of revised plans, which they consider to be disappointing. The Parish Council objected to the proposed development, raising the following summarised concerns:
- Object on policies OL1, OL2, H1, EH1, EH4, D1 from our Neighbourhood Plan
 - Object on policy DM12 from the Island Core Strategy Plan. The increase in foul wastewater for this site will pose significant risk of harm to internationally designated sites in the Solent. These sites are European Sites of Nature conservation. This site will significantly increase footfall on the local beaches. This site will significantly increase the level of nitrates in the Solent.
 - Continue to object on grounds of highways - the sight lines for the entrance at the top of Hillway have only been achieved by removal of a large area of hedge which is against EH4. This also doesn't allow for the topography of the road. IR have not commented on the new entrance to plot 61, which is extremely close to a right angled bend at the junction of Howgate road and Hillway.
 - Plans state that some hedges and trees should not exceed 0.6m and that a condition is needed to ensure this does not happen. However, we know conditions are not enforced. (**Officer comment** – The Planning Authority will enforce conditions where complaints have been made)

- Some of the parking spaces are too narrow and do not meet the regulation in the manual for streets
- Drainage and Flood risk - Although there are now drainage calculations submitted, the PC has done the maths and contends that they are not sufficient to cope with the amount of flood water associated with this site. Ref section 19 flood report 2022
- Surface materials - these are not permeable and will increase the likelihood of flooding in an area already prone to this
- Environmental grounds - the landscaping plans attached with this revised scheme do not mitigate the loss of hedges. No impact assessments have been added with these new schemes and the PC objects to this application being approved without these assessments being undertaken (**Officer comment** – Ecological information has been provided to support the planning application)
- There are several mature trees that will cast shadow into the amenity space of several of the larger proposed properties. It is almost guaranteed that the new residents will then want these trees removed to stop this darkening of their gardens. This is proof that not enough consideration has been given to the current landscape in the design of this estate. This is contrary to guidance BS5837
- Conditions - The PC objects to the removal of permitted development rights on only 2 of the properties. This is likely to lead to confusion. All properties should be treated the same. Residents of the affected policies will want the condition removed to bring them into line with the other residents (**Officer comment** – Officers have recommended that permitted development rights are removed for hard standings and boundary treatments forward of all properties)
- Pedestrian access to Steyne Park - the PC does not give permission for the proposed access into Steyne Park. This must be removed from the scheme (**Officer comment** – rights of access are not material planning considerations however, officers have recommended that the pedestrian link is removed, due to concerns raised by the police)
- Character - this area is being called an estate by the developer. Bembridge is a village not a town. An estate will not enhance nor improve the area and will harm the outlook of the village environment.
- We agree with the ROW officer over the improvements needed to the bridle ways and footpaths and the need for highway improvements to Steyne Road and Lane End Road as per the LCWIP.
- Cycling - The site lacks adequate provision for cycling
- Wildlife - The damage to the wildlife of this area will be devastating. A few bat boxes will not alleviate the destruction of a greenfield area whose hedgerows, trees and foliage are home to many small creatures
- Infrastructure - the village cannot cope; there is no doctors' surgery; the primary school is full
- There is no secondary education; the bus service is inadequate; the village lacks pavements but also car parking
- We feel strongly that there is no over-riding need in Bembridge for this development. It will not enhance, nor will it compliment the area and will cause significant harm.

Third Party Representations

6.10 A total of 694 representations have been received for this application, objecting, and raising the following summarised comments/concerns:

- The proposal would not accord with the Neighbourhood Plan
- Under the Neighbourhood Plan, housing development should be small scale
- The existing settlement boundaries have been completely ignored
- The Island Planning Strategy (IPS) is only in draft form
- The development should not be allowed until the IPS is adopted
- The development would not comply with the draft IPS
- The proposal would not comply with the NPPF
- The law is being changed to restrict building on greenfield sites
- Decision should be postponed until the review of the NPPF has arrived
- Contrary to the Core Strategy/ Island Plan/ no local need for housing
- The site is outside of the settlement boundary/ the site should be within the settlement boundary
- Only small scale housing should be allowed
- Why is the Council proposing large scale housing across the Island
- The site is designated greenbelt (**Officer comment** – there is no designated greenbelt on the Island)
- The site is greenfield (not previously developed) and brownfield land should be considered first
- Proposals would change a Rural Service Centre to a secondary settlement
- The Housing Needs Survey did not identify a need for such a large-scale development
- No need for housing/ housing would be for incomers
- Recent appeal decision for eight houses close to the harbour shows that there is no need for the housing
- There is a ready market for second homeowners and older age groups with disposable incomes, this will not help to maintain a balanced vibrant community
- Housing could be delivered through conversion of derelict sites and hotels
- Why are the two sites [there is a second proposed housing site located to the north and adjacent to Mill Lane] in the SHLAA?
- Who sat on the steering group for the SHLAA and decided that the site was deliverable?
- Why has there been no outline application for the site? (**Officer comment** – the applicant is entitled to choose to submit either an outline or full application)
- Contrary to the Bembridge Housing Needs Survey
- Lack of community engagement
- The developer has chosen larger houses to maximise profit/ development is purely for the developer's benefit
- House prices in Bembridge are high
- The housing would be unaffordable for local people
- Bembridge has already built 17 affordable homes
- The development proposes no affordable housing (**Officer comment** – the applicant is proposing a policy compliant 35% affordable housing)

- We need affordable housing in Bembridge, but these houses would be too expensive for local people
- The inclusion of so many upmarket dwellings may lead to social imbalance in the community
- There is no shortage of housing, just a shortage of affordable homes
- There is plenty of larger housing made vacant by those who downsize as they grow older
- Need for local people is starter/ affordable housing not luxury homes
- The houses would not be available for local families or key workers/not for young people
- If approved, there should be conditions to prevent holiday occupancy
- The housing would be used as second homes/ too many second homes in the village
- Should it be constructed, this will be a secluded geriatric community on the edge of the village which will do absolutely nothing to benefit the village
- The Island has a top-heavy population structure, in Bembridge it is even more top heavy
- People who might wish to purchase the homes would be likely to be elderly and need better public transport
- The site is not in the village centre but at the edge of the village, leading to car use and congestion
- The development would turn the village into a town/ already a large village
- Brownfield sites adjacent to larger towns such as Newport would be more suitable
- Harm to the original Thornycroft estate
- The field is not the place to build houses
- Lack of facilities in the village for local residents/ lack of facilities for younger people
- Village is over-crowded during the tourism season
- Lack of services for new housing
- Pressure for waste management
- Impact on infrastructure/ impact on existing power supplies
- No full-time doctor's surgery
- Local primary school is full
- No secondary school in the village
- No petrol station
- No fire station
- Lack of parking in the village
- Poor access within the village
- Lack of cycling facilities within the village
- The library is only run by volunteers and does not provide all normal library and Council services
- No sports/ leisure facilities within the village
- No locality hub proposed for the area
- Lack of public transport
- Nearest shops are 700m away with a lack of pavements
- The hospital for the Island is too small for the present population/ there is only one hospital on the Island
- Limited local employment opportunities/ where would all the jobs come from?

- The housing would increase the housing density of the village
- Proposes generic housing types seen across the UK
- The village is already overbuilt
- The housing would detract from the natural beauty/ character of the village
- Lack of detail for landscaping
- Poor layout
- Would not improve the quality of the area
- Not a balanced scheme of dwellings, green spaces and open areas
- Not an attractive development/ poor design
- The proposal is based on development in Cowes
- The development would not include enough trees
- The development would be too large/ out of keeping with the scale of the village
- The site is at a high point in the village
- The site is outside of the village bounds
- The site is immediately adjacent to the AONB/ impact on the AONB
- The site is a historic landscape
- The Neighbourhood Plan restricts developments to nine houses or fewer
- We do not want Bembridge to get much bigger
- Too many houses/ overdevelopment/ urban sprawl
- Houses in Bembridge are being purchased as holiday homes
- The housing would be excessive, disproportionate and would overwhelm Bembridge's services
- Huge development, out of proportion with the village
- The development would remove open fields near to the one remaining windmill on the Island
- Impact on the rural character of the area/ tranquillity
- No landscape plan has been provided
- Loss of farmland
- No room for cattle
- Impact on archaeology
- Impact on the natural landscape/ development would be an eyesore when entering Bembridge
- The village is full to capacity and struggles to cope when tourists arrive
- The development would be out of keeping with the character of the village/ surrounding area
- The field is one of the last green spaces in the village/ loss of meadow land
- The geology of the area is not suitable, and causes flooding
- Steyne Road floods during high rainfall/ the site will add to flooding
- The effects of additional driveways, roofs and roads affecting the water that can be absorbed would need to be seriously considered
- The development would add to surface water flooding/ sewer capacity issues
- The proposed drainage/ SuDs scheme would be insufficient
- Bembridge is an island within an island subject to flood risks
- No calculations have been provided for the drainage scheme
- Impact of flooding on property insurance (**Officer comment** – this is not a planning consideration)
- There should be an independent impact assessment of sewage and groundwater management including discharge into to sea and flooding

- Pipework connecting the village to the WWTW at Sandown is at capacity/ Southern Water releases of sewage have increased
- Concerns over the operation of WwTW and sewage discharges to the sea
- Impact of nitrates from the development
- The drains need extensive updating
- Raw sewage flows into the sea at Bembridge
- Impact on ecology/ loss of habitat and wildlife/ huge environmental impacts
- Impact on trees/ loss of trees and hedgerows
- Impact on water supply/ pressure of water supply
- Impact on coastal erosion
- Green spaces in the village have disappeared, affecting ecology
- Lack of biodiversity net gain
- There is a climate emergency
- Pollution as a result of more cars
- Lack of permeability for wildlife
- No evidence for the alleged net gain for ecology
- There is no Environmental Impact Assessment (**Officer comment** – The site is not within a designated/ sensitive area and therefore an Environmental Statement is not necessary)
- Impact of lighting
- Harmful impact on listed buildings within the area, including Bembridge Windmill
- The Government is encouraging farmers and other landowners to consider rewilding
- Impact on the biosphere
- Impact on mental health due to loss of areas for nature and open space
- Impact on nearby Steyne Woods and red squirrels
- The ecology report gives no regard to nearby designated sites / ecology report is not sufficient for a development of this scale and further surveys should be required
- Impact of footfall on SSSI beaches and recreational effects
- Impact on the Solent and its habitats as a result of sewage spills
- Standard approach to mitigate recreational effects would not be sufficient
- The transport networks for Bembridge would not cope with the traffic from the development/ congestion/ roads not good enough for addition traffic
- Steyne Road can be at a stand-still due to parking and traffic and the development would exacerbate this
- The development would combine with tourism traffic
- The access would be close to a tight bend
- Proposed accesses would not be safe
- Applicant has under-reported accidents in the area
- The roads are extremely dark after sunset and there is a lack of street lighting
- Poor access for emergency vehicles
- Roads are impassable entering the village from the Windmill
- Road surfaces break up due to volume of traffic/ roads are in a bad state
- People would have to walk in Hillway Road
- The roads are used to move livestock
- Increase in car use/ traffic as a result of the development
- Lack of pavements in the area/ lack of lighting for pedestrians

- Poor bus links/ buses are only hourly
- No proposals to improve infrastructure within the village
- Impact on emergency services if the two accesses to the village are blocked
- No car park in the village/ lack of parking within the area
- Ferry links are expensive, and cancellations are numerous
- Impact of construction processes and vehicles
- Impact of construction vehicles on Sandown Road
- Steyne Cross is known for accidents
- Mini roundabout is not suitable
- Noise, light and air pollution/ impact on village lifestyle
- Impact of the construction phase due to traffic, noise, dust
- Disruption caused by this and other developments within Steyne Road
- Steyne road is congested due to parking
- Bembridge has only two car access points, with a risk of congestion should one become impassable
- The village centre is congested and compact
- Combined impacts with growing tourism sites in the area
- It takes an hour to get to Bembridge from Newport, so the housing would be attractive to those working in Newport
- Impact on tourism
- The area is busy due to the expansion of nearby tourism sites
- How can health and wellbeing be improved by building houses on this site
- Development would need to comply with the requirements of policy G3 in relation to developer contributions
- Where is the open book viability assessment (**Officer comment** – the applicant has agreed to provide policy compliant planning contributions and therefore a viability assessment is not required)
- No commitment by the developer to pay for additional infrastructure required
- The access to Steyne Park is not in the developer's gift
- Cannot see how the proposal complies with the UNESCO biosphere status of the Island
- No reference to energy efficiency or carbon reduction
- The application does not meet the tests of sustainability and community need
- Impact on stability of houses at the top of Lincoln Way due to chalk and clay
- Applicant has used software for plans that is not generally available for the public so that general public cannot access sufficient detail (**Officer comment** – the plans and supporting information are held on the Council's website and are fully available)
- Details of proposed s.106 agreement should be published as they are notoriously easy to get wrong
- None of the previous objections to the development have been addressed
- Technical issues remain unaddressed
- Not all consultee comments have been published
- Nobody wants a Judicial Review
- Local people are being ignored

6.11 Two letters of support/ no objection were received, and raising the following summarised comments:

- The proposed affordable Housing is welcomed, but only once the village infrastructure has been built to support the extra people
- More houses are needed across the Island, including in Bembridge
- Many Island residents cannot afford homes/ high rents
- The Island is in a housing crisis
- It is vital that the development includes more affordable housing to allow local people with families to step onto the property ladder
- Bembridge is an ideal place for a housing development as it has play areas, beach, local school and has regular buses

6.12 Robert Seely MP has objected to the proposed development for the following summarised reasons:

- The development would be exceptionally large for such a small village
- Contrary to the need of the community as set out in the Bembridge Neighbourhood Plan
- Cannot see how this development addresses local housing need, how it benefits rural landscape, tourism offer or supports small scale sustainable growth
- Concerned about the pressure of the development on local infrastructure
- Bembridge has small roads which often get congested
- Risk of flooding caused by new housing
- The site is greenfield offering food and shelter to wildlife and green space to the village
- There are other sites available for housing and plenty of brownfield sites on the Island that could be developed to provide affordable housing
- The Council has secured money from Government to help it deliver some brownfield sites
- The Council should look at these brownfield sites before considering unsustainable, car dependent, greenfield developments such as this

6.13 Cycle Wight have made a neutral comment on the planning application, making the following observations:

- Paths should be 3m in width and a permeability feature between units 29 – 30 should not interfere with the progress of pedestrians or cyclists
- Raised area for speed control is welcomed but should be of a design to allow cyclists to move with ease
- All pavements should be flat surfaces to make it easy for pedestrians of all ages and mobility to use paths
- Parking should not be on streets
- No room for visitor parking
- Lack of pavements in some areas would further add to the need to restrict parking
- Traffic regulation and active travel provision should be in place before building commences to enable all residents and visitors to use Active Travel methods from the outset. This will encourage people to cycle, walk and use public transport

7 **Evaluation**

Principle of the development

Policy background

- 7.1** Paragraph 60 of the NPPF states that it is a Government objective to significantly boost the supply of housing. In addition, paragraph 69 of the NPPF reasons that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, because these are often built-out relatively quickly. The paragraph goes on to confirm that planning authorities should support the development of windfall sites through their policies and decisions. Paragraphs 77 and 78 of the NPPF explain that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It adds that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 7.2** Policy SP1 of the Island Plan outlines that unless a specific local need is identified, development proposals outside of, or not immediately adjacent to the Key Regeneration Areas, Smaller Regeneration Areas or Rural Service Centres will not be supported. The Island Plan defines the application site as being outside of, but immediately adjacent to the settlement boundary for Bembridge, which is a Rural Service Centre. For new housing development within or adjacent to Rural Service Centres, policy SP1 confirms that a local need for the housing should be demonstrated. Policy SP2 of the Island Plan sets out an average need for 520 houses per year between 2011 to 2027, advising that 980 dwellings would be required through smaller-scale development at the Rural Service Centres and wider rural area over this period. Policy SP1 states that in relation to the Rural Service Centres and the Wider Rural Area, the Council expects to see smaller-scale development occur in sustainable locations, where a local need is identified.
- 7.3** Bembridge Parish Council adopted a Neighbourhood Development Plan (the Neighbourhood Plan) in 2014 and this contains policies relating to housing development within the Parish. The strategic overview policies contained within the Neighbourhood Plan generally reflect those within the Island Plan and set out where new development should take place within the Bembridge Parish as well as the scale of development. Policy BNDP.OL.1 (Scale of Development) states that new development will be confined to small scale proposals which fall within any of the following categories and will be supported in principle:
- a) Housing development schemes of 1 to 9 units and not exceeding 0.5 hectares
 - b) Non-residential development not exceeding 1000 square metres floor space and site area not exceeding 1 hectare.
- 7.4** Policy H1 of the Neighbourhood Plan is an extension of policy OL1 and states that new housing development within the Bembridge settlement boundary or immediately adjacent will be supported in principle provided it meets the criteria as set out in policy BNDP.OL.1 and is able to demonstrate it meets a local need, primarily as identified in the current Bembridge Housing Needs Survey.

Housing delivery and need

7.5 Regarding proposed housing, the policy position set out within policies SP1 and SP2 of the Island Plan and policies BNDP.OL.1 and H1 of the Neighbourhood Plan 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 2021. The latter of these documents outlines at paragraph 7.12 that "the Isle of Wight Council considers that it cannot demonstrate a five-year land supply as at 1st April 2021.

7.6 Further to this, the Housing Delivery Test (published 19th January 2022) shows that only 58% of the housing need (when using the Government's Standard Method calculation) has been delivered on the Isle of Wight over the three-year period to 31st March 2021.

7.7 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."

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."

7.8 The Council's annual monitoring reports and the Housing Delivery Test undertaken by the Department for Levelling Up and Housing and Communities (DLUHC) demonstrate that delivery over the last three years has been 58% and we therefore fall within both categories and the presumption in favour of sustainable development is applicable.

7.9 Under the current NPPF, to remove the presumption in favour of sustainable development, the Council must deliver a greater level of housing (above 75% of the required housing number using the Government Standard method) and/ or adopt an up-to-date development plan and still deliver 75% of any new yearly

target within that adopted plan. The NPPF provides guidance on the stage at which emerging policies can be attributed weight in decision making. Paragraph 49 of the NPPF states that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

7.10 Third party comments have suggested that determining the application in advance of the Island Planning Strategy would be premature. Paragraph 50 of the NPPF confirms that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Considering criteria a) above, it should be noted that the application site is currently included within the housing allocations in the draft IPS and therefore officers consider that if approved, it would not undermine the plan-making process. Moreover, considering criteria b) and the advice contained within paragraph 50, members will note that the IPS is yet to be agreed by Full Council and therefore, has not been submitted to the Secretary of State for examination. Therefore, it is reasonable to conclude at this stage, that only minimal weight could be attributed to the emerging IPS and officers would advise that the policy context for determining the application is the Island Plan Core Strategy and the Bembridge Neighbourhood Development Plan.

7.11 Officer's advice is that the lack of housing delivery means that the merits of housing development taking place in Rural Service Centres should be considered in terms of the sustainability of the particular site, with the acceptability of the scale of the development then based on an assessment of its impacts. In the case of this development, balancing the key considerations outlined within this report. Officers also consider that due to the housing delivery rates explained above, that the requirements of policy BNDP.OL.1 of the Neighbourhood Plan in terms of limiting housing proposals to 1 to 9 units and not exceeding 0.5 hectares, would undermine the Island's ability to deliver much needed housing (particularly affordable housing) within a village that is a sustainable location for housing development.

7.12 The lack of housing delivery on the Island does not simply result in statistical issues for the Council. This also impacts on the ability for local people to purchase or rent the home of their choice. The Council's Housing Strategy advises that 'housing affordability and housing supply are and are set to remain the most challenging issues that the Island needs to address during the lifetime of this strategy and beyond'. The Strategy also advises that 'We know there is a particular need to recruit and retain skilled people to work in essential public services and local industries including construction for the longer-term recovery and economic sustainability of the Island. The lack of suitable housing to meet this aspiration has long been identified as a barrier to this and needs to be

addressed urgently.’

7.13 The lack of housing delivery can, to an extent, be evidenced by the Council’s Housing Register. The Register, as of March 2023, included 2495 households Island-wide. The Register is divided into five bands, with those in the most urgent need falling into band 1, and those at the least level of need falling into band 5. There are 4 households falling into band 1, 285 within band 2, 1286 falling within band 3, 723 within band 4 and 197 within band 5.

7.14 The Housing Register also provides statistics for specific areas of the Island. There are currently 696 households on the Register for Bembridge. The table below splits the number between the relevant bands, but also house sizes.

	1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	Total
Band 1	0	1	0	0	0	0	1
Band 2	43	11	13	9	4	1	81
Band 3	177	87	59	16	1	0	340
Band 4	72	73	57	15	0	0	217
Band 5	30	16	10	1	0	0	57
Total	322	188	139	41	5	1	696

Officers consider that the information contained within the Housing Register shows that there is a strong need for additional housing within the village, and that this combines with the existing requirement for housing.

7.15 As outlined above policy BNDP.OL.1 of the Neighbourhood Plan limits housing proposals to 1 to 9 units and not exceeding 0.5 hectares. However, on site delivery of affordable housing is not triggered until a scheme includes a minimum of 10 units. Therefore, if developments in the village were all limited to 9 or below there would be no on-site delivery or provision of affordable housing in the parish to meet this identified need, unless funded by planning contributions. The housing to the front of the site was limited to 9 and therefore the developer would have continued to bring smaller parcels of land forward of 9 units to comply with this policy, but in doing so the benefit through contributions to be secured by the legal agreement and the delivery of affordable housing would not be achieved.

7.16 In addition, Bembridge Parish Council undertook a Housing Needs Survey (The Bembridge HNS) in 2018, having been commissioned to understand residents’ current housing circumstances and their future housing aspirations for the period 2018 to 2023. The Bembridge HNS was informed by questionnaires delivered to all houses within the Parish, as well as other data, including the 2011 Census. The Bembridge HNS confirms that the advised outputs within it are minimum estimates, due to the response rate of the questionnaires, which was 11.6% (249 households out of 2139 surveyed). This rate of response is considered to be very low and much lower than that for the Parish’s 2013 HNS, which garnered 449 replies and found a higher requirement for housing. The 2018 Bembridge HNS indicated that there would be a net requirement for 37 open market dwellings within the Parish between 2018 and 2023. In the period 2018/19 to 22/23, permission was granted for 17 new dwellings (on small sites) and 23 new homes were completed. This indicates a shortfall of 14 market dwellings in that period against the identified figure. The 2018 Bembridge HNS did not identify a need

figure for market or affordable dwellings beyond 2023, and it is noted that the figures within the HNS were based on a relatively small response rate, and would not have included people who live outside of the Parish, but who may have a need to live within Bembridge. Regardless of this point, paragraph 5.36 of the Core Strategy, 'The Council considers that meeting the annual provision of 520 dwellings or housing trajectory number will not in itself be a reason for rejecting a planning application. Decisions will be taken on their merit and local circumstances, including longer term housing needs and affordability in an area'. This approach is also true of meeting any locally identified need figure.

- 7.17** The Council's Housing Need Assessment (The Council's HNA) was undertaken in 2018 and placed Bembridge within the Ryde sub-market area. The HNA found a need for 61 affordable houses per annum within the Ryde sub-market area (and 222 for the Island as a whole) with 152 open market dwellings required per annum within the sub-market (see tables 7 and 36 of the Council's HNA). The applicant's Design and Access Statement sets out their opinion relating to the local need for the development and refers to the information set out within the Council's 2018 Housing Needs Assessment (HNA), and the annual figure of 641 dwellings that this identifies for the Island, between 2016 to 2034. The applicant's information also refers to the housing delivery issues that the Island has faced in recent years, noting the findings of the Housing Delivery Test (see para 7.7 above) and the need to focus housing within sustainable locations.
- 7.18** Officers consider that local need referred to within the Island Plan should be seen as being Island-wide, due to the scale of the under delivery over a sustained period. However, the Bembridge HNS combines with the information contained within the Council's Housing Register and HNA to demonstrate a local need for the housing proposed, both in terms of the Island as a whole, but also for Bembridge in its role as a Rural Service Centre, taking into account the presumption in favour of sustainable development.

Locational requirements

- 7.19** While policy SP1 is a strategic policy in terms of housing, it does give important locational guidance in terms of focussing housing in the most sustainable areas and settlements as identified by the Key Regeneration Areas, Small Regeneration Areas and the Rural Services Centres, the use of brownfield land and economic led regeneration. The overall approach advocated within policy SP1 in terms of focussing development in the most sustainable locations is considered to be relevant in terms of the NPPF and its requirement to apply a presumption in favour of sustainable development.
- 7.20** Bembridge is a Rural Service Centre and therefore for the purposes of planning policy guidance, is a sustainable location for its community and housing provision. The village contains two shopping areas, with the main concentration of services and facilities being within the village centre and more limited range of services within Lane End Road, in the south-eastern area of the village. Between them, these two areas contain convenience stores, a butcher's, a fishmonger, a greengrocer's, a bakery, a florist, a hairdresser's, a library, a dental surgery, a doctor's surgery, public houses, restaurants and cafes, hot food takeaways, estate agencies, gift shops, a post office, a primary school, a community hall and churches. The village is therefore well served by the services and facilities

required by the local community.

- 7.21** The Chartered Institution of Highways and Transportation (CIHT) publication 'Planning for Walking' published April 2015 identifies at paragraph 6.3 'Land use planning for pedestrians' that 'Most people will only walk if their destination is less than a mile away.' It continues to explain that 'Walking neighbourhoods are typically characterised as having a range of facilities within ten minutes' walking distance (around 800 metres).' And that 'The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres. People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.'
- 7.22** The application site is located 1km from the village centre, via Steyne Road and Foreland Road, and therefore while walkable via pavements could not be considered to be in close walkable proximity. Nonetheless, there is a bus stop located immediately west of the site within Hillway Road and another bus stop 100m east of the site within Steyne Road. These connect to the village centre, as well as St Helens (where there is an alternative school and doctor's surgery), as well as the towns of Sandown and Ryde. This route offers an hourly service between 06.30 to 23.30 hours on a daily basis. However, the site is within 600m of the shops in Lane End Road, which include a convenience store and post office, and the route is direct and served by lit pavements. In line with policy DM17 of the Island Plan, the development would be served by alternative means of transport to the car and therefore, provide increased travel choice.
- 7.23** Paragraph 79 of the NPPF states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.' Bembridge is identified in the Island Plan as a Rural Service Centre, owing to its strong mix of services and facilities and is therefore considered to be a sustainable location for additional housing. It is considered that the proposed development would provide benefits to the village, by providing additional residents, which would combine with the existing community to sustain local services and facilities. Moreover, the provision of affordable housing would be likely to provide a proportion of family housing, which could support the local school and other groups, such as sports teams, and the use of the local park, which is adjacent to the site.
- 7.24** In summary, the proposed housing development would be contrary to the guidance contained within BNDP.OL.1 of the Neighbourhood Plan, given the limits on the scale of housing development that this policy includes. Officers consider that there is an overriding need for housing across the Island given the lack of housing delivery over recent years, and that there is a need for housing within Bembridge, as evidenced by the Parish Council's HNS, the Council's HNA and Housing Register, that combine to outweigh the policy approach set out in BNDP.OL.1 of the Neighbourhood Plan.

Brownfield land

- 7.25** It should be noted that there are not considered to be sufficient brownfield sites

available to accommodate the level of development required to deliver the housing needs for the Island and therefore, in many cases new housing development will take place on undeveloped land. Regarding the potential for housing to be located on previously developed land (brownfield land) within the settlement boundary, the Council's Brownfield Register includes two sites within Bembridge. The first is the former Bembridge C of E School, however this site was redeveloped several years ago, providing 13 houses. The second relates to Raffles, a large building within Steyne Road that has been used as accommodation for staff at a nearby holiday park. That site is the subject of a current planning application that seeks to redevelop the site with 9 flats.

7.26 There is a concentration of business units along Embankment Road, opposite to Bembridge Harbour. These are generally related to the function of the harbour as a marina, and include uses such as chandleries, boat storage areas, boat sales outlets and marine repair uses. These existing uses are important to the use of the harbour and are a source of local employment. The land they occupy is limited in extent, and therefore unlikely to be suitable for a comprehensive housing development. These sites are also outside of the settlement boundary, detached from the residential core of Bembridge and adjacent to designated sites and therefore are not considered to be preferable to the application site. There is a plot of land located to the southwest of these uses, but this has previously been proposed for development, but withdrawn due to overriding ecology issues.

7.27 There is a small builder's/ haulage yard located to the east of Bembridge High Street, and while the principle of housing is likely to be acceptable, the site is likely to be constrained by the site access, which is narrow with buildings adjacent to the access being hard against the highway. There is also a further builder's yard in Lane End Road, however this has already gained planning permission for the conversion of various buildings to a mix of six flats and two residential units. Officers are not aware of any further previously developed land available within the settlement boundary for the development.

Conclusion on principle

7.28 In conclusion, while the proposals would be contrary to policies BNDP.OL.1 and H1 of the Neighbourhood Plan, officers consider that when taking account of the lack of housing delivery over a number of years and the presumption in favour of sustainable development, there is an overriding need for housing across the Island and that when also considering the data contained within the Council's Housing Register, there is a clear need for open market and affordable housing within Bembridge. The applicant has provided information relating to the need for proposed housing, which reflects the opinion of officers. The application site is located immediately adjacent to the settlement boundary for Bembridge, a Rural Service Centre, and adjoins significant areas of existing housing. The site would benefit from a choice of transport links to the many services and facilities within Bembridge.

7.29 The application is proposing 56 dwellings, and it is considered that this number of houses would make a meaningful contribution towards housing within the East Wight, which would weigh substantially in favour of the application. The proposal is therefore considered to comply with the advice contained within policy SP1 of the Island Plan when considering the advice contained within the NPPF. It does

not follow, however, that planning permission will automatically be granted for such applications as the balance between the benefits and harm of any proposal will still need to be given careful consideration when the decision-maker arrives at their decision.

Mix of housing and tenure

7.30 Policy DM3 of the Island Plan states that the Council will support proposals that deliver an appropriate mix of housing types and size. The policy requires proposals to accord with the most up to date Strategic Housing Market Assessment. This requirement is reflected by policy BNDP.H.1 (New Housing Development) of the Neighbourhood Plan, which requires housing developments to demonstrate that they meet a local need, primarily as identified in the current Bembridge Housing Needs Survey. Policy DM4 (Locally Affordable Housing) of the Island Plan requires major housing schemes to provide a minimum of 35% on site affordable housing.

7.31 The 2018 Bembridge HNA found that of the 37 open market dwellings required within the Parish between 2018 and 2023, the following sizes of accommodation would be needed:

- 1 bedroom – 5
- 2 bedrooms - 21
- 3 bedrooms - 5
- 4 bedrooms – 2
- 5 bedrooms – 3
- 6 bedrooms – 1

The survey also showed that of the 37 dwellings required, 16 would need to be ground floor accommodation. The survey also showed a need for an additional 10 affordable rental houses.

7.32 The Council's HNA advises that the following mix of sizes would be required for the Ryde sub-market, for open market housing:

- One bedroom – 5%
- Two bedrooms – 37%
- Three bedrooms – 40%
- Four+ bedrooms – 18%

The following mix of sizes would be required for affordable home ownership:

- One bedroom – 23%
- Two bedrooms – 45%
- Three bedrooms – 25%
- Four+ bedrooms – 7%

The following mix of sizes would be required for affordable home rented:

- One bedroom – 41%
- Two bedrooms – 39%
- Three bedrooms – 19%

Four+ bedrooms – 2%

7.33 The Council has also undertaken an updated HNA, published in 2022. This, however, applies to the whole Island, rather than investigating sub-market areas and does not supersede the 2018 figures above, which remain appropriate for this planning application. The 2022 HNA found that the mix of housing, set out within table 5 below, would be appropriate for the Island as a whole. These figures generally correlate with those for the Ryde sub-market area, for all types of tenure.

Table 5: Suggested mix of housing by size and tenure

	1-bedroom	2-bedrooms	3-bedrooms	4+ bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	40%	30%	10%
Affordable housing (rented)	40%	30%	25%	5%

7.34 The proposed development would comprise 56 dwellings, with 36 to be open market housing, and the remaining 20 to be affordable housing, equating to 36% and so marginally above the policy compliant level of 35% on-site affordable housing provision. The open market housing would include the following mix of dwelling sizes:

One bedroom x 0 = 0%
Two bedrooms x 5 = 14%
Three bedrooms x 22 = 61%
Four+ bedrooms x 9 = 25%

The affordable housing would include the following mix of dwelling sizes:

One bedroom x 0 = 0%
Two bedrooms x 11 = 55%
Three bedrooms x 9 = 45%
Four+ bedrooms x 0 = 0%

7.35 While the site would provide no one bedroom units, these would generally be related to flatted developments in more urban settings. Officers note that such accommodation has been proposed for developments in Ryde, within the same sub-market area. The development would provide a greater proportion of two and three-bedroom properties, which would broadly reflect the split in housing sizes for the sub-market area, although with a greater focus on three-bedroom housing. Officers do not consider that this would weight against the scheme, as this would provide for a greater number of smaller to medium sized family homes.

7.36 The affordable housing units would again be focused on two and three-bedroom properties. This would cater for families or those with a need for smaller homes, therefore providing the need for first-time buyers, those wishing to upsize to slightly larger accommodation or alternatively, those wishing to downsize. While the percentage split of unit sizes would be greater than that within the 2018 HNS and 2022 HNA, this can be generally attributed to the absence of single bedroom units, which as set out above, would be more appropriate for urban areas in the

sub-market, such as Ryde.

7.37 Policy BNDP.H.3 – Safeguarding of Development Delivered to Meet Local Need – of the Neighbourhood Plan states that development approved as meeting a local need will be subject to planning conditions and/or planning obligations to require the first occupants to be existing residents of the Isle of Wight with a Bembridge connection meeting one of the following categories:

- (a) a person who currently lives in the Parish and wishing to move to a smaller property in order to release larger accommodation
- (b) a person who currently lives in the Parish and has an appropriate housing need because their family size has increased
- (c) a person who currently lives in the Parish and wishes to transfer to a similar sized property
- (d) a person from the Parish who is subject to a planned management transfer based on medical grounds
- (e) a person who has previously lived in the Parish for 5 or more years up to the age of 16
- (f) a person who has for 5 years prior to such acquisition or occupation been in continuous full or part-time employment (excluding seasonal employment) in the Parish or has accepted an unconditional offer of employment in the Parish

7.38 The first period of occupancy in accordance with the above criteria to be for a minimum of three months thereafter occupation (subject to the same criteria) may be extended to the neighbouring parishes of Brading or St Helens for a further three months. Thereafter, the property may be offered on the open market.

7.39 In addition to this, the applicants have agreed to an Island-first marketing period for open market housing, suggested by officers. This would include limiting the sale of open market properties to Islanders for a period of three months, in the following manner:

- Month 1 – Properties available to residents of the Parish of Bembridge
- Month 2 – Properties available to residents of the Parish of Bembridge and adjoining parishes
- Month 3 – Properties available to Island residents

Following the three-month period set out above, the properties would be open to the open market.

7.40 Officers consider that the requirements set out within policy BNDP.H.3 in respect of marketing housing for local people would remain reasonable. As the policy outlines, any remaining housing after the focussed period of marketing would be sold via the open market. The proposed affordable housing would also need to be marketed on Island Homefinder to ensure that it is made available to those on the housing register. Therefore, Officers recommend that the above marketing approach should be secured via a legal agreement, should the application gain planning permission. It is considered that this development would therefore comply with the policy guidance contained within policies DM3 and DM4 of the Island Plan and policy BNDP.H.1 of the Neighbourhood Plan and contribute to the substantial benefits outlined within the principle section of this report through

delivering a mix of affordable housing and housing for local people.

Loss of agricultural land

7.41 National guidance in respect of the classification of agricultural land and its protection is contained within the Natural England Technical Guidance Note (Agricultural Land Classification: protecting the best and most versatile agricultural land) and within the NPPF. The Technical Guidance Note makes it clear that decisions with respect to the protection of the best and most versatile agricultural land rest with Local Planning Authorities and Government Guidance. To guide decision making, agricultural land is classified into five grades, which are as follows:

Grade 1	Excellent
Grade 2	Very good
Grade 3	Good to Moderate
Grade 4	Poor
Grade 5	Very poor

According to Natural England and the glossary to the NPPF the best and most versatile agricultural land are those areas that fall within grades 1 to 3a. Such land is considered by Natural England to be most flexible, productive and efficient in response to inputs and can best deliver future crops for food and no food uses.

7.42 Paragraph 174 of the NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. The footnote to this section of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. DEFRA land classification maps confirm that the land in this area is grade 3 and therefore, has the potential to fall into Grade 3a which is considered to be good quality agricultural land.

7.43 However, to provide further clarification on whether land is within Grade 3a or 3b, site surveys are required. The applicant has undertaken soil surveys of the site, and these showed that the land comprises a thin layer of topsoil, underlain by silty clay and soils with very poor infiltration characteristics. It should be noted that land with only thin layers of topsoil lack nutrients and that poorly drained soils are not generally considered to be conducive for high yield crops, such as cereals. This is evidenced on the ground, by virtue of the majority of the fields in the area being used for pasture. As a result, officers consider that the land would be akin to Grade 3b farmland, which is categorised as ‘Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.’ Therefore, the land is not considered to be subject to protective policies and there is no objection to the proposed development in relation to agricultural land classification.

Impact upon the character of the surrounding area

7.44 Policy SP5 (Environment) of the Island Plan Core Strategy states that the Council will support proposals that protect, conserve and/or enhance the Island's natural and historic environments. All development proposals will be expected to take account of the environmental capacity of an area to accommodate new development and, where appropriate and practicable, to contribute to environmental conservation and enhancement.

7.45 Policies DM2 and DM12 of the Island Plan require development proposals to be of a high quality of design, to compliment the character of the surrounding area, and to conserve, enhance and promote the Island's landscape.

Landscape and visual impacts

7.46 The application site is formed by relatively level fields, that edge the south-western edge of Bembridge. The fields share a similar land level to the residential development to the north and east, with land further west sloping gradually away from the village towards Hillway, Bembridge Airport and Whitecliff Bay. The area west of the site has a pleasant rural feel, with Hillway Road edged by woodland and hedgerows. The areas north and east form part of the existing village and include housing with generous gardens. Land to the south is again developed, but at a lower density with properties enclosed by large hedgerows.

7.47 Because the western side of the road is enclosed by woodland, views are generally directed to the east and so across the fields that form the application site. Those views have a rural feel and because the site is relatively wide, with intervening hedgerows and trees, there is a sense of depth when appreciating the farmland. But the landscape does not feel isolated, because there is an appreciation of the existing housing to the east, and as one travels further north this appreciation of the presence of development becomes increasingly apparent. When travelling south, the backdrop is more rural.

7.48 The proposals show that the fields would be developed to provide housing, which would clearly change the character of the immediate area, and particularly when seen from Hillway Road. Views would change from those across fields towards the village edge, to views instead of readily apparent housing arranged in rows in close proximity to the highway and the new means of access from Hillway Road. This would effectively roll the village edge west, to Hillway Road. There would, however, be mitigating factors that would assist in reducing the visual impact of the development when seen from Hillway Road.

7.49 Firstly, the plans show that deep gardens would be provided between the western boundary and housing closest to the highway allowing a sense of space and resulting in the housing appearing less prominent. The landscaping plans and ecology report outline that the hedgerow alongside the road and the large lines of roadside trees would remain, and in particular the trees would screen some views and break up views, while the hedgerows would retain the soft edge to the highway and provide some screening. The proposed access onto Hillway Road would remove a section of the hedgerow and allow clear views of the housing, and new highway arrangements although the landscape plans show that hedgerows would edge the new highway, again reflecting the more rural character of the village and softening the appearance of the development.

- 7.50** Nonetheless, the development would be readily noticeable from Hillway Road and substantially and fundamentally alter the current views of farmland, with set-back housing beyond, to views of housing at close quarters. This would result in significant change to the landscape character of the immediate area, which when considering the mitigating factors outlined above, would in officer's opinion result in a moderate but material level of harm.
- 7.51** The officer site visit showed that the site is not readily visible from the landscape immediately to the south and in particular from Howgate Road and the AONB landscape to the south and east. That is due to the high intervening hedgerows and trees that form the southern boundary of the site and that enclose Howgate a large property immediately to the south. When within Howgate Road, the existing properties that adjoin the site are not visible, and therefore, the development could not be seen from these areas, and would therefore not cause harm to the immediate landscape to the south and southeast.
- 7.52** Steyne Road is located to the north of the site, and this is a residential area, with the north and southern sides of the road aligned by housing in a relatively close-knit fashion, with the majority being two-storey in height. The site frontage onto Steyne Road previously formed a gap in the urban frontage, between Popes Cottage and a detached bungalow to the east. However, planning permission has been granted for nine houses on this land, forming a relatively dense frontage of two and one and a half storey housing that would largely screen the development. Limited views of the development would be possible between Popes Cottage and Damson Cottage, which are adjacent to the north-western corner of the site, and which are separated by garden areas with limited boundary screening. However, these views would be seen in the context of the already built-up Steyne Road, with the proposed housing set back behind existing housing. Thus, the development would have a limited visual impact when seen from Steyne Road, causing change that would be largely imperceptible.
- 7.53** The area of land to the east of the site includes the large residential estate around Lincoln Way and Brook Furlong. These are densely laid out areas of single storey housing development, arranged around open plan estates, with housing backing onto the recreation ground that adjoins the eastern site boundary. The proposed housing would be apparent from the gardens and some of the housing to the east (including from rear elevations of houses in Steyne Road, Lincoln Way and Downsvie Road). But these views would be from oblique angles and at increasing distance, with the eastern boundary hedge screening much of the elevations of the proposed housing. Views would therefore be of a new roofscape, in views containing existing housing and therefore, the level of change from these areas of housing would be minor.
- 7.54** When within the recreation ground, more direct views to the west would contain the proposed housing. Again, the eastern boundary hedges would mitigate the appearance of the development, with existing trees and the set back of housing from the boundary further reducing its prominence. Views would therefore be of upper elevations and roofing. This would alter existing views but to an extent that would be limited and mitigated by the already surrounding housing. It is considered by officers that the development would result in minor harm when seen from the east. When beyond the recreation ground views of the site would not be possible.

- 7.55** At greater distances Bembridge is not a prominent settlement, occupying a relatively level area of landscape. The landscaping to the west of the village forms a wide floodplain, the extends from Bembridge Harbour, towards Brading and between St Helens and the edge of Bembridge Down. This is a low area of marshland that forms part of the Harbours and Creeks character defined by the East Wight Landscape Character Assessment (the LCA). From here views to the east towards Bembridge are edged by a network of woodlands and wooded corridors, which screen the village. Thus, the development would not be seen from this landscape area.
- 7.56** The landscape to the north and that runs between St Helens towards Brading begins to rise so that much of this area occupies a slightly higher land level than Bembridge and the application site. This area is defined as being within the Traditional Enclosed Pastureland character area, by the LCA. From higher ground in this area, there are views towards Bembridge and parts of the roofscape of the village centre can be seen but at significant distances of between 1.7 to 2.5km. However, the southern edges of the village, within which the site is located, are not visible from these areas, due to the land level of the village falling slightly to the south and owing the wooded character of the village. The development would not be perceivable from the landscape to the north and therefore, have no impact on it.
- 7.57** The landscape further southwest is within the AONB and dominated by the chalk downland that forms Bembridge Down, a hill that reaches 100m above sea level at its highest point. The south-western edges of Bembridge are visible from the northern slopes of Bembridge Down but in a similar manner to the lowland landscape to the west of the village, the belt of woodland that surrounds the western edge of the village screens existing housing and the application site. Instead, views towards the village are dominated by the caravan sites around Hillway, which are a significant presence in the panoramic vistas north of the Down. Because the application site cannot be seen from the distant landscape to the southwest, it results in no landscape or visual impact.
- 7.58** In summary, officers consider that the site would not result in material landscape impacts to distant locations given the well screened nature of Bembridge. In terms of closer vantage points, the site occupies an area of landscape that is level with much of the existing village and therefore, the proposed housing would be screened from locations to the north, south and east by existing development, and the mature hedgerows and trees that align site boundaries. The development would be visible from Hillway Road to the west, from where the housing would cause a moderate but material level of harm to landscape character.

Design and layout

- 7.59** Policy DM2 (Design Quality for New Development) states that the Council will support proposals for high quality and inclusive design to protect, conserve and enhance the Island's existing environment while allowing change to take place. The policy states that development proposals will be expected to provide an attractive built environment and be appropriately landscaped.

7.60 Policy BNDP.EH.1 of the Neighbourhood Plan requires development to respond positively to the local character of its environment, demonstrate a high quality of design and a good standard of amenity for existing and future occupants of the land and buildings. This advice is reflected by policy BNDP.D.1 which states that development proposals will be expected to be of a design that:

(a) complements and enhances where appropriate the prevailing size, height, scale and mass, materials, layout, density and access of the existing surrounding development

(b) demonstrates that the development reflects the existing character of the locality

as defined in the Bembridge Design Character Appraisal document

(c) demonstrates that the amenities of neighbouring residential occupiers will not be adversely affected through overlooking, loss of light or outlook, over-dominance or disturbance

(d) provides an appropriate level of landscaping which complements and enhances the character of the local area.

7.61 The plans show that the site would be laid out in a relatively low-density manner. The eastern side of the site adjoins the edge of the village and here, there would be a row of dwellings laid out in relatively compact line, but this area of the site would be less visible and comparable to the housing to the southeast (Nansen Close and Lincoln Way) as well as housing within nearby Steyne Road. The central and western areas of the site would be laid out in a more spacious fashion, with greater separation between properties, and larger rear gardens. Small front gardens would also be provided, combining with the proposed access roads and pavements to provide good separation distances between the facing front elevations of houses. This would allow street scenes to appear more spacious, allowing for tree planting and landscaping that would soften the appearance of the overall development.

7.62 The housing that would occupy the western boundary of the site would include particularly deep gardens, allowing a significant degree of space between rear elevations and nearby Hillway Road, with a boundary hedge and mature trees between. Unit 39 would be closer to the highway, but this has been designed to be a chalet bungalow, with its side elevation adjacent to Hillway Road. There would be a hedge and grass verge adjacent to the highway and this would preserve the sense of space and prevent the property from appearing dominant within the street scene.

7.63 The plans show that the site would include significant additional tree and shrub planting to build upon the retained mature trees and hedgerows. The Landscaping Strategy shows that dwellings would include front hedgerows, with higher hedgerows to separate rear gardens and blocks of housing. These would combine with proposed street trees and gardens to allow the development to provide a transition between the urban areas of Bembridge to the east, and the countryside to the west.

- 7.64** Moreover, the plans show that the site would include significant areas of open space. The southern section of the site would include a belt of open space, arranged around existing mature trees and this would blend with a proposed pond to provide a rustic and attractive vista, across the site from the new access onto Hillway Road. This would combine with the large gardens that would surround units 61 to 65 to provide a low density and well landscaped appearance.
- 7.65** In addition, a further area of open space would be provided to the north of the site. Again, this would be arranged around retained mature trees, providing a link between the site and the woodland to the west. This network of open spaces, mature trees, hedgerows and additional planting would reduce the visual impact of the housing, while providing a high-quality landscaping scheme, that due to the existing mature trees and hedgerows, would, in part, be in place from an early stage of the development, should it be approved.
- 7.66** Officers are satisfied that the proposed housing would be laid out in a suitable manner, to prevent issues of overlooking or lack of natural light between each property. Each property would comprise a suitable garden area, with outlook onto the proposed and retained hedgerows and trees. In addition, parking areas have generally been designed to be between properties, preventing the areas to the front of housing from appearing car dominated, and allowing most properties to include front garden areas, which would add to the landscaped approach for street scenes, that would allow the site to reflect its rural surroundings and the character of the existing village. Officers consider that it would be reasonable to apply conditions to retain the open landscaped nature of the areas to the front of properties, while also removing permitted development rights for curtilage buildings, which would allow the Planning Authority to regulate the design and layout of site in future.
- 7.67** Hampshire Police's Designing Out Crime Officer has concerns regarding a proposed pedestrian link between the site and Steyne Park. The plans show that the link would be located to the east of the entrance to the site, adjacent to unit 10. While this would be a positive addition to the development, allowing direct access to the park, the route would be narrow and enclosed. It is noted that there have been reports of anti-social behaviour within Steyne Park, and therefore the comments provided by the Police are noted. Officers therefore agree that this element of the scheme should be removed, and that the amenity area for plot 10 should be extended into the area, currently shown for the link. This issue could be controlled by condition.
- 7.68** The Officer has also referred to the proposed bus stop, to be sited adjacent to Hillway Road, between plots 47 and 48. The bus stop would be located within a wide area of open space, which would allow an attractive vista towards the open space and mature trees further east. The Designing Out Crime Officer has advised that there would not be suitable surveillance of the bus stop to allow it to be fully enclosed, and therefore has commented that it should include a single (possibly glazed) elevation and roof. Officers agree with that approach and consider that the final design for the bus shelter could be agreed by condition.
- 7.69** The site is not within the AONB landscape but is within close proximity to it. To protect the rural character of the area, and the nearby AONB it would be

important to ensure that the development would not result in detrimental levels of light pollution. Lighting is also an issue referred to by the Designing Out Crime Officer and officers consider that should consent be granted, the detailed design and location of lighting could be provided via conditions. This would allow the Planning Authority to control the method of external lighting and to ensure that suitable design measures would be put in place to prevent glare or light spillage.

- 7.70** In terms of design, the submitted plans show that the housing would comprise a relatively traditional appearance. Several house types have been proposed, with a variance of two storey houses and bungalows. The plans show that the proposed bungalows would have an arts and crafts appearance, with traditionally styled windows and design details such as faux timber detailing for gables, porch detailing and dormer windows. These design features would provide visual interest, breaking up elevations and the mass of these properties. The bungalows have been shown to be located within the southern section of the site, set within large gardens, surrounded by open space and landscaping. This would provide a high-quality street scene, that would reflect the more historic eastern edge of Bembridge where there are arts and crafts style properties set within large curtilages.
- 7.71** The two storey houses would occupy the denser sections of the site, and these have been designed to reflect the more recent inter-war housing that is close to the site, within Steyne Road. Pairs of semi-detached houses have been designed in two different ways. The first would have a simpler design approach, with flat front elevations, enlivened by porches for each unit, brick detailing and traditional four-pane style windows. The second type has been designed to appear as a single larger house, that would comprise a two-storey bay window and pyramidal roof, with one front entrance and another on the side elevation. The proposal would also include detached two-storey houses. These would again have a traditional appearance with one design variation including bay windows, a pyramidal roof and porch detailing, to reflect the similar houses within Steyne Road.
- 7.72** Officers consider that the proposed design approach would be acceptable and reflect the characteristics of housing in the locality. Elevations would be well balanced, and the mix of design features outlined above would result in housing that would have an attractive and acceptable appearance. The variety of design approaches and the spreading of different unit types throughout the site would prevent uniform and bland street scenes. Instead, the street scenes would appear coherent, but with suitable variety. Moreover, the rows of houses have been positioned carefully, to provide interesting vistas which would combine with the proposed front gardens, hedgerow and tree planting to provide a rural appearance to the development.

Conclusion on impact upon the character of the surrounding area

- 7.73** Officers consider that the design and layout for the development would be acceptable, reflecting the characteristics of nearby housing and the pattern of development to the north and east of the site. The site would provide a transition between the village to the east and countryside to the west, with housing on the western side of the site set back from the retained line of trees and hedgerow onto Hillway Road. Moreover, the provision of open spaces, hedgerow planting

and additional tree planting would provide street scenes that would reflect those of the existing village. The design and layout for the development is therefore considered to comply with the design related policies contained within the Island Plan and Neighbourhood Plan.

- 7.74** Officers consider that the development would not be readily visible from distant vantage points due to the screening effects of woodland close to the site, and the topography of the landscape surrounding Bembridge. The development would be most visible from close proximity and in particular from Hillway Road, which aligns the western boundary of the site. From here, the current landscape of attractive farmland would be changed to an urban area, with rows of houses arranged around estate roads and gardens.
- 7.75** As noted above, the landscape impact of the development would be mitigated by the existing mature trees that align Hillway Road, but nonetheless, would be readily noticeable and substantially alter the current views of farmland to one of development. This would result in significant change to the landscape character of the immediate area, which when considering the mitigating factors outlined above, would, in officer's opinion, result in a moderate but material level of harm, combined with the minor level of harm experienced from the recreation ground to the east. It is considered that this harm would weigh moderately against the proposed development.

Impact on neighbouring properties

Impact on properties

- 7.76** To the west of the application site is Steyne House, set in a large parkland setting and its boundary that is adjacent to the application site is formed by an area of woodland, which includes a dense understorey. Officer site inspections showed that this woodland would screen the development from this property and its curtilage and when combined with the separation distance of approximately 60m, the development would not impact on this property, in terms of overlooking, dominance, loss of light or privacy.
- 7.77** To the south of the site are Howegate and Howgate Orchard. Howegate, a large farmhouse, is set significantly south of the site within a large curtilage, and there is a thick hedgerow that aligns the southern boundary of the application site, that blocks views of Howegate. In between this house and the site is ornamental woodland that would further screen the development, meaning that there would be a very minor visual relationship between the property and its curtilage, and the proposed development. There are several properties located close to Howegate, but these would be more distant from the development and also benefit from the screening effects of the landscaping within this area.
- 7.78** To the east, is Howgate Orchard, a modern dwelling set within a landscaped garden that was previously part of the curtilage of Howegate. This property was granted planning permission in 2019 (P/00282/19) and is located closer to the development site, with the rear (northwest) elevation of the property facing towards the southern end of the application site. The hedgerow in this section of the site is thinner, lower and formed of undergrowth rather than a more readily maintained hedgerow. The development would be visible from this property, both

from its garden and first floor windows, which serve a mix of bathrooms, dressing rooms and bedrooms. However, the current vegetation, combined with an intervening orchard within the ground of the property would result in dappled views and the submitted plans show that native hedgerow and specimen tree planting would be planted to reinforce the boundary.

- 7.79** Officers consider that even based on the current boundary treatments, when combined with the set back of Howgate Orchard, the development would not compromise the amenity of this dwelling, but with the proposed landscaping established, impacts would be minor. Moreover, the plans show that the properties within the southern section of the site would be lower, one and half storey houses set within generous gardens with a suitable separation distance provided between the dwellings and the southern boundary, to prevent issues of overlooking, dominance, loss of light or privacy to Howgate or Howgate Orchard.
- 7.80** Southeast of the site are properties within Lincoln Way and Nansen Close. Number 54 Lincoln Way is located hard against a strip of mature woodland that forms the south-eastern boundary of the site, and there is a line of three houses that face onto the site set further south within Lincoln Way. However, the mature boundary vegetation would screen the development from these properties. This finger of woodland forms approximately 70m of the eastern boundary of the site, extending north from Lincoln Way, and would screen the closest section of the development from properties within this close, with separation distances also preventing issues of loss of light, outlook or privacy so that the impact of the proposed houses on those within Lincoln Way would be minor. The remainder of the eastern boundary is formed by a hedge, and while lower in height than the woodland, there would be a significant distance between those properties that were visible, and this would mitigate any potential impact.
- 7.81** Nansen Close is located further south than Lincoln Way, with modern two storey houses laid out in a quadrant that is off set from the southeast corner of the application site. The boundary hedges and trees thin out within the south-eastern corner of the site, so that the houses within the north-western corner of Nansen Close would have dappled angled views of the proposed housing development. However, the plans show that the nearest property (unit 65) would be located approximately 8m from the site boundary, and approximately 12m from the nearest house within Nansen Close. Officers consider that the existing hedgerow and trees that align the south-eastern corner of the site would screen the development to a large extent, noting that unit 65 would be a bungalow. Therefore, it is considered that the development would result in a minor impact on properties within Nansen Close.
- 7.82** A recently approved development of nine houses would be constructed to the north of the site, with the proposed northern site access running to the east of these properties. Officers consider that there would be adequate space between the proposed and approved dwellings to ensure that suitable living standards would be provided for prospective occupants of either development.
- 7.83** Northwest of the site are two properties, that are located close to the roundabout that forms the junction of Steyne Road and Hillway Road, known as Damson Cottage and Popes Cottage. Popes Cottage is a detached one and a half storey

dwelling, with its main elevation facing west. This property's curtilage is adjacent to the application site with an outbuilding between the southern elevation of the property and the northern site boundary. Damson Cottage is a more modern bungalow, which faces west onto Hillway Road and its garden to its eastern side, wrapping round to the north towards Steyne Road. The southern boundaries to these properties are open and denoted by stock fencing, allowing open views across the fields. Units 47 to 51 would be located to the south of these properties and would include two storeys.

7.84 The proposed houses would alter the outlook from Damson Cottage and Popes Cottage, particularly from their gardens and side elevation windows. However, officers consider that there would be sufficient space between the existing and proposed properties, to prevent material harm, particularly as the main garden areas serving both properties are further north and away from the development. In addition, it is considered that there would be sufficient separation distances to prevent issues of loss of light or privacy, when considering the boundary treatments that would be provided.

7.85 Steyne Road Recreation Ground is located to the east of the site however, to the northeast of the site are houses that front onto Steyne Road. Those within closest proximity to the proposed housing are numbers 59, 61 and 63 Howgate Road. The rear elevations of these houses would be at right angles to the house that are proposed to occupy the eastern boundary of the site, meaning that there would only be oblique views of rear gardens from first floor windows. The closest of the proposed houses to existing properties (units 10 and 11) would be located approximately 48m from number 63 Howgate Road, with the end its garden 18m from these units. Each of these properties comprise curtilage buildings on their rear boundaries and these, when combined with the angled relationship with proposed properties and the high hedge that forms the eastern boundary of the site would prevent loss of privacy, while separation distances would prevent the proposed development from appearing overbearing.

Air quality

7.86 Third party representations raised concerns relating to air pollution. Whilst no Air Quality Impact Assessment has been provided with this application, the guidance EPUK & IAQM Land-Use Planning & Development Control: Planning for Air Quality, outlines situations where an impact assessment should be undertaken, these being an increase of 100 HGVs or 500 cars. The Transport Assessment submitted in relation to this planning application predicts that the development, once fully operational, would generate up to 29 two-way trips during the morning peak hour, and 33 two-way trips during the evening peak hour. The traffic generated by the proposals would be below the criteria mentioned above, and where traffic of a proposed development is below the criteria, the impact is likely to be negligible. Moreover, there are only two areas on the Island that are considered to be close to being areas of concern for air quality, however these are urban areas that are not near to the site, which is located within a rural area.

Construction and transport impacts

7.87 Larger developments can give rise to a temporary loss of amenity as a result of construction activities. Therefore, noise and dust emissions could impact on the

properties closest to the site. The development has the potential to take up to three years to be completed, and it is a standard approach to impose a planning condition to control associated impacts, allowing the Planning Authority to control delivery and working times, the location of site compounds and to secure phasing of the development. These controls would limit impacts to an acceptable level. Therefore, an appropriate condition has been recommended.

7.88 The proposed means of access via Steyne Road would be located between the recently approved housing development and number 63 Howgate Road. The applicant's Transport Assessment predicts that the development, once fully operational, would generate up to 29 two-way trips during the morning peak hour, and 33 two-way trips during the evening peak hour (when residents are driving to and from work for example). It should be noted that residents would have the choice to use the alternative access onto Hillway Road, thus in likelihood the number of traffic movements via the Steyne Road access would be diluted. Even if all traffic did use the access onto Steyne Road, the busiest hours would generate potential for one vehicle movement per minute, which would be a relatively low level, with traffic movements for remaining hours being lower. The properties located adjacent to the proposed access front onto an existing highway, and therefore it is considered that traffic associated with the proposed housing would not cause harmful disruption as a result of the proposed means of access.

7.89 In conclusion, it is considered that the proposed development would not compromise the amenity of nearby existing properties, because of the layout and scale of the development, the construction phase or as a result of traffic, subject to conditions being imposed to control operational development. Therefore, the proposed development is considered to comply with the requirements of policy DM2 of the Island Plan.

Impact on heritage assets

7.90 Policies DM2 and DM11 of the Core Strategy state that the Council will support proposals that positively conserve and enhance the special character of the Island's historic and built environment and which preserve or enhance heritage assets and their settings. Furthermore, sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places duties on the Council in the exercise of its planning functions to pay special regard/attention to the desirability of preserving a listed building, its setting, or any features of special architectural and historic interest which it possesses.

7.91 Heritage assets include conservation areas, listed buildings, registered parks and gardens, scheduled monuments and locally listed buildings. The application site is not the subject of these designations and is located within an area of countryside adjacent to residential development. However, Howgate (also known as Howgate Farm) and Steyne House are grade II listed buildings located to the south and west of the site. The heritage section of the applicant's Design and Access Statement considers the impact that the development would have on these heritage assets.

7.92 When considering the impact on the significance of a designated heritage asset, the NPPF advises that great weight should be given to the asset's conservation

(and the more important the asset, the greater the weight should be). It adds that any harm to, or loss of the significance, should require clear and convincing justification and that in terms of substantial harm to an asset, consent should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following circumstances set out in paragraph 201 of the NPPF apply. Where there would be less than substantial harm, the NPPF requires this harm to be weighed against the public benefits of the proposal.

Steyne House

- 7.93** Steyne House is a large early 19th Century two-storey house with hipped slated roofs, a mix of sash, French and casement windows. The house is set within parkland grounds, which form its setting and the main aspect of the property is south-east and so parallel to the application site. A collection of curtilage buildings is situated west of the house; these are not listed buildings but could be considered to be curtilage listed, contributing to the setting of the main house. The wooded boundaries give the land and house a secluded and private feel. Access to the house and its grounds is from Sandown Road, where there is an arts and crafts style gatehouse, and modest brick pillars. These are not listed buildings but are heritage assets. However, the officer site visit showed that these share no relationship to the application site due to distance and screening and would therefore not be affected by the development.
- 7.94** Steyne House shares a similar land level to the application site and is set approximately 51m from its eastern boundary with Hillway Road, where there is a dense tree-lined screen preventing views of the house from the highway. There is an informal field access to a field in front of (south of) Steyne House from Hillway Road, but this is gated with high wooden panels and the trees and dense understorey wrap around the internal angles of the access, so that no views are possible of the house, and little of its grounds. Thus, the lined boundary contains no substantive gaps to allow views into, or out of the site and onto Hillway Road.
- 7.95** The application site is not considered to form part of the setting of Steyne House or its surrounding parkland. Combined with the screening provided by Steyne House's eastern boundary, would be the set back of the houses to occupy the western side of the application site, along with boundary hedges and groups of retained mature trees. Officers consider that there would be little to no visual relationship between Steyne House, its grounds or its associated curtilage listed buildings. Based on this, it is considered the negative impact to the significance and setting of the house, its parkland and curtilage listed buildings would be very limited and result no harm.

Howegate

- 7.96** The listing description for Howegate confirms that it was previously a farmhouse, built in 1722 of Bembridge stone rubble, under steep clay tiled hipped roofs. The house is attractive and imposing within its grounds and comprises three main sections, the first two combining to form a square shaped footprint, with a centrally placed two storey off-shut from the rear elevation. The main aspect of the house is southeast, with the rear elevation facing the application site, with gardens, a swimming pool and woodland between. The listing description refers

to a modern conservatory, which is located on the western rear elevation and an attached 20th Century loggia, which were both deemed to be not of special interest. There are two curtilage structures to the east of the main farmhouse, one being a one and half storey cottage, of similar but much smaller design to the farmhouse and the other a later store, with a clay tiled roof which is set some distance from the farmhouse but connected by the single storey loggia. These combine to form a small courtyard, which is slightly visible from Howgate Road via a narrow access.

- 7.97** In a similar manner to Steyne House, Howgate is enclosed by dense tree lined boundaries, in places with deep sections of ornamental woodland. The application site is separated from the listed building and its curtilage by an approximately 30m deep section of this woodland with a further 40m to the rear elevation of the house, and therefore, the proposed housing would be well screened from it. While previously a farmhouse, it is not apparent when this function ceased, and local records do not appear to provide evidence of this. However, the wooded boundary is mature, containing many specimens of trees which would suggest that the property has not shared a visual or overtly functional relationship with the application site for many years.
- 7.98** Between the listed building and the application site is a lawned garden, that contains a swimming pool and pool house and the collection of curtilage buildings to the east of the house (and away from the site) have a more domestic appearance. The southern boundary between the site and listed building does thin further to the east, but the woodland curves to the south and encloses the gardens northeast of Howgate so that there is no visual correlation between the site and the property. Immediately east of this woodland is Little Orchard, a modern dwelling which further infills these views. Officers consider that there would be little to no visual relationship between Howgate, its grounds or its associated curtilage buildings. Based on this, it is considered the negative impact to the significance and setting of the house and curtilage buildings would be very limited result in no harm.

Bembridge Windmill

- 7.99** Objections to the development have raised concerns that the development would result in the loss of fields close to Bembridge Windmill. The Windmill dates from the 1700s and has recently undergone significant restoration by the National Trust. Being the only surviving windmill on the Island, it is an important heritage asset and a key landmark when approaching Bembridge from Mill Road. The Windmill is a Grade I listed building. However, officer site visits showed that the application site is not visible from the Windmill, nor is the Windmill visible from the site. The Windmill is located 430m to the northwest, and when stood on the Mill Road entrance to the Windmill, views to the south include lines of trees and the buildings around Steyne Road and Sandown, which block views of the application site. Based on this, it is considered that there would be no harm on the setting of the Windmill as a result of the proposed development.

Archaeology

- 7.100** The Council's Archaeological Officer has advised that the application site is of unknown potential for below ground archaeological deposits, and that as a result,

an archaeological evaluation would be required should the site be bought forward for development. The Officer has advised that there has been little archaeological investigation in the vicinity of the site, and that most historic environment records relate to built heritage assets of post medieval and dating from the 19/20th centuries, along with findspots of artefacts that are derived from the eroding cliff edge.

- 7.101** Historic mapping and aerial photographs indicate that if below ground deposits are present, they are likely to be relatively undisturbed by cultivation, or previous development. In view of this, and due to the scale of the development, should the application be successful the Archaeological Officer has recommended that a programme of archaeological works is carried out during the development. This should include a pre-commencement trial trench evaluation, the results of which will inform any further mitigation which may be required. The Officer has advised that any geotechnical site investigations should be carried out under archaeological supervision as these can encounter archaeological deposits and further inform the mitigation strategy. As a result, the Officer has recommended conditions to secure trial pit evaluations, the submission and agreement of a Written Scheme of Investigation and notification of commencement.

Public benefits/ conclusion on heritage assets

- 7.102** Having regard to the above, the proposal would result in less than substantial harm to the significance/setting of Steyne House, its parkland and curtilage listed buildings (grade II*), Howegate and its curtilage buildings (grade II) and no harm to Bembridge Windmill (Grade I). This level of impact must be weighed against the public benefits of the proposed development, with great weight afforded to the conservation of these assets and their settings within this balancing exercise.
- 7.103** The proposed development would make use of land to provide housing that would socially benefit the community in terms of meeting the Island's identified housing delivery shortfall and local housing needs, including for affordable homes. There would also be economic benefits during construction phases and environmentally in terms of the provision of landscaping within the site, biodiversity net gain, and offsite highway and rights of way improvements, delivered directly and indirectly through the proposed development. Officers are mindful of the impacts referred to above, have given this due consideration, and conclude that the public benefits of the scheme combined would outweigh the less than substantial harm to the significance/setting of Steyne House (including its parkland and curtilage listed buildings) and Howegate and its curtilage buildings. The proposal is therefore considered to comply with the requirements of policies DM2 and DM11 of the Island Plan and the relevant guidance with the NPPF. In terms of the overall balance of consideration for this development, this matter is considered to be a neutral factor, neither weighing for or against the proposal.

Ecology and trees

Ecology

- 7.104** The application site is not the subject of ecological designations, and its current use is as improved pastureland that is used for grazing cattle. The nearest site

designated for ecological reasons is Steyne Wood Site of Importance for Nature Conservation (SINC), which is 250m to the west. The site does include mature hedgerows and a collection of mature protected trees.

7.105 The applicant has provided an Ecological Impact Assessment. This report confirms that both desktop and field surveys were undertaken by a qualified ecologist, with the field surveys identifying that the site is improve grassland surrounded by hedgerows and matures trees. The site surveys found the site had no water features apart from a ditch and did not show evidence of protected species such as badgers, dormice, reptiles, amphibians, hare, red squirrels or hedgehogs. However, the boundaries were shown to be suitable for nesting birds and the site is used by bats for feeding and commuting, but not roosting.

7.106 The report concludes that while the development would result in the loss of grazed grassland, the retention of boundary vegetation, central mature trees and the ditch, that ecological harm could be avoided. The report outlines the following mitigation and enhancement measures:

- Retention of boundary hedgerows with enhanced planting
- Planting of hedgerows at residential boundaries with native species
- Installation of a pond/ swale
- Planting of native tree and shrubs across the site
- Enhancement of commuting and foraging corridors across the site
- Species specific bird and bat boxes incorporated into the development

7.107 At the request of officers, the applicant has provided greater detail in respect of landscaping for the development. The landscape strategy shows that a network of habitat buffers and native hedgerows would be provided throughout the development, with hedgerows measuring up to 0.6m high to front onto the highways combined with further 1.8m high hedgerows to separate rear gardens and blocks of housing. The information confirms that native species would be used to plant hedgerows, including beech for front hedgerows with evergreen species used for the higher 1.8m hedgerows, including oleaster, privet and photinia. Officers would query the use of some of these species and would prefer a mix of such species and native deciduous species to reflect the existing hedgerows in the area but consider that a final landscaping scheme could be secured by condition.

7.108 The plans also show that a network of new tree planting would be undertaken throughout the site, to link the retained mature trees. The information confirms that new trees would include oak and ornamental garden trees such as maple, serviceberry, cherry, hawthorn and whitebeam. The Council's Ecology Officer has confirmed that the landscaping strategy would be satisfactory and that ecological corridors would be secured throughout the site.

7.109 The Ecology Officer has advised that a net gain calculation should be provided to ensure that Biodiversity Net Gain (BNG) could be achieved (a 10 per cent enhancement based on the baseline value of the site). While not currently a legal requirement, officers note that BNG is likely to become adopted policy in 2024 and therefore consider that it would be reasonable to impose planning conditions requiring BNG to be secured. In addition, the Ecology Officer has recommended that a Biodiversity Mitigation Plan is provided by condition, to ensure that all legal

and policy conservation obligations are met for all stages of the proposed development. Officers agree with this suggestion and therefore a condition has been recommended.

- 7.110** The site is within the Solent Special Protection Area (SPA) Buffer Zone where proposals that would result in a net increase in overnight residential accommodation are expected to contribute towards the Solent Recreation Mitigation Strategy (SRMS) to mitigate for potential increased recreational pressure on protected species of birds with the SPA as a result of the development and other residential development within the buffer zone. The applicant has agreed to enter into a planning obligation to secure this contribution in accordance with the SRMS, thus mitigating impacts.
- 7.111** Natural England has published standing advice relating to issues of high levels of nutrients within the Solent water environment, which have resulted in dense mats of green algae in coastal areas. The Southampton and Solent Water Special Protection Area (SPA) is an important habitat for protected species of birds, which use the coast for feeding. Natural England's concern is that the nutrients levels have resulted in algae in coastal areas, which prevent protected species from feeding. Natural England's standing advice is that these issues are caused by wastewater from housing and agriculture.
- 7.112** Natural England's current advice is that development should not add to existing nutrient burdens on designated sites and thus, achieve nutrient neutrality. As set out within the Council's Position Statement: Nitrates, in respect of the Island, this can either be achieved through draining development to the Wastewater Treatment Works (WwTW) at Sandown or other works on the south of the Island (which discharge away from the Solent) or for the developer to demonstrate nutrient neutrality.
- 7.113** In this case, the applicants have confirmed that the site would be connected to the public sewer system. Southern Water have confirmed that this sewer is served by Sandown Wastewater Treatment Works and therefore would discharge into the English Channel and not the Solent. However, during the assessment of the planning application, the Planning Authority received a Foul Drainage Assessment conducted on behalf of third-party objectors. This raised concerns that the proposed development would result in nutrient enrichment of the Solent European Sites, on occasions when the local sewerage network was at capacity, leading to discharges of wastewater from combined sewerage overflows (CSOs) into the Solent.
- 7.114** Bembridge is served by a mixture of separate and combined foul and surface water sewerage systems and the flows from those with foul water are conveyed to the Sandown WwTW by a pump station and CSO located to the east of the site, at Lane End Bembridge. The third-party Drainage Assessment raised concern that this had released untreated sewage into the Solent at times of heavy rainfall, when the local system was working beyond capacity. Information within the third-party Drainage Assessment advised that on average, the CSO at Lane End resulted in 48 spills per year, between 2020 to 2022.
- 7.115** Officers have undertaken an Appropriate Assessment (which can be viewed by clicking on the hyperlink to the Planning Register [21/01884/FUL](#)) and liaised with

Southern Water to understand the issue related to the CSO at Lane End. This is an existing situation, and it should be noted that discharges to the Solent from the CSO are lawful being covered by a permit issued by the Environment Agency. However, that permit was issued prior to Natural England's concerns regarding the impact of nutrients on designated sites and it is noted that the proposed development would direct waste water to the combined system and so potentially increase the level of nutrients overflowed into the Solent, on occasions.

- 7.116** The Planning Authority is not the only competent authority with responsibilities for dealing with nutrient pollution under the Habitats Regulations. The Local Government Association (LGA) advises within their document 'Habitats Regulations Advice for LPAs' that 'similar considerations apply, for example, to the Environment Agency and statutory undertakers when granting environmental permits and consents.' The LGA advises that '...under the latest (May 2022) Water Industry Strategic Environmental Requirements technical document ("WISER") that, in order to comply with their obligations under the Habitats Regulations, they [water companies] must take account of predicted growth in housing development in their business plans and maintain and upgrade their wastewater systems in that light.'
- 7.117** The LGA advises that 'WISER also tells water companies if they expect that predicted levels of housing growth will result in deterioration against the relevant water quality standards downstream of their discharges, they must inform the Environment Agency and apply for a permit variation. It will then be up to the Environment Agency to decide whether to adjust the relevant permit limits.' While officers are aware that Southern Water will need to undertake improvements to the sewerage network to reduce harm to Solent European Sites due to nutrient enrichment, this would amount to mitigation and there is no fixed date when such works would take place. Adopting the precautionary approach required by the Habitat Regulations, the Appropriate Assessment concludes that the issues related to CSO events at Lane End, would have the potential to result in a Likely Significant Effect on designated sites. This is because at the current time, the Planning Authority cannot assume that the Environment Agency's permitting regime is operating effectively to prevent harm.
- 7.118** The Appropriate Assessment therefore considers separately whether mitigation measures would reduce potential harm to Solent European Sites. Using Natural England's nutrient calculator, which adopts a precautionary figure of 2.4 people per dwelling, the proposed development (56 dwellings) would result in a potential population increase of 135 people, compared to the existing population of Bembridge (circa 3561 residents based on 2021 Census). The applicant has calculated that the development would result in an increase in foul flows to the combined system of 0.53 l/s. Southern Water's flow rate calculator calculates an increased flow rate of 0.51 l/s to the combined sewer. Officers consider that these are very small amounts.
- 7.119** The drainage section of this report (paras 7.148 to 7.157) sets out that the development would assist in significantly reducing flows of surface water to the sewerage system within Bembridge, by attenuating surface water during storm events. This is important, because Southern Water have confirmed that CSO events at Lane End are caused by excessive amounts of surface water entering

the sewerage system. The Council's Section 19 Flood Investigation found that the application site contributed to the surface water flows in the Steyne Road area. However, the drainage strategy for the development would reduce current flows from 35.4 l/s to 22.31 l/s, thus reducing the contribution that the site makes to surface water flooding in the area and diminishing flows to the sewerage system.

7.120 The application site is currently used for dairy farming. Natural England has confirmed within its strategic advice relating to nutrient levels within the Solent, that the main contributor is the agricultural industry. Dairy farming of the application site has been calculated to result in a nutrient leachate rate of 36.2kg per annum per hectare whereas for the proposed residential use, this would reduce to 14.3kg per annum per hectare, based on 56 dwellings. The application site covers an area of 4.38 hectares and as a result, its redevelopment would result in a nutrient saving of 95.92kg per annum and reduce not only flows of surface water to the public system at times when overflow events are likely to occur at the Lane End CSO, but also significantly reduce the amounts of nitrates contributed by the site, owing to the change of use of the land. While the development would be phased, each section of land changed from farming to housing would result in this reduction in nutrients.

7.121 Provided a planning condition is imposed to ensure that foul drainage from the development would only be disposed of via the public sewer served by Sandown WwTW, and surface water was dealt with via SUDs it is concluded that the proposed development would not add to existing nutrient burdens in the Solent, and therefore avoid impacts to Solent International Sites. Natural England have confirmed that they agree with the conclusions of the Council's Appropriate Assessment, subject to mitigation being controlled via conditions or obligations.

Trees

7.122 Policy BNDP.EH.4 of the Neighbourhood Plan states that new development that will cause the loss of or damage to trees, woodland or hedgerows (including hedgerows of importance) that contribute positively to the character and amenity of the area, must demonstrate there is an overriding need for the development proposed.

7.123 The application site includes several groups and individual specimens of protected trees, along with a woodland adjacent to the southern and eastern boundaries. This woodland along with the hedgerows at the site, contribute to the rural character of the area, and are shown to be retained, apart from one hedge that subdivides the fields, running north to south, which would be removed. The Council's Tree Officer has advised that revisions to the proposed development have resolved concerns regarding retained trees, by allowing greater space around them.

7.124 The Tree Officer has advised that following the receipt of revised plans, there would be no level changes within the Root Protection Area (RPA) of veteran trees at the site. Moreover, the Tree Officer has confirmed that changes to the garden areas for units 44, 45 and 46 (on the western side of the development) would prevent issues of shading to amenity space, and therefore reduce the pressure for the reduction of adjacent trees in the future. As a result, the Tree

Officer has concluded that the development would result in an acceptable level of impact to existing trees at the site, retaining the grandeur and stature of existing trees. The Officer has recommended conditions to protect trees during the construction phase and to secure future landscaping, and these have been included within the conditions recommended below.

Conclusion on ecology and trees

- 7.125** On the basis that the site landscaping, Biodiversity Net Gain and ecological mitigation measures can be modified and controlled through conditions and that Solent SPA mitigation would be secured by planning obligation, the proposal would protect, conserve and enhance ecology and biodiversity, and would not have adverse implications for the biodiversity at or adjacent to the site, or the Solent Designated Sites (Solent & Southampton Water SPA/Ramsar, Solent & Dorset Coast SPA, and Solent Maritime SAC) in accordance with the aims of policy DM12 of the Island Plan, the NPPF and the requirements of section 40 of the Natural Environment and Rural Communities Act 2006 and Regulation 63 of The Conservation of Habitats and Species Regulations. Officers consider that the BNG credentials for the development would weight moderately in favour of the proposals.

Highway considerations

- 7.126** The proposed development would result in an increase in housing and also require the formation of new a new access onto Hillway Road, while using the access approved for the nine houses fronting onto Steyne Road (20/00695/FUL). Therefore, the impact of the development on the capacity of the wider transport network must be considered, as should the highway safety implications of new access arrangements and matters that relate to on-site access and parking arrangements. These matters are considered in turn below.

Highway network capacity

- 7.127** As outlined within the earlier sections of this report, the applicant has provided a Transport Assessment to support the proposals. This includes details of traffic counts for the nearby Sandown Road/ Hillway Road/ Steyne Road as well as predicted traffic numbers associated with the proposed development, based on the nationally recognised TRICs database. The Assessment has predicted the impact that the development (including the approved nine dwellings) would have upon the highway network. The proposals would result in 56 dwellings (noting that one dwelling has been removed from the proposal as originally submitted) and the Transport Assessment predicts that the development, once fully operational, would generate up to 29 two-way trips during the morning peak hour, and 33 two-way trips during the evening peak hour (when residents are driving to and from work for example).
- 7.128** Based on these predictions, the Transport Assessment concludes that both the site access junctions and the mini-roundabout would operate well within capacity during peak weekday periods, reasoning that no junction improvements would be required at either the approved access with Steyne Road or the existing mini-roundabout. The Island Roads Highway Engineer has commented on the proposals on behalf of the Highway Authority and has raised no objection in

respect of the traffic generated by the development, either in terms of the proposed junction onto Hillway Road, the use of the approved junction onto Steyne Road or the capacity of the nearby roundabout. The Engineer has commented that based on 2021 traffic figures, both the Steyne Road junction and roundabout would operate well with design parameters during peak hours, and that they would do so even based on predicted growth for the Island up to the year 2026.

- 7.129** The Highway Engineer has advised that there have been three traffic incidents related to the junction of Steyne Road and Mill Road, to the west of the site. These related to one instance of reckless driving in a vehicle with defective tyres and two instances of cars failing to give way to cyclists. These would be considered to be relatively minor incidents involving driver error, rather than design issues with the highway network and would not weigh against the proposals. Island Roads have passed no comment on this issue. Given the comments provided by Island Roads, it is considered that the proposed development would not compromise the capacity of the highway network.

Highway safety

- 7.130** Policy DM2 of the Island Plan requires developments be accessible and safe. The proposed development would be served by a new priority junction formed within the western boundary of the site and opening onto Hillway Road, along with a recently approved junction onto Steyne Road, which would extend into the now proposed development via a 5.5m wide road. In addition, there would be a separate access formed to serve plot 61 from Hillway Road.

- 7.131** The Highway Engineer has advised that because both Hillway Road and Steyne Road are the subject of 30mph speed limits, the accesses should be designed to meet the following criteria:

- Minimum visibility splays of X = 2.4m by Y = 43.0m
- An associated drainage system to minimise the risk of surface water runoff onto the public highway
- Where the vehicle access crosses a public footway, the maximum acceptable gradient is 1 in 20
- The access should be located a minimum of 11.0m from any adjacent road junction or defined pedestrian crossing point

In addition, the on-site layout should include the following:

- Space within the confines of the site for the parking and turning of conventional private motor vehicles so they may enter and exit the public highway in forward gear
- All proposed parking bays set perpendicular to the public highway must provide for minimum dimensions of 2.40m by 4.80m, and where set parallel and adjacent to a classified public highway must be a minimum of 3.5m by 8.0m with a maximum depth of 4.0m to prevent nose-in parking (6.0m x 3.0m adjacent to unclassified roads)

- 7.132** The Highway Engineer has advised that the proposed means of access to the site from both Hillway Road and Steyne Road would comply with the

requirements for visibility splays, as would the access to serve plot 61 and has raised no objection to the arrangement of these junctions.

On-site access arrangements/ parking provision

- 7.133** Regarding the internal access roads, the Highway Engineer has advised that these should be designed to be a 20mph environment, with speed reducing features located at intervals no greater than 80m and junction visibility splays to be designed to a minimum of 25m in either direction. The Engineer has confirmed that the internal layout has been designed to take the requirements of Manual for Streets into account.
- 7.134** The majority of the dwellings would be served by 5.5m highways, that would pass in a north to south arrangement, with minor junctions leading to side roads. The Highway Engineer has commented that the visibility splays for the internal junction of the side road shown to serve plots 29 and 54 would be slightly below required measurements at 19m, but has not objected to this issue, reasoning that traffic flows would be very low. In addition, the Engineer has confirmed the 5.5m width of the roads would allow vehicles to pass one another, and that turning heads provided would allow refuse and fire vehicles to pass parked vehicles. The layout would also allow for all vehicles to manoeuvre within the proposed junctions and turning heads, and so enter and exit the site safely in forward gear. However, The Highway Engineer has advised that details of tactile crossing points would be required, and officers consider that their recommended condition would be reasonable.
- 7.135** The Hillway Road access would lead into a 6m wide access road, which the Island Roads Highway Engineer has advised would be in excess of the 5.5m width recommended by Manual for Streets, potentially resulting in higher vehicle speeds. While not raising an objection to this situation, the Engineer has commented that road width can influence vehicle speeds. Officers consider that this correct width of the road could be agreed via the conditions recommended by the Highway Engineer.
- 7.136** A separate looped access road would serve the plots which would occupy the southern section of the site, plots 62 to 65. This has been designed to have a more informal, rural appearance with the road circling a pond and lacking pavements. The drive to serve plots 63 and 64 would measure 3.2m in width and the Highway Engineer has advised that this would not allow two vehicles to pass. Nonetheless, the drive would be short, and owners of these properties would be able to see one another and use their own parking and turning areas to allow a vehicle to pass.
- 7.137** The Highway Engineer has confirmed that refuse and fire vehicles would be able to manoeuvre around the loop, although has commented that some properties owners would need to wheel rubbish bins to the end of their driveway, but this is not considered to be an unreasonable situation. The Engineer has confirmed that for the remainder of the site, fire vehicles would be able to reach within the required 45m of each dwelling. The plans also show that an improved bus stop would be provided onto Hillway Road, with the shelter to be set back from the highway within an area of open space. The Engineer has raised no objection to this element of the scheme.

7.138 The plans show that several plots would not benefit from direct access to pavements, either opposite or adjacent to them, and the Highway Engineer has raised this as a concern, commenting that this would mean residents walking within the highway. In particular, the Engineer has referred to advice contained within Manual for Streets, which advises that a lack of pavements can cause problems for disabled people, or those with cognitive difficulties. Although officers acknowledge these comments, the scheme includes areas of 'Homezones', which are shared spaces which encourage pedestrian priority and slower traffic spaces. In this respect, Manual for Streets 2 (para. 2.9.4) advises that 'Some shared space schemes also feature a level surface. In these cases, kerbs are omitted and there is no level difference between pedestrians and vehicular traffic. The aim of reducing the definition of areas for pedestrians and vehicles is to indicate that the street is meant to be shared equally by all users of the highway. Indications of implied priority for motor vehicles is removed, as is a physical and psychological barrier to pedestrians which might discourage their using the full width of the highway. Ideally, people should be able to not only cross the street wherever they want to but occupy the full width of the street too.' Officers consider that by adding pavements within these areas, it would provide a different environment and could in turn increase speeds. However, should Councillors consider these to be a reasonable requirement this issue could be controlled by conditions, to ensure that a suitable pavement or path was provided for each property.

7.139 The Highway Engineer has advised that the hedgerows shown to the front of properties could hinder visibility from individual dwellings, if allowed to grow in excess of the advised 0.6m height. Therefore, the Engineer has advised that a planning condition is imposed to control the height of boundary treatments, and this is considered to be reasonable. Therefore, taking the above comments into account, the internal highway layout is considered to be acceptable, subject to the issues outlined above being controlled by conditions.

Parking

7.140 The Council's Guidelines for Parking Provision as Part of New Developments SPD defines the application site as being within Zone 2 for parking measures. As a result, the following guidelines should be met:

- 1 car space per 1 – 2-bedroom unit
- 2 car spaces per 3 – 4-bedroom unit
- 3 car spaces per 5 bedroom or greater unit
- 1 covered cycle space per unit

In addition, policy BNDP.GA.1 of the Neighbourhood Plan requires housing development to provide a minimum of one off road parking space for units with 1 to 2 bedrooms and a minimum of two off road parking spaces for units with 3 or more bedrooms.

7.141 The submitted plans show that the proposed housing would include the requisite number of parking spaces. In addition, the Highway Engineer has confirmed that all parking spaces would measure the required 2.4m x 4.8m and that swept path analysis has shown that all parking bays and garages could be entered and exited in forward gear.

Rights of Way

- 7.142** Policy BNDP.GA.2 of the Neighbourhood Plan states that improvement to the existing network of public rights of way will be supported by the creation of appropriate links. No Rights of Way pass through the site, however, there is a public right of way located south of the junction between Hillway Road and Howgate Road (BB14), which extends south to join the coastal footpath (BB10). The Rights of Way Manager has commented that the proposed development, due to its size, would impact on the rights of network in terms of considerable additional use, and that therefore a planning contribution should be secured to allow improvements to the network in the vicinity of the site, including the coastal path.
- 7.143** The Council has recently adopted a Local Cycling Walking Infrastructure Plan (LCWIP) for Bembridge, Brading and St Helens, which aims to create high quality walking and cycling routes, and improve those that already exist, in order to encourage more people to embrace active travel modes. The LCWIP advises that evidence shows that many people would like to make walking and cycling a more regular part of their lives and the projects outlined within the document stem from extensive public engagement with local communities. The LCWIP for this area, identifies the provision of a range of walking and cycling projects, which are shown below (the site is marked with a red dot):

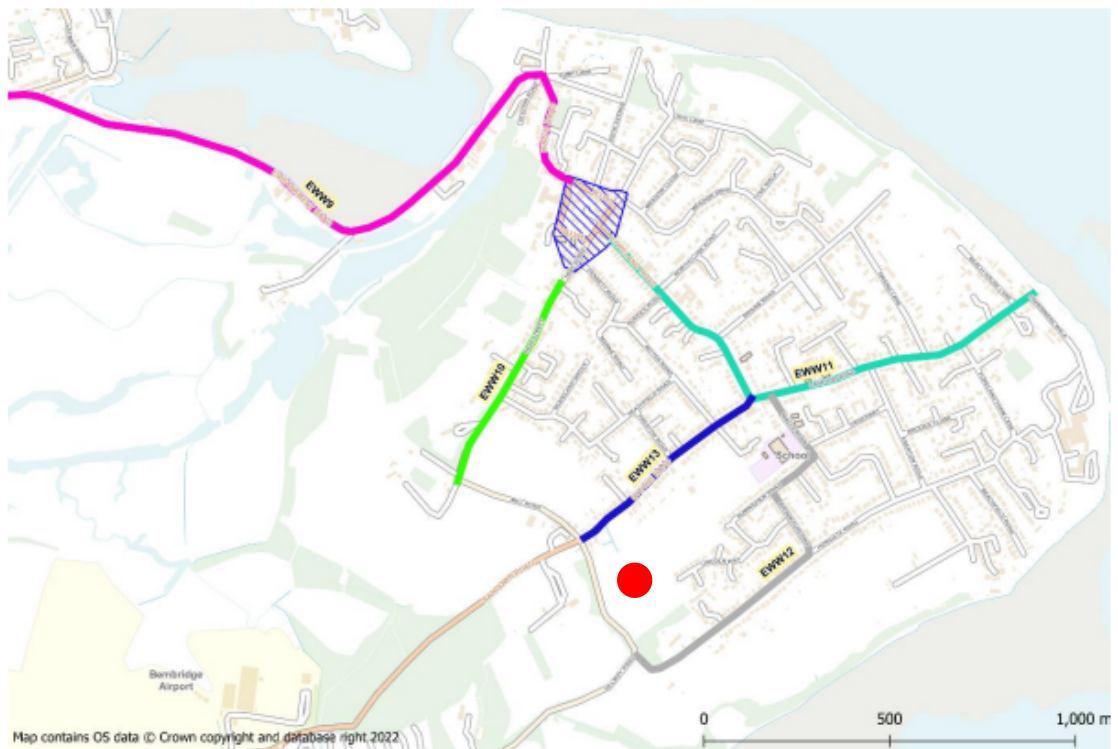


Figure 5 - Proposed Walking Network, Bembridge



Figure 23 - Proposed Cycle Network

7.144 As can be seen, the LCWIP proposes walking and cycling improvements within the area close to the site, with the walking routes aimed at linking Steyne Road to Howgate Road (shown in blue and grey on the above plan). However, this route would still require pedestrians to walk along a 400m section of Hillway Road, to reach either Steyne Road or Howgate Road. Following negotiations by officers, the applicant has agreed that the route could divert through the development site, relying on the various proposed pedestrian routes. In addition, the applicant has agreed to extend a path to the south of the Hillway Road access, to extend up to the south most point of the site. This would reduce the section of the route within the highway to circa 100m. In addition, the applicant has agreed to provide a planning contribution towards rights of way improvements, which could then either be used to fund further improvements to the LCWIP route, or other rights of way in the area.

Conclusion on highway considerations

7.145 Having regard to the above, it is concluded that, subject to securing the proposed access and highway works by condition, and the recommended conditions are imposed, the proposed development would provide safe and suitable access, would promote sustainable travel options, reduce car reliance, and it would comply with the requirements of the Council's Parking Guidelines. Therefore, the proposed development would not negatively impact on the highway network in accordance with the aims of policies SP7 and DM17 of the Island Plan and the NPPF. In addition, the development would assist in delivering the walking improvements set out within the LCWIP, allowing pedestrians to walk between the coastal footpath to the village, and significantly reducing the distance within the highway. In terms of the overall balance of consideration for this development, highway related matters are considered to be a neutral factor,

neither weighing for or against the proposal. However, the provision of the right of way link and financial contribution towards future right of way improvements are considered to be moderately beneficial benefits that weigh in favour of the scheme.

Drainage and flood risk

- 7.146** Planning policy guidance aims to steer development away from areas at the highest risk of flooding. The site is located within flood zone 1 and at the least risk of flooding, and as a result the requirement for a Sequential Test and Exceptions Test as set out within the NPPF are not engaged. The site is therefore, considered to be strategically acceptable in terms of flood risk. However, the site should be designed to prevent it from causing localised flood events.
- 7.147** Objections to the planning application have raised concerns about flood risk issues that affect Bembridge. The Council has recently undertaken a [Flood Investigation](#) in relation to recent flood events within Bembridge (Bembridge Section 19 Flood Investigation, May 2022) and this found that there were flood events reported in Bembridge on eight separate occasions in 2021. Appendix L (Bembridge) of the Isle of Wight Local Flood Risk Management Strategy explains that modelled surface water flood risk tends to follow the highways in Bembridge as there are no formal watercourses of significance, with those most likely to be subject to overland flow including Steyne Road, with surface water flooding generally contained by the highway.
- 7.148** The Section 19 Investigation showed that flooding events took place at the Steyne Road roundabout, where flows converged to cause ponding here (see section 4.2.2 of document) with some ponding further east, within Steyne Road. These events were caused by exceptionally high rainfall events that the Environment Agency has predicted to have an approximate 2 to 5% probability of occurring annually. The Investigation showed that the northern section of the site was water-logged during the 2021 events, with the Investigation concluding that underlying Bembridge Marls would have resulted in the site having a run-off rate of 50%, increased by soil conditions prior to the July rainfall event, meaning that the intense nature of the rainfall was greater than the infiltration capacity of the soils. Thus, the water ponded in the field with some overland flows.
- 7.149** The Investigation advises that there is no single source of flooding, and instead various issues such as gravel run off to combined sewers from unsurfaced roads contribute to flooding. The Flood Investigation proposes potential strategic solutions to flood issues within Bembridge. These include the use of modelling for the drainage system for the whole village, to allow a surface water management plan to be adopted that would seek to address the issues causing flooding, a property flood resilience scheme, upstream flood attenuation and improvements to the management of gullies, ditches and other drainage assets.
- 7.150** While the recommendations within the Section 19 Flood Investigation relate to strategic solutions, it nonetheless advises that development proposals could contribute to the reduction in upstream flows. The Investigation advises that *'Development offers one way of mitigating current surface water flood risk through on-site measures that would otherwise be unlikely to be economically*

viable on their own or delivered.'

- 7.151** The applicant has provided a Drainage Strategy, that proposes to direct surface water from the site to the existing drainage network to the north of the site, rather than using natural infiltration. That is because the geology of the area is known to be poorly performing in terms of infiltration, with this situation confirmed by infiltration testing undertaken at the site in 2020.
- 7.152** Surface water from the site currently drains to the public highway drainage system, via two 15mm diameter pipes connect to the highway drainage system, with run off rates of 17.7 l/s (litres per second) per pipe, and so a total run off rate of 35.4 l/s to the system. The drainage strategy proposes to reduce these rates through a range of attenuation measures. Firstly, all drives, parking and home zone areas would be constructed using permeable block paving to attenuate flows, although the available storage that these areas would provide has not be factored into the final calculations within the Drainage Strategy, and so in effect, these areas would add to the storage capacity for the site.
- 7.153** Surface water drainage from the site would be directed to a system of underground storage tanks (AquaCells) which have been designed to have a capacity to cater for a 1 in 100-year storm event, with the standard 40% increase factored in for climate change. These tanks would hold water during a storm event, releasing water once the event had receded. Water from the tanks would be directed to two approved attenuation ponds within the development site to the north, with a hydro-brake included in advance of the ponds, to prevent excessive flows. The ponds would include a permeable liner to allow some infiltration, but these would direct stored water to the highway drainage system, again with a hydro-brake included to restrict flows to 22.3 l/s.
- 7.154** Island Roads have agreed that surface water flows to the highway drainage system can be accepted, subject to the agreed run-off rate of 22.3 l/s, which would not result in an increase in storm water flows to the highway drain. Officers consider that this scheme, would ensure that surface water for the development would be suitably managed but also reduce flows to the highway drain and therefore assist in providing one of the solutions for localised flooding within Steyne Road that is outlined within the Section 19 Flood Investigation.
- 7.155** As outlined within the ecology section of this report, foul water from the development would be directed to the public sewer. Southern Water have confirmed within their comments, that they could provide foul sewage disposal for the development, subject to the necessary formal application process being applied for and have therefore recommended informatives in the event of permission being granted. As a result, on the basis of the Drainage Strategy, officers are satisfied that the development would result in a significant reduction in the greenfield run-off rate and, as a result would not increase the risk of localised flooding and instead, assist in reducing the potential for such events within Steyne Road. The development is considered to comply with the requirements of policy DM14 of the Island Plan with the flood elevation measures provided to be moderately beneficial benefits that weigh in favour of the scheme.

Other matters

Impact on Isle of Wight UNESCO Biosphere designation

- 7.156** Comments have been received suggesting that the proposed development would impact on Isle of Wight UNESCO Biosphere designation. The Isle of Wight was designated as an UNESCO Biosphere reserve in 2019. The UNESCO website outlines that:

“Biosphere reserves are ‘learning places for sustainable development’. They are sites for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity.”

It is noted that the submission to secure Biosphere status included the Council’s planning policies and its approach to development. As such, it is considered that the status, which is not a planning designation, will not be negatively impacted by the Council permitting sustainable development.

- 7.157** The designation identifies the ecological characteristics of the IOW represents a unique assemblage of species highlighting the nexus between the northern most point for some species and the southernmost point for others. It also highlights the uniqueness of the Island’s woodlands for the co-existence of stable populations of red squirrels, hazel dormouse, Bechstein bat and barbastelle bat.

- 7.158** The socio-economic characteristics are referred to as being a “strong, modern manufacturing sector in comparison with southeast England, as a result of companies and local supply chains in marine industries, aerospace, and composite material production; plus a healthy level of self-employment and micro-businesses, many of which are attracted by the quality of place offered by the Island. These, allied to the visitor economy and the offer to tourists, provide the opportunity for sustainable growth.” (Isle of Wight Biosphere Reserve, United Kingdom (unesco.org)). The importance of tourism to the Islands economy is also highlighted, although the changes to holidaying over the last 30 years is acknowledged, which has resulting in a gradual decline.

- 7.159** As set out above, the proposed development is not considered to have an unacceptable impact on trees or protected species and would result in socio-economic benefits and as such, officers consider that the proposed development would not compromise the designation, which is focused on allowing sustainable development to take place.

Impact on tourism

- 7.160** Several comments have referred to the impact that the proposed development may have on the Island’s tourism sector. The tourism industry is a significant employer for the Island and contributes substantially to the Island’s economy, with several tourism accommodation sites located to the southwest of Bembridge. However, the proposed development would result in limited impacts

on the surrounding countryside, with impacts concentrated on the highway that passes the site, Hillway Road. However, these impacts would be from a relatively discrete area, with tourists passing first a development site and then housing. Officers consider that neither would be out of place noting that the site is not visually linked to key tourism destinations. There would not be direct views of the site from other important tourism destinations and therefore it is considered that the development would not compromise the tourism industry for Bembridge or the wider the Island.

Strategic Housing Land Availability Assessment (SHLAA)

7.161 Public comments have queried why this site was considered to be deliverable via the SHLAA process. A SHLAA is a technical exercise to determine the quantity and suitability of land potentially available for housing development in a local authority area. Through the SHLAA process the Council seeks to identify available sites with the potential for housing, assess each site's housing potential and assess when these sites are likely to be developed. To be assessed, sites must:

- be 0.2ha or more in area and have the potential for at least 10 dwellings
- be located within or adjacent to an existing settlement or in a sustainable location
- the land must not be within a designated SAC, SPA, SSSI or Flood Zone 3b, and
- not already have planning permission for residential-led development

Sites are then assessed in respect to their:

- Suitability (taking into account planning related matters such as access, landscape impact, impact on trees and planning designations)
- Availability, and
- Achievability

However, a site's inclusion within the Assessment does not grant planning permission, indicate that planning permission will be granted and nor does it allocate the site for housing within the Local Plan. The assessment is a technical document forms background information to support the production of the Local Plan and its review.

Impact on health care facilities

7.162 A number of concerns have been raised by third parties with regards to the ability of the area's social infrastructure (doctors, St. Mary's Hospital 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 is still considered to be relevant. Furthermore, not all of the dwellings would accommodate residents who are new to the area or the Island, because some would cater for local people and therefore these individuals would already access these services.

8. Planning balance and conclusions

8.1 The National Planning Policy Framework states that the planning system is planned and that the purpose of the planning system is to achieve sustainable development. In the same way, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The role of the planning system is to balance issues, particularly where they compete and compare the benefits of a proposed development with any identified harm. In this context, the NPPF advises that the planning system has three overarching objectives, these being economic, social and environmental objectives. These issues are balanced below:

Economic

8.2 The NPPF states that the economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. The application is for residential development but would nonetheless result in the creation of a number of jobs both directly through the construction process, but also indirectly through local suppliers. Together with the economic benefits associated with job creation the scheme would also result in benefits through council tax, business rates, the new homes bonus and additional footfall for the various shops and businesses within Bembridge. It is acknowledged that the application would result in the loss of a moderate area of lower quality farmland however, the proposal is considered to result in greater economic benefits to outweigh this loss. Officers consider that the development would provide minor economic benefits that would weigh in favour of the scheme.

Social

8.3 The NPPF states that the social objective is to support strong, vibrant and healthy communities, referring to supporting the community's health, social and cultural well-being. The proposed development would deliver 56 additional residential units, of which 20 (36%) would be affordable housing, contributing towards meeting the locally identified housing need (both in terms of a shortfall over the last five years and looking forward), which in turn would help meet the Island's significant housing need. The provision of new homes would also positively contribute to alleviating local affordability issues, and by providing family-sized accommodation assist local home ownership that can help sustain the local school, shops and facilities. Together with the housing the scheme would also provide areas of open space, enhance access to the wider area by providing a right of way between Steyne Road, Howgate Road and the coastal footpath, therefore contributing to the proposed LCWIP and providing a purpose-built bus stop and shelter. Officers consider that the development would not harm heritage assets, nor would it compromise the amenity of occupants of nearby properties or highway safety, while providing a suitable means of access for all users.

8.4 Paragraph 60 of the NPPF states that it is a Government objective to significantly boost the supply of housing. In addition, paragraph 69 of the NPPF reasons that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, because these are often built out relatively

quickly. Bearing this in mind and the contents of the principle section of this report, it is considered that the additional housing combined with other social benefits provided by this development would weigh substantially in favour of this scheme.

Environmental

- 8.5** The NPPF states that the environmental objective is to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.6** The proposed development would not compromise designated sites, and confirmation has been provided that foul waste from the development would be directed to the WWTW in Sandown, with the proposed development resulting in nutrient neutrality. The applicant has also committed to providing financial contributions in line with the Bird Aware Solent Mitigation Strategy, therefore mitigating the recreational effects of the development on protected species of over-wintering wildfowl. The proposed development would deliver Biodiversity Net Gain and would not compromise protected species or habitats on site.
- 8.7** The development would retain protected trees and while a section of hedgerow through the centre of the site would be removed, this would be mitigated by replacement hedgerow planting, which would result in a network of landscaping to provide connectivity.
- 8.8** The proposed development would be visually contained from distant viewpoints and would have a limited visual impact when seen from the adjoining village and nearby properties. However, the development would be readily visible from Hillway Road, from where the development would have a moderately harmful impact on the current rural character of the immediate area. The set back of housing, retention of high amenity trees and the boundary hedgerow would mitigate this impact to an extent, but the level of landscape change would remain noticeable and moderately weight against this development.

Conclusion

- 8.9** As stated above, in the last seven years 3,977 homes should have been delivered across the Island, but a total of 2,620 have been delivered (an average of 374 per annum). This represents a significant shortfall of housing, which has resulted in the presumption in favour of sustainable development being applied to the Council.
On a parish level the lack of delivery of market and affordable homes has meant that the need identified in both the parish HNS and the Council's HNA has not been met.
- 8.10** The proposal seeks to provide 56 new homes in Bembridge, and Officers consider that the development would result in minor economic benefits, with moderately adverse environmental impacts that would be outweighed by the significant social benefits brought through the delivery of housing within a sustainable location. As a result, having given due regard and appropriate weight

to all material considerations the application is considered, on balance, to be acceptable, subject to appropriate mitigation, which can be secured by conditions and a Section 106 Agreement. The application is therefore considered on balance to be acceptable and to comply with the policy guidance outlined within this report.

9 Statement of Proactive Working

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

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 ways:

- By offering a pre-application advice service; and
- Updating 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.

The application has been subject to negotiations and additional information has been submitted through the course of the application which has overcome the Council's concerns.

Conditions and reasons

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

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

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

Site/ block plans

003 Rev K
004 Rev A
005 Rev B
006 Rev B
007 Rev B
008 Rev C
009 Rev D

012 Rev B
013 Rev B

017

Floor levels/ cross sections

018 Rev C
019 Rev B
020 Rev B
021 Rev B
022 Rev B

House type plans

101 Rev B
102 Rev B

104 Rev B

106 Rev B
107 Rev B
108 Rev B

112 Rev B
113 Rev B
114 Rev B
115 Rev B
116 Rev B

118 Rev A
119 Rev A
120
121 Rev A
122 Rev A

Garage type plans

123
124
125
126
127
128
129

Levels plans

200 Rev P3
201 Rev P3
202 Rev P3
204 Rev P3
205 Rev P3

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

- 3** The construction of the development hereby approved shall be carried out in accordance with a phasing plan, that has been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. Each phase of development shall be completed with associated drainage and highway infrastructure, landscaping and other matters as approved by the other conditions for this planning permission, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and highway safety and to avoid impacts to protected species and habitats and to comply with policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy. This is a pre-commencement condition, given the early stage in the development process that a phasing plan would be required.

- 4** No development shall take place until the results of a pre-commencement archaeological trial trench evaluation have been submitted. The evaluation will be carried out in accordance with a Written Scheme of Investigation which has been agreed in writing by the County Archaeology and Historic Environment Service and approved by the planning authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 of the Isle of Wight Council Island Plan Core Strategy. This is a pre commencement condition given the early stage in the development process at which archaeological information would be required.

- 5** No development shall take place until:

a) the applicant or their agent has secured the implementation of an appropriate programme of archaeological works in accordance with a Written Scheme of Investigation which has been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, or

b) The Local Planning Authority has agreed that no further archaeological mitigation is required, based on the Written Scheme of Investigation.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 (Historic and Built Environment) of the Island Plan Core Strategy. This is a pre commencement condition given the early stage in the development process at which archaeological information would be required.

- 6** To facilitate monitoring of the on-site archaeological works, notification of the start date and appointed archaeological contractor should be given in writing to the address below not less than 14 days before commencement of any archaeological works:

Isle of Wight County Archaeology and Historic Environment Service
Westridge Centre

Brading Road
Ryde
Isle of Wight
PO33 1QS

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 of the Isle of Wight Council Island Plan Core Strategy.

- 7** No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in respect of;
- Steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator
 - Areas on site for the parking, loading, unloading, circulation and turning off all construction vehicles to include for operative vehicles within the confines of the site throughout the build process
 - Measures to prevent impacts on nearby properties, including hours of working, storage areas for plant and machinery and parking and access arrangements for construction vehicles
 - Measures to control the emission of dust, noise and dirt resulting from the site preparation, groundwork and construction phases of the development
 - The agreed facilities/ operational measures shall be installed prior to the commencement of development and shall be retained in accordance with the approved details during the construction phase of the development

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement due to the requirement for on-site working methods to be in place during the site preparation and construction processes.

- 8** No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall set out measures to protect wildlife during both construction and operational phases of the development, based on the principles of the submitted ecological information. The EMP shall include the following additional information:
- The methods of construction and works for clearing vegetation on a precautionary basis (by hand or using light machinery to be agreed as part of this condition) to prevent harm to protected species
 - Measures to prevent open trenches from infilling with water, to prevent trapping of wildlife
 - Details of working methods to prevent harm to wildlife and habitats at the site
 - Details of the location and number of bird and bat boxes to be installed at

the site

- Methods of ensuring wildlife connectivity throughout the site
- Details of additional planting and habitat creation (in combination with condition 19) to ensure ecological enhancement and Biodiversity Net Gain
- If during any stage of development of the site protected species are identified that would be impacted by the approved works, an ecologist should be contacted to ensure compliance with wildlife regulations, including periods when works should cease due to nesting and hibernation seasons.

Development shall be carried out in accordance with the approved details.

Reason: To avoid impacts to, and to ensure the favourable conservation status of protected species and habitats, in the interests of the ecological value and visual amenity of the area and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy. This is a pre commencement condition due to the requirement to protect ecology at all stages of site works.

- 9** No development shall take place until a scheme for the drainage and disposal of surface water from the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority, based on the principles of the Flood Risk Assessment and Drainage Strategy submitted in support of this planning application. Details shall include a management regime for drainage and flood risk alleviation measures to be incorporated as part of the development. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the houses hereby permitted and be retained thereafter.

Reason: To ensure that the site is suitably drained, to prevent issues of local flooding and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM14 (Flood Risk) of the Island Plan Core Strategy. This is pre-commencement condition, given the early stage at which drainage infrastructure would be installed.

- 10** The development hereby permitted shall be connected to the public sewer system and all foul water shall be directed to the Southern Water Wastewater Treatment Works at Sandown for treatment.

Reason: To ensure that the site is suitably drained, to prevent harmful impacts on Solent International Sites as a result of nitrogen enrichment and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM14 (Flood Risk) of the Island Plan Core Strategy and the advice contained within the Council's Position Statement: Nitrates.

- 11** Prior to the commencement of the development hereby approved details of works to form a new right of way link between the point of the site access onto Steyne Road and the southern end of Hillway Road, passing through the application site, shall be submitted to and agreed in writing by the Local Planning Authority. The

details shall include the location/ route of the new right of way along with means of construction and final surface materials. The right of way shall be at least 2.5m in width. Development shall be carried out in accordance with the agreed details and the new and upgraded right of way shall be completed prior to the occupation of the dwellings hereby approved.

Reason: In the interests of highway safety, to provide safe access to the footpath network and nearby facilities within the village and to comply with policies DM2 (Design Quality for New Development), DM17 (Sustainable Travel) and SP7 (Travel) of the Island Plan Core Strategy. This is a pre commencement condition as the information may result in minor changes to the layout of the highway.

- 12** Notwithstanding that shown on the approved plans, prior to the commencement of the development hereby permitted, details of the uncontrolled pedestrian crossing point (including tactile surfacing) at the intersection of the proposed footway and shared surface street outside plot 23 shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the first occupation of any dwelling hereby permitted and shall be retained thereafter.

Reason: To ensure that a safe and suitable highway environment is provided and maintained for all users in the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre commencement condition due to the stage in the development for which these works would be implemented.

- 13** Development shall not begin until details of the design, surfacing and construction of any new roads, footways and accesses, together with details of the means of disposal of surface water drainage there from, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be retained thereafter.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre commencement condition due to the stage in the development for which these works would be implemented.

- 14** Development shall not begin until details of the sight lines to be provided at the junction between the access of the proposal and Hillway Road have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until those sight lines have been provided in accordance with the approved details. Nothing that may cause an obstruction to visibility shall at any time be placed or be permitted to remain within the visibility splay shown in the approved sight lines.

Reason: In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre commencement condition due to the stage in the development for which these works would be implemented.

- 15** No dwelling hereby permitted shall be occupied until car parking spaces have been provided for each dwelling as detailed on the approved plans. The spaces

shall not thereafter be used for any purpose other than that approved in accordance with this condition.

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

- 16** Prior to the occupation of any dwelling hereby permitted a scheme of soft landscaping in accordance with the principles shown on the approved plans and supporting landscape strategy shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the approved development and any trees or plants which within a period of 5 years from the commencement of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance of the development is satisfactory, to provide suitable habitat buffers and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 17** Prior to the commencement of the development hereby permitted, a Biodiversity Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The information shall set out details of the location and size of ecological corridors proposed in accordance with the information to be provided in relation to condition 15 and information to confirm that suitable levels of Biodiversity Net Gain are secured for the development (detailing baseline conditions and post development Net Gain). The development shall be carried out in strict accordance with the approved Biodiversity Mitigation Plan.

Reason: In the interests of the ecological value and visual amenity of the area and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, section 15 of the NPPF and the Environment Act 2021. This is a pre commencement condition due to the requirement to protect ecology at all stages of site works.

- 18** The development hereby approved shall be carried out in strict accordance with the details contained within the Arboricultural Method Statement ref MJC-19-0104-Ph2-03 submitted as part of the planning application, throughout the course of the construction process.

Reason: To prevent damage to trees during construction and to ensure that the high amenity trees to be retained are adequately protected from damage to health and stability throughout the construction period, in the interests of the amenity of the area and in compliance with policies DM2 (Design Quality for New

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

- 19** Notwithstanding the details shown on the approved plans, prior to the installation of the bus shelter to be located adjacent to Hillway Road, details of the design and appearance of the bus shelter, which shall be one sided and glazed, shall be submitted to and agreed in writing by the Local Planning Authority. The bus shelter shall be installed prior to the first occupation of the dwellings hereby permitted, in accordance with the agreed details and shall be retained thereafter.

Reason: To assist in reducing issues of crime and disorder and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 20** No boundary treatments, bike or bin stores shall be installed until details have been submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment, bike and bin stores to be erected. The boundary treatments, bike and bin stores shall be completed before the development hereby permitted is first brought into use. Development shall be carried out and maintained in accordance with the approved details and retained thereafter.

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

- 21** No development shall take place above foundation level until details of the materials and finishes, including mortar colour, bargeboards, cladding (including colour of cladding) and rainwater goods to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

- 22** No external hard surfaces shall be installed until details of the materials to be used to form the hard surface areas within the development site including any pathways, vehicle access and turning areas shall be submitted in writing and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 23** No external lighting shall be installed until details of means of external lighting for the development have been submitted to and agreed in writing by the Local Planning Authority. Details shall include measures to minimise light pollution and to prevent glare. Development shall be carried and maintained out in accordance with the agreed details and be retained thereafter.

Reason: To protect the amenities of nearby residential properties, to prevent light pollution from harming the character of the surrounding area and the nearby nature reserve and to comply with the requirements of policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 24** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no means of enclosure shall be erected forward of the principal elevation or an elevation facing onto a highway of any dwelling hereby permitted unless agreed in writing by the Local Planning Authority.

Reason: To maintain the network of hedgerows throughout the site in order to provide ecological connectivity, in the interests of the appearance of the development and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

- 25** Notwithstanding the detail showed on the approved plans, the footpath link between the site and Steyne Park Recreation Ground and shown on drawing 003 Rev K to be north of unit 10, shall not be installed at any time. The land shall instead form part of the residential curtilage of unit 10, with boundary treatments undertaken in accordance with details submitted and approved in accordance with condition 21 of this planning permission.

Reason: To assist in reducing issues of crime and disorder and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

- 26** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Class F of Part 1 and Class B of Part 2 of Schedule 2 to that Order shall be carried out other than that expressly authorised by this permission.

Reason: To protect the appearance of the site and surrounding area, to prevent excessive surface run-off from hard standings and driveways and to comply with the requirements of policies SP5 (Environment), DM2 (Design Quality for New Development), DM11 (Historic and Built Environment) and DM14 (Flood Risk) of the Island Plan Core Strategy.

- 27** All boundary structures and landscaping between the proposed highway and any dwelling hereby permitted shall be limited in height to no more than 0.6m above proposed adjacent carriageway level.

Reason: To ensure that appropriate visibility splays are provided and maintained in the interests of highway safety and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

11 Informatives

- 1** Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

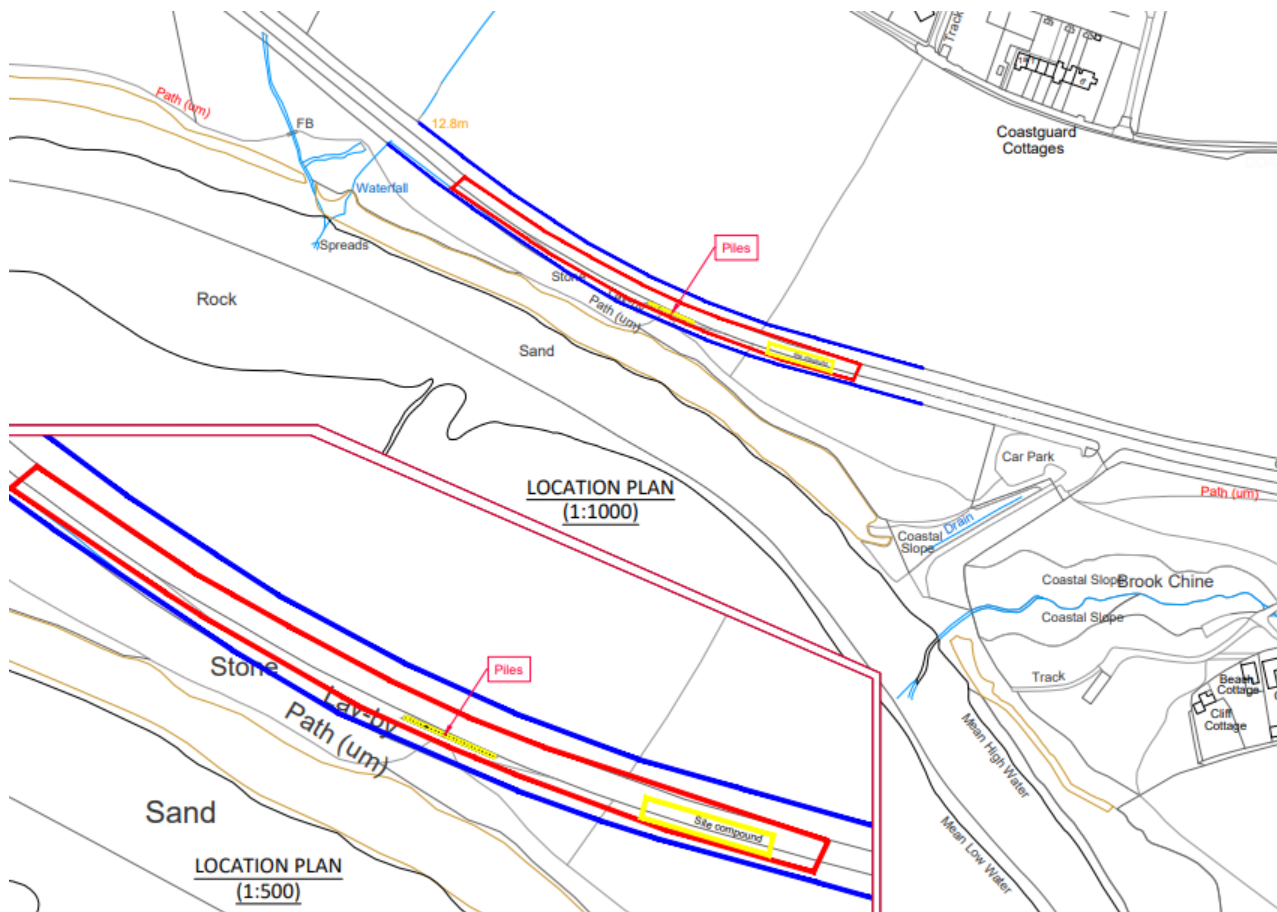
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Purpose: For Decision

Planning Committee Report

Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY
Date	17 October 2023
Application Reference	<u>20/01281/FUL</u>
Application type	Full
Application Description	Stabilisation works to road, to include installation of piled wall (Further information received - revised Environmental Statement, revised Shadow Habitat Regulations Assessment, revised Planning and Transport Statement, Written Scheme of Investigation for Archaeological Borehole Survey, Method Statement for removal of piled wall and pile cap, Response to Planning Comments on piled wall design, Erosion Monitoring Report) (Readvertised application))
Site address	Section of Military Road [Site 14], Brighstone, Isle of Wight
Parish	Brighstone
Ward Councillor	Cllr Nick Stuart
Applicant	Island Roads
Planning Officer	Stuart Van-Cuylenburg
Reason for Planning Committee consideration	The proposed development is for council purposes (public highway stabilisation), raises marginal and difficult policy issues, has Island wide significance, and would have significant impacts on the locality.
Recommendation	Refusal



Main considerations

- Principle
- Impact on the South Wight Marine SAC and Compton Bay to Steephill Cove SSSI
- Impact on the Isle of Wight AONB and Tennyson Heritage Coast
- Impact on heritage assets
- Impact on public rights of way
- Impact on coastal change

1 Recommendation

1.1 Refusal, for the following reasons:

- Adverse effects on SAC/SSSI;
- Adverse effects on coastal change;
- Adverse effects on AONB and Tennyson Coast; and
- Adverse effects on public right of way network.

Given adverse effects on the SAC (European/Habitats site) cannot be ruled out, to grant permission would be contrary to, and in contravention of the requirements of the Habitats Regulations.

2 Location and Site Characteristics

- 2.1** The application relates to a section of the Military Road (A3055) and highway verge to the south located approximately 78m to west of the National Trust car park at Brook Chine. The site extends for about 237m and varies from approximately 9.5m to 11.5m in width. The site is bounded to the north by highway verge and open agricultural land beyond. To the south is grassland topped coastal cliffs (about 14-15m high) down to Brook beach. There is some sporadic settlement to the north, east and southeast, including the coastguard cottages to the north, existing housing at Brook Green to the southeast, and Brook Village located approximately 300m to the east/northeast.
- 2.2** The site is within the Isle of Wight Area of Outstanding Natural Beauty (AONB), Tennyson Heritage Coast, and Compton Chine to Steephill Cove Site of Special Scientific Interest (SSSI). It is adjacent the South Wight Maritime Special Area of Conservation (SAC), and approximately 36m away from the Solent and Dorset Coast Special Protection Area (SPA), both located to the south of the site.
- 2.3** Public footpath BS98 is to the seaward side of the site, forms part of the Isle of Wight Coastal Path and is soon to form part of the King Charles III England Coast Path National Trail.

3 Details of Application

- 3.1** The proposal is to stabilise the existing road by the construction of a piled wall within an area of ground used previously as a highway layby adjacent the seaward edge of the carriageway. The work is intended to stabilise the road and isolate it from further cliff failure. The piled wall would be 26.25m in length and 1.2m in width and would comprise:

- 25 primary secant piles, 0.3m in diameter, 5m in depth, formed of ('soft') bentonite/cement slurry;
- 24 secondary contiguous piles, 0.9m in diameter, 21.7m in depth, formed of ('hard') reinforced concrete; and
- Pile (concrete) capping beam, 0.78m in depth and 1.2m in width, to tie the primary and secondary piles together.

The piles would be installed at 1.05m centres, with the smaller less deep 'soft' primary piles over drilled by the larger deeper hard secondary piles so they would intersect and form a continuous piled wall, with 150mm gaps between the larger (contiguous) secondary piles below the depth of the shorter primary (secant) piles.

- 3.2** On completion of construction the piles and pile cap would be buried below ground/road level. The pile cap, supported by a single depth row of gabion baskets, would be covered with topsoil and turf to form a low embankment like the existing earth bund alongside the seaward edge of the road. This embankment would be profiled to tie in with the existing slip profile adjacent the proposed structure.
- 3.3** The submitted plans show that the pile cap construction would incorporate parapet anchorage points/bolt cradle to allow for installation of a vehicle restraint barrier later if required. The applicant has subsequently stated that such a barrier

would not be provided to reduce the visual impact of the proposed development.

3.4 Construction works would be contained and carried out within the limits of the highway and former layby area, with construction expected to last eight weeks.

3.5 The proposed development is promoted by the applicant as a temporary measure, with the project to be decommissioned following the top five metres of the piles (depth of the secant piles) becoming exposed (this stated as being the design life of the structure). A method statement for removal of the piled wall has been submitted by the applicant, with the removal process stated to be triggered by:

- Five metres of a single pile being exposed; and/or
- Coastal erosion compromises the Military Road elsewhere; and/or
- Existing piles at Afton Down fail or are removed.

The proposed removal method details:

- A phased removal, with the pile cap and top five metres of the piles being removed in the first phase, and a further 10 metres of the deeper secondary piles to be removed in two further five metres sections (phases two and three) as these lower sections of these piles become exposed.
- Removal works would involve use of a 20-tonne excavator, fitted with hydraulic breaker/pile cropper, serving 8-wheel tippers, with arisings taken to a licensed tip for disposal.
- During each phase, the road and ground beneath it would be excavated five metres down (total excavation shown the height of the cliff – 15 metres) so that loadings on both side of the piles would be equal.
- Access ramps would be constructed/cut to the landward side of the piles as shown in red (first phase) and orange (second and third phases) on the site access plan (Appendix A of the removal method statement) – to allow plant and equipment to be deployed at lower levels.
- Staged reprofiling to form an embankment landward side of the road, with angle of repose to, where possible, reflect that of the cliff face to minimise any visual impact (provided it is safe to do so).

The piles would be cropped to a level 500mm below existing beach level, with the piles below this level shown to remain in situ.

4 Relevant History

4.1 None directly relevant to the specific area of land relating to the application. However, the following application relating to an area of land further along the Military Road is considered to be relevant:

4.2 A3055 Military Road

[TCP/23153 - P/00963/99](#): Stabilisation of 2 sections of highway over Afton Down by engineering works including piling, beam & ground anchors with temporary footpath diversion. Realignment 30m inland of section of highway northwest of Shippards Chine: Granted 02/12/2002.

5 Development Plan Policy

National Planning Policy

5.1 At the heart of the National Planning Policy Framework (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.

5.2 The following sections of the NPPF are considered to be of particular relevance to this planning application:

Section 2 - Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Local Planning Policy

5.3 The Island Plan Core Strategy identifies the application site as being located within the Wider Rural Area. The following policies are considered to be relevant to this application:

- SP1 Spatial Strategy
- SP5 Environment
- SP7 Travel
- DM2 Design Quality for New Development
- DM11 Historic and Built Environment
- DM12 Landscape, Seascape, Biodiversity and Geodiversity
- DM14 Flood Risk
- DM15 Coastal Management
- DM17 Sustainable Travel

Neighbourhood Planning Policy

5.4 Brighstone Neighbourhood Development Plan 2016-2027 (BNDP). The following policies are considered to be relevant to this application:

POE1 Conserving and enhancing our environment

POE2 Tranquillity

Relevant documents and other planning guidance

- 5.5**
- AONB Management Plan 2014-2019
 - Island Transport Plan 2011-2038 (ITP3)
 - Isle of Wight Shoreline Management Plan 2 – November 2010 (SMP2)
 - Rights of Way Improvement Plan 2018-2028 (RWIP)
 - South Marine Plan
 - UK Marine Policy Statement
 - West Wight Landscape Character Assessment (WWLCA)

6. Consultee and Third Party Comments

Internal Consultees

- 6.1** The Council's Archaeological Officer has commented that the works lie within an area of significant archaeological and palaeoenvironmental deposits and has recommended conditions to secure archaeological mitigation for impacts of the construction and decommissioning works.
- 6.2** The Curator and General Manager of Dinosaur Isle Museum has advised that whereas the proposed works do not pose an immediate effect to the geological heritage, the long-term impact could be highly detrimental to the site, and possibly impact the favourable status of the SSSI. They comment actions which threaten this should be avoided, advising of the following impacts:
- Piling works will represent a serious and destructive impact on the rocks cut through.
 - Longer-term concrete wall as it is exposed would become a serious disfigurement to the SSSI section, further damage would be caused from actions to remove it leading to significant contamination of the cliffs and beach with concrete debris.
 - Groups/businesses may use other locations leading to greater pressure on highly sensitive and limited fossil resources.

They have advised mitigation would need to be provided, for both piling and decommissioning of the works, to include:

- A watching brief/Written Scheme of Investigation (WSI).
 - Support/funding for safe removal, storage, and transport of deposits/larger fossils to Dinosaur Isle Museum and/or on-site sampling for further analysis.
 - Restoration of cliff to favourable condition.
 - Prevention of concrete debris on the beach/near shore.
- 6.3** The Council's Drainage and Flood Risk Management Officer has objected due to concerns the proposal would be detrimental to the stability of this section of the coastline and the road as it would form a wall retaining groundwater behind it,

scour the immediate area, increase the rate of erosion, and expose the upper section of the secant wall. They refer to previous installation of the cut off drain having increased erosion, and that as the feature has subsequently widened the previous proposal to construct a bridge spanning it is no longer considered viable. This, they have advised, highlights the fragile stability of the soils and deposits in the area, that erosion could be increased, and that this could affect the life of the piled wall and road at this location.

6.4 The Council's Ecology Officer has commented that they cannot support the proposal, stating that it is inevitable the proposal would have an impact on the Qualifying Features of the South Wight Maritime SAC (Vegetated sea cliffs of the Atlantic and Baltic Coasts), that it would result in a likely significant effect on the SAC and would have an adverse impact on the integrity of the designated site. They have advised further information relating to mitigation measures is required (including the method for preservation and reinstatement of topsoil vegetation/turf) and that this, as well as processes and mitigation in the decommissioning stage, should be considered within the HRA. They have added, of the other options considered, 'managed retreat and local realignment of the road' as a longer-term solution would seem a sensible way to adhere to the mitigation hierarchy and avoid a series of localised, temporary works in the future, which cumulatively have the potential to have a likely significant impact on the integrity of the SAC.

6.5 Environmental Health has no objection and considers there would be no long-term effect on air quality. In terms of potential short-term air quality (dust and vehicle emissions) issues during construction, it is considered this can be controlled (not eliminated), with details to achieve this set out in a construction management plan.

6.6 The Council's Geomorphologist has advised that the Isle of Wight Shoreline Management Plan 2 policy for this stretch of coastline is No Active Intervention (NAI), where there is no investment in coastal defences or operations, allow cliff erosion and retreat, support the geological designation, and abandon current A3055 and re-route. They highlight that previous to 2012 and the current policy approach being in place, the recommended approach in this area was 'Do Nothing'. They also refer to chapter 4.6 of SMP2 and the overriding intent of the plan to maintain the important nature conservation, geological and exceptional landscape quality of the area. They have also raised the following concerns with the proposed scheme:

- Should not set a precedent for hard coastal defence structures on the natural coastline
- Scheme described as temporary, no timespan or date for removal given
- An advantage of the piled wall design listed is that it could be extended in the future – this would further increase built structures holding back cliff recession in an area of NAI SMP policy
- Impact on groundwater flow not mitigated, could impact/increase cliff erosion/risks to the road
- Proposed method for removal - amount of ground excavation, could involve greater removal than adjacent natural cliff lines, impact future erosion patterns and timing of potential loss of other features, create access within a steep and inaccessible cliff line that could be used by others, not clear

what would happen to excavated cliff material in terms of loss of sediment supply, its scientific interest, or contamination

- No plan for removal of remaining 7m of reinforced concrete piles below beach level, remaining 7m deep x 26m long pile sections may have potential to cause a hazard as the cliff/beach continues to retreat
- Afton Down scheme - application P/00963/99 records 25m steel piles used are to be lifted and removed in entirety, and as part of same application a section of the road north of Compton Bay beach car park was realigned at the same time
- Temporary solution, other costs faced at time temporary solution removed, potentially adding costs over time

They have also advised the SMP erosion rates used in 'Scenario 4' of Appendix B to the submitted removal method statement are considered to be incorrect and should be 0.86m per year to 2025 and 1.14m per year to 2055, which would result in a greater potential erosion distance than shown in scenario 4. They add the SMP rates at this location are an average applied to a number of kilometres of coastline with episodic patterns of cliff retreat.

- 6.7** Island Roads' Development Control Team, commenting on behalf of the Local Highway Authority, has recommended approval, as the proposal would significantly extend the life of the Military Road, and would have no detrimental implications for the highway network.
- 6.8** The Council's Public Rights of Way Service supports maintaining highway access along this coastline, including provision for the Isle of Wight Coastal Path but raised concerns that public footpath BS98 has been squeezed into a narrow line between the highway and the cliff edge, that the application contains no mention of the forthcoming national trail, providing conflicting and confusing information regarding how it would be affected and its continued provision (and whether any realignment may be necessary), as well as how it may be affected by any decommissioning works. The comments also refer to inconsistencies and deficiency of detail within the submitted documents as to how the public footpath would be accommodated in the short and longer terms, and that mitigation detail provided indicates the proposal would have direct impacts on the footpath and how it would be used. It has referred to policies of the Rights of Way Improvement Plan 2018-2028 being a material consideration and has requested clarification from the applicant as to what is planned in the short and medium term for the public footpath as part of the proposal.

External Consultees

- 6.9** The Environment Agency has confirmed it has no comments to make on the application.
- 6.10** IW AONB Partnership objects and considers to deep pile this section of road, within the cliffs, adjacent the road and thus prevent natural processes at the site, is contrary to all the policies, assessments, guidelines, and strategies that have been setup to protect this distinctive and ecologically important coastline and it has an in-principle objection based upon this issue which it considers contrary to Policy P1 of the AONB Management Plan . It has also raised other significant concerns which can be summarised as:

- Significant visual impact on natural scenic beauty of the coastline – piled wall an alien and incongruous structure, decommissioning would result in a large artificial landform, on this naturally eroding coastline – contrary to Policy P39 of the Management Plan.
- Profound impacts on cliff face and erosion and other natural processes (geological and ecological).
- Contrary to Shoreline Management Plan policy of No Active Intervention.
- Defending a road with limited lifespan appears wholly unsustainable.
- Council needs to formulate a plan for this section of the road/coast which prevents piecemeal, unsustainable development that is contrary to policies that protect it.
- Inclusion of decommissioning details has only led to an increased concerns and consider it would lead to catastrophic changes in the cliff face, natural geological processes, ecological processes, and visual amenity.
- Aftereffects - not all of wall shown to be removed - previous engineering works have failed to be adequately controlled/conditioned to ensure appropriate decommissioning, leading to various items of litter on the beach and coastline. If approved - would want to be assured any beach litter would be removed in a timely fashion by the appropriate body.

6.11 Natural England (NE) has objected, advising further information is required to determine impacts on designated sites, and has advised that, based on information provided, it is not possible to conclude the proposal is unlikely to result in significant effects on the European Site (South Wight Maritime SAC). Further detailed advice has been provided by NE, including in relation to specific impact pathways. NE has also commented that one of the key alignment criteria for the England Coast Path is for the trail to adhere to the periphery of the coast and provide views of the sea, with the route of the ECP approved by the Secretary of State on 06 April 2022. It has been advised, once officially opened, the trail will be managed as part of a family of National Trails, and consideration should be given to making suitable provision for the ECP in the development proposal.

6.12 The Planning Casework Unit (Department for Levelling Up, Housing and Communities) has confirmed it has no comments to make on the Environmental Statement. It has also made no comments on the application.

Parish/Town Council Comments

6.13 Brighstone Parish Council objects and has commented it cannot support the scheme in its current form. It considers that unless it is part of a longer-term (broader) strategy for retaining the Military Road between Brook and Freshwater and forms a means of retaining the road whilst a replacement route is prepared further back from the cliff then it cannot be supported. It adds, it is only a viable scheme if the objective is to retain use of the road in the short to medium term as a contingency while a long-term solution is put in place. It also considers the scheme inadequate if it is proposed as a solution to erosion of the road, as it protects a short stretch of highway where there are other locations equally vulnerable which would almost certainly fail relatively shortly after completion of this scheme.

- 6.14** Shorwell Parish Council supports all efforts to maintain the Military Road as it is a vital route for the Island economy and understands that due to the conditions of the area, the proposed remedy may only be effective in the short/medium term.

Third Party Representations

- 6.15** CPRE IW acknowledges the route is much loved, enjoyed by many Island residents and visitors, and that due to unstable cliffs, this route would fall into the sea without further substantive works. It considers the proposed stabilising works are not a long-term solution for the road, the loss of habitat and archaeological risks are too high, and as such the proposal would not accord with policy DM2 of the Core Strategy. It also supports the comments made by the Ecology Officer (dated 30 September), and comments made by the Archaeological Officer.
- 6.16** Cycle Wight has requested that access for cyclists and pedestrians is maintained during the works, as the route is heavily used by cyclists, and any diversion is likely to mean an extended, and potentially more dangerous, ride using alternative routes.
- 6.17** The National Trust has commented that it has (and continues) to encourage, and work within Island Roads and the Council to find a longer-term strategic solution regarding the future of the Military Road, underpinned by a clear understanding of the social, environmental, and economic risks and opportunities around the potential loss or truncation of the road. It has highlighted the extant Section 106 Agreement between the Council and the Trust in relation to the Afton Down intervention of the early 2000s which would mean the removal of defences along that stretch of road, and therefore truncation of the road in the 2050s, if failure has not occurred another section of the highway. The Trust has raised the following concerns/queries:

- Would defer need for extensive road building, not prevent it.
- Queried “temporary works” description given, unless exposure conditions are reached, the piles could remain in place until 2050s (30 years) – no defined date for removing piles.
- Duration of proposed development is ambiguous.
- Information provided lacking in detail, contradictory in places, and does not provide a clear assessment of the environmental impacts and impacts of removal not assessed. Adequacy of the Environmental Statement (ES) and non-compliance with Council Scoping Opinion of 21 June 2019, with the following not submitted:
 - Socio-economic impacts
 - Noise and vibration
 - Climate change
 - Water quality and resources
 - Transport assessment

No justification provided for omission of these environmental and socio-economic effects from the ES or alternative Scoping Opinion sought from the Council to justify this.

- Piles would become exposed, impacting on coastal processes, and this could have a detrimental impact on the SAC.
- Methodology for removal of piles raises significant concerns.
- Staged removal – high risk stretches of the structure could remain in place.
- Removal methodology would require significant amount of engineering and earth removal, and modification to the cliff morphology, affect the natural functioning of the site and conflict with conservation objectives of the designated site.
- Technical viability of removing the piles in the proposed manner questioned.
- Visual and health and safety concerns if lower sections of piles not removed.
- Impact of proposed structure on groundwater flow regime and potential to accelerate erosion of cliffs, and prompt further works “defence creep”.
- Shoreline Management Plan policy is “No Active intervention”, to “preserve the essential natural character of the area and maintain sediment supply from the eroding cliffs”. Change in SMP policy would require a formal review.
- Proposal would have significant, long-term, harmful effects to internationally and nationally designated nature conservation, landscape, geological and heritage interests.
- Public benefits of protecting the Military Road do not outweigh high level of harm.

6.18 The Open Spaces Society agrees with the concerns expressed in the AONB, National Trust, Natural England, and Rights of Way responses, and objects to any part of the proposal that would impede, obstruct, or otherwise affect the safety or ability of pedestrians to use the coastal footpath (future England Coast Path (ECP)). It adds, the road has a limited lifespan, but the ECP designation contains provisions for the footpath to move inland when necessary due to erosion. It considers pedestrian safety must not be compromised if adjustment of the path makes it necessary to walk immediate alongside or on the road.

6.19 The Ramblers (IW Area) are concerned that though coastal path presence is recognised within submitted documents, no specific considerations are mentioned. It considers further information is required in respect of:

- Appropriate diversion of path during construction works.
- Footpath BS51 should be taken note of, as it is close to the area of works and links the coastal path.
- Proposed reinstated route of path following proposed works.
- How path would be accommodated within the area between the highway and eroding cliff edge.

6.20 1 objection has been received from an Island resident, raising concerns that can be summarised as:

- Money and resources spent would be to no avail, road will fall, all when trying to be greener.

- Whether piles/road would be removed before falling onto beach – impact to beaches/tourism if not.
- One way forward – divert the road further inland.

6.21 1 comment received from an Island resident has queried what provision is being made for walkers, with need for firm footways adjacent to the stabilised road and safe crossing points for when the path on the seaward side of the road is lost. They state it should be future proofed for everyone’s benefit not just the car driver but the walkers who are using the popular coastal path.

6.22 3 comments of support have been received from interested parties, including Island residents and visitors:

- Military Road is an excellent means of connecting communities.
- Loss of road would significantly reduce access and increase commute times for residents to/from west of the Island.
- Major tourist attraction – wealth and employment generated by tourism.
- Refusal of application would have adverse effect on active travel on the Island and increase safety concerns for cyclists.
- Cliff path has been eroded, but replacement paths easily found.
- Visibility of works may be educational.
- Excavations for works may yield palaeontological discoveries.
- National Trust objection should be disregarded for the benefit of residents/visitors.
- Arguments against must be balanced with who we are preserving the area (AONB/SSSI) for, if it becomes cut off and unseen?
- If erosion ignored, road would be lost in very near future and we would not be in a position to enjoy this lovely area.
- Complete tragedy if road were lost – consider taking road further back?

7 **Evaluation**

Principle

7.1 The proposed development seeks permission for stabilisation works to protect a section of the existing highway (Military Road) at Brook, to isolate it from further cliff failure. The Military Road forms part of the Island’s Strategic Road Network connecting the Island’s coastal communities along its south and west coast and is recognised for being an important feature of the area and for tourism. The proposed works are promoted as a temporary solution and would see the installation of piles and gabions, which would later be removed. As set out above (paragraph 3.5), this would be dictated by the point in which five metres of a single pile would be exposed, erosion compromising the Military Road elsewhere, or the piles at Afton Down being removed, at which point it is proposed that some of the works would be removed in a staged process.

7.2 Policy SP7 of the Core Strategy states proposed development associated with the Highway PFI project will be supported, in line with Core Strategy policies, to provide certainty over the delivery of the project. Although it is noted that the policy makes specific reference to infrastructure improvements in Newport. Furthermore, policy DM17 expects development proposals to contribute to

meeting and aims and objectives of the Island Transport Plan.

7.3 The current Island Transport Plan Strategy (LTP3) 2011 to 2038 sets out the Council's transport vision:

“To improve & maintain our highway assets, enhancing accessibility and safety to support a thriving economy, improve quality of life and enhance and conserve the local environment”

This vision has six core goals:

- Improve and maintain our highway assets.
- Increase accessibility.
- Improve road safety and health.
- Support economic growth.
- Improve quality of life.
- Maintain and enhance the local environment.

It adds that the Island will have to face up to and overcome a variety of challenges if this vision is to be achieved, and the need to improve and maintain highway assets for all forms of travel is recognised at the local level, is of paramount importance to all highways users, and will be done through delivery of the Highway PFI which is an intrinsic part of the plan.

7.4 C.6.4 of the LTP3 highlights one of the key challenges includes to ensure that transport proposals brought about by the PFI project and other works do not have any significant effects on European sites within or surrounding the Island.

7.5 The proposed development is a highway stabilisation scheme being brought forward by the applicant under the Highway PFI contract to protect and maintain a section of the Military Road (A3055) at Brook, known as Site 14, and isolate it from coastal cliff failure and instability. The cliff here is now less than 5m from the highway threatening the Island's Strategic Road Network at this point, with the road currently providing a continuous link along the Island's southwest coast between Chale and Freshwater Bay.

7.6 The submitted Environmental Statement (ES) refers to previous remedial works at Site 14 due to the initial cliff failure, including temporary lane closures, removal of a layby, management of groundwater flows, and resurfacing, as well as previous works to other sections of the A3055, including:

- Chine bridge restoration works at several chine crossings
- Highway resurfacing
- Afton Down stabilisation scheme
- Road realignment at Compton Bay

The ES refers to previous options considered for Site 14, including a piled bridge and re-routing options, to maintain this section of the road and that the proposed approach has been designed to ensure adequate short to medium term protection for the at-risk section of the road and safety of its users. The predicted lifespan of the proposed development is considered by the applicant to align with the

projected lifespan of other schemes (including the Afton Down scheme) and a more general failure 'tipping point' of unprotected sections of the road, by which time (within the next 15-30 years) the road would become unserviceable at a number of locations.

- 7.7** The proposal is promoted by the applicant as a temporary safeguarding measure and would see the piled wall removed once its top five metres (depth of the secant piles) have become exposed by continuing coastal erosion, and/or the Military Road is compromised elsewhere, and/or the piling at Afton Down is removed, although no specific timescale or date for removal has been specified.
- 7.8** The Island's Shoreline Management Plan 2 (SMP2) recognises that the southwest coast is popular for tourism use and that the A3055 Military Road and the nearby cliff-top coastal footpath are important features of the area, with it being a popular tourist route – one of the most spectacular sections of the 'round the island' coastal road, whilst it also provides access to the scattered coastal communities and properties which will be significantly affected by future breaches in the coastal road. SMP2 refers to the threat to the road at Brook, as well as substantial investment already undertaken to set the road back to maintain it at several locations. It adds realigning the road or upgrading and widening an alternative inland route will require further substantial investment. Recognising this, SMP2 states that the key values in this area are the overriding importance of the natural landscape and scenery, nature conservation designations, unique geology, and the continuous sediment supply from the eroding cliffs. It promotes a policy of No Active Intervention (NAI) for the southwest coast, to allow cliff erosion and retreat and abandon current A3055 and realign, to preserve these features, with a preferred policy of adaption to natural retreat of the coast here. It adds, there is no management intent along this section of the coast that would be successful in delivering a plan that protected the road and access to rural communities, was economically justifiable, while allowing natural processes along the designated cliffs to continue.
- 7.9** Having regard to the above, the proposal is to stabilise this section of the existing highway (Military Road) and isolate it from further cliff failure, which is part of the Island's Strategic Road Network connecting the Island's coastal communities along its south and west coast and recognised for being an important feature of the area and for tourism. Within this context and having regard to the aims of policies SP7 and DM17 of the Core Strategy, and LTP3, it is considered that the proposal can be supported in principle. However, it is clear from policy SP7, LTP3 and SMP2, that the proposal must also be assessed and determined having regard to other relevant policies and legal requirements, including ensuring compliance with The Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations") through avoidance of significant effects on European sites, in this case the South Wight Maritime SAC and underlying SSSI.
- 7.10** Substantial positive weight is afforded to the maintenance of this section of the A3055 (Military Road), which is part of the Island's Strategic Road Network, an important feature of the area, and of importance locally for tourism/recreation, the local economy and wellbeing of Island residents.

Impact on the South Wight Maritime SAC and Compton to Steephill Cove SSSI

- 7.11** Reflecting the requirements of The Habitats Regulations, paragraph 182 of the

NPPF states that the presumption in favour of sustainable development (set out at paragraph 11 of the Framework) does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Furthermore, Regulation 63 of The Habitats Regulations means it would not be lawful for the Council to give any approval for the proposed development unless the integrity test is passed.

7.12 Paragraph 180 of the NPPF adds that development on land within or outside of an SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.

7.13 The proposed piled wall would be constructed at the edge of the existing carriageway within the former highway layby, now covered by the existing grass bund, located adjacent to the South Wight Maritime SAC and within the underlying Compton to Steephill Cove SSSI. Both are protected sites, the SSSI nationally and the overlapping SAC, internationally, the latter being a European Marine Site designated under the EU Habitats Directive – therefore the SAC is a “Habitats Site”. The Conservation Objectives for the SAC are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

Natural England (NE) has advised that the Qualifying Feature of the SAC most likely impacted by the proposed development would be ‘Vegetated sea cliffs of the Atlantic and Baltic coasts’, and that the classification for this feature specifically cites that “these cliffs are minimally affected by sea defence works, which elsewhere disrupt ecological processes linked to coastal erosion, and together they form one of the longest lengths of naturally-developing soft cliffs on the UK coastline.” NE continues the vegetated sea cliffs rely upon underlying geomorphological processes as these create the varied transitional habitats and ecological niches for relevant species.

7.14 The SSSI, which is overlapped by the SAC, is notified for its vegetated maritime cliffs and slopes, species-rich unimproved chalk grassland, nationally rare plant species, an assemblage of nationally scarce plants, an outstanding assemblage of nationally rare and scarce invertebrates, exposed and moderately exposed rocky shores (littoral rock) and nationally important coastal geomorphology. In addition, the cliffs and foreshore between Hanover Point to St Catherine’s Point are a nationally important geological site and of international importance for the diverse fauna of early Cretaceous dinosaurs that it has yielded and contain

important elements of the flora present at the time these reptiles were alive.

7.15 The SSSI citation refers to the particular importance of the southwest coast of the Island for its coastal geomorphology, its diversity of coastal landforms, changing intensities of coastal processes, as well as differing timescales of coastal evolution, lack of extensive coastal defences, meaning there has been little interference with the beach systems, and this coast being distinctive by reason of the rapid rate of cliff retreat and the differentiated sources of sediment fed to the beach. It states that consequently the site is particularly valuable for study and research, with failures, including landslips, having been the subject of several studies.

7.16 The applicant has submitted a Shadow Habitat Regulations Assessment (sHRA) which considers the potential for likely significant effects on the SAC and underlying SSSI. This identifies the following potential likely significant effects:

- Changes to groundwater/surface water flow
- Pollution
- Loss of habitat (vegetated sea cliffs)
- Disturbance to vegetation/soils/wildlife
- Increased erosion/landslip
- Loss of cliff and slope functionality
- Impacts to archaeology/geoarchaeology

The sHRA considers that, subject to proposed mitigation, there would be no likely significant effects to these designated sites. Mitigation measures proposed are:

- Archaeological borehole investigation in accordance with a Written Scheme of Investigation (WSI).
- Implementation of measures within the Construction Environmental Management Plan (CEMP), including
 - Timing of works
 - Ecological Clerk of Works
 - Site checks for presence of any protected species prior to vegetation clearance
 - Confinement of works, including siting and storage of machinery and materials, to the highway footprint (carriageway and former layby)
 - Protective fencing of adjacent habitats.
- Reinstatement of topsoils/turf post construction.
- Removal (decommissioning) of the wall and pile cap once the top five metres (of a single pile) become exposed.

7.17 Having reviewed the application, including the submitted sHRA and ES, Natural England (NE) has objected, advising further information is required to determine the significance of impacts on the designated sites and scope of mitigation. This includes further information in respect of construction, hydrological, geomorphological, and geological impacts, including effects of removing the structure (NE has expressed significant concerns with this), and uncertainty in terms of timing of removal and how this would be secured, given the project is promoted as a 'temporary' measure.

- 7.18** NE also disagrees with the conclusions of the sHRA screening and considers that the conclusion of the sHRA does not include an explicit and detailed statement of reasons which are capable of dispelling all reasonable scientific doubt on the effects of the proposal to the designated site (SAC). Further, NE has advised the project is not necessary for the management or maintenance of the designated site, that it does pose a likely significant effect on the designated site, and that without mitigation, the proposal would directly impact the supporting processes on which qualifying natural habitats rely.
- 7.19** The ES and sHRA do not consider or assess the implications of the decommissioning works for the designated sites, merely stating there is a risk natural processes of coastal erosion may be disrupted for a short period (12 weeks), when piles are removed. Notwithstanding this statement is at odds with the staged method of removal submitted, which would be reliant on erosion of the cliff in front of the wall exposing the piling (no timeframe for removal given), Natural England has advised that the sHRA does not consider the potential of likely significant effects arising during/after decommissioning and there is very little detail provided regarding the likely structure or functioning of the cliff post-removal, and no mitigation proposed. Officers share these concerns, especially having regard to the extensive decommissioning works that are outlined (see paragraph 3.5 above) and the impact of these on the designated sites.
- 7.20** Although the applicant maintains the proposed wall would not act as a coastal defence, as it would allow erosion of the cliff in front of the wall to continue naturally until the structure becomes exposed, this would be dependent on the wall being removed once exposed in the cliff face. The ES states that based on predicted erosion rates the cliff could retreat to meet the road within 4-8 years. Modelling submitted with the sHRA shows the cliff could retreat to meet the wall within the next 10-20 years, potentially longer, although the Council's Geomorphologist has stated that if the correct SMP2 rates were used in 'Scenario 4' of Appendix D 'Cliff Rate Retreat Scenarios' of the sHRA, the cliff erosion distances shown in Scenario 4 could be potentially greater, noting rates in SMP2 are based on averages for kilometres of coastline with episodic patterns of cliff retreat. The ES also refers to rates of erosion/cliff retreat being difficult to predict, noting that cliff retreat here has occurred historically at a faster rate than other sections of the coastline.
- 7.21** Natural England had advised that the geomorphological significance of the SSSI underpins the SAC vegetated sea cliffs of the Atlantic and Baltic Coast, as the continued slipping and erosion of the cliffs supports a range of vegetation communities, the site therefore depending on natural dynamism and continued evolution in response to storm events and relative sea-level is intrinsic to its scientific value. NE provide the following quote from an extract of the SSSI Views About Management:

"The most important aspect of maintaining vegetated maritime cliffs and slopes, some of the rare and scarce plants, invertebrates, exposed and moderately exposed rocky shores (littoral rock) and geological features is the need to maintain natural and geomorphological coastal processes without constraints. The introduction of, or increase in, physical constraints such as coastal protection works and land drainage will reduce the mobility of the cliff and reduce the range of plant communities, intertidal habitats, rare and scarce invertebrates and the

continuing exposure of geological features.”

- 7.22** With regard to geomorphological impacts, NE refers to Professor May’s report attached as an appendix to the National Trust’s comment in March 2021, which considers Site 14 should be considered a chine, as it could have developed into a larger feature had there not been modifications to surface and underground drainage, and that the proposed works would further interfere with the natural cliff processes associated with chine development and potentially have cumulative effects with the existing drainage modifications for an indeterminate length of time, and that there would be knock-on implications on the SAC due to the impacts of coastal squeeze and the strong dependence of sea cliff vegetation on cliff dynamicity and water availability.
- 7.23** NE state that the potential impacts of the proposed defence on its exposure have been neglected within the ES/[s]HRA, and that evidence with Professor May’s report (2021) suggests the proposed defence could become exposed within two years and the cliffs either side in five years, with the exposed section becoming a ‘hard point’ prone to outflanking (accelerated erosion either side of it) and that this would be likely to have impacts on the intertidal SAC and SSSI features, as well as potentially rapidly undermining the structure, which may necessitate further maintenance or extension of the defence area in future.
- 7.24** The applicant considers that the impact of the proposed development on the SAC/SSSI would be ‘temporary’ with no significant long-term impacts on these designated sites. However, this would be dependent on removal of the wall within potentially a relatively short timeframe. Natural England has advised that 15+ years would not be considered ‘temporary’ in the context of the Habitats Regulations. Furthermore, the removal methodology submitted shows a staged removal, with no timescale or date for decommissioning provided by the applicant, and that not all the piling would be removed, with the section below existing beach level to remain, potentially posing a hazard as the cliff continues to retreat. The decommissioning works are also now shown to likely involve a significant excavation and reprofiling of the cliff/land behind the wall beyond the footprint of the highway and into adjacent farmland to the north outside of the control/ownership of the applicant.
- 7.25** NE has acknowledged that whilst planning for long-term options (i.e. road realignment) short-term preventative measures may be required, it is of major concern the proposed works are labelled ‘temporary’, yet there seems to be no intention to remove the defences within a prescribed timespan, and in the absence of a definitive lifespan alongside a concurrent strategy to realign the Military Road, NE considers the proposed works would not be in keeping with SMP2 NAI policy and therefore hinder the long-term aim of allowing this section of coastline to evolve more naturally.
- 7.26** Submitted plans show that the applicant does not have control/ownership of land beyond the limits of the public highway, yet the method statement for removal shows land beyond the highway would be required to remove the wall. Furthermore, should any debris fall onto the beach/shore, this may also mean remnants of the structure would be left on land outside of the highway boundary, where removal of debris on third party land could not be secured by planning conditions. Taking this into consideration, that the removal method statement

does not show all of the piles to be removed, and that the applicant has provided no certainty the piling would be removed in its entirety within a defined timeframe, it is considered there would be no guarantee if installed, the piled wall would be 'temporary' and would not have longer-term impacts on the SAC/SSSI. Officers also consider that the decommissioning works of this 'temporary' solution would result in likely significant effects that cannot be justified based on the potential timescales that these works may be effective.

- 7.27** In terms of hydrology, there are concerns the design of the piled wall would inhibit groundwater flow through it, exacerbating erosion at the sides of the wall, which not only may influence cliff erosion, but potentially also shorten the life of the proposed wall and road at this point. From the response provided by WSP (on behalf of the applicant) it is clear that the secant piles are designed to form a seal between the contiguous piles to stop water issuing between them and prevent the wash out of fines beneath the road, which otherwise may undermine road stability.
- 7.28** Groundwater here has been found to be shallow, with discharge of groundwater beneath the 5m secant piles unlikely. WSP state, as part of the design brief it was desirable for the applicant to have no groundwater measures to limit upkeep of the structure, and that during the design process, the applicant acknowledged that limiting the permeability of the wall using secant piles would lead to lateral migration of groundwater to the ends of the wall where it would spring from the cliff face at either end to maintain the current groundwater regime. WSP also state, monitoring as part of previous ground investigations indicates ground behind the proposed retaining wall is already saturated and diversion of groundwater around the wall would not fundamentally change depth of groundwater saturation, but it would change the flow direction.
- 7.29** The ES mentions that it is likely complex groundwater movement is, or has been, a contributing factor to the failure adjacent Site 14, that the cut-off drain installed in 2011 to the north of the road, within the adjacent field, was designed to control and divert ground and surface water away from Site 14 to discharge at Churchill Chine to the northwest, and that it is possible the existing road and drainage infrastructure is inhibiting natural processes that may create more prominent or defined erosional features within this section of coastline. It is noted within the ES that the slope has been subject to further failure since this drainage was installed, however this has widened the feature here, as opposed to it developing further back as was previously predicted, with previous reports describing the feature at Site 14 as a chine/developing chine. As discussed above, chines/developing chines are a particularly important feature of this coastline, the SAC and SSSI, as mentioned by NE and within SMP2. Officers also note the subsequent widening of the feature is the main reason given for why the previously preferred 'bridge' option is no longer considered viable.
- 7.30** The WSP response states that prior to installation of the drainage works, it was believed groundwater was travelling beneath the road and out through the cliff edge, potentially causing or contributing to slope failure, and that this was confirmed during the 2020 site visit as part of the recent design work where seepages were noted along the cliff face and at the landslip. WSP continue that the persistence of groundwater at Brook Chine and issuing from the cliff face indicates that the drainage system installed in 2011 either has insufficient capacity

to drain groundwater in the area, is not functioning as intended, or the groundwater regime around the drainage is not hydraulically linked to the groundwater regime in Brook Chine. With respect to surface water WSP state, that there are drainage gullies on the landward side of the road, and that the road camber dips towards these drainage measures and therefore surface water would fall away from the wall and into the carriageway drainage system.

- 7.31** Whilst the ES/sHRA assesses impact on groundwater low/hydrology to be minor and not to have a likely significant effect, alone or in-combination with the installed drainage works, Officers are not convinced of this, given the secant (bentonite) piles are designed to 'seal' the wall, which would mean any groundwater not captured by the installed drainage would, as discussed within the supporting documents, have to migrate laterally around the wall springing from the cliff face either side of it. Natural England states that it is important to understand the role of the local hydrology and how this may be contributing to erosion forces and wider geomorphology to enable an informed assessment of any interactions between hydrological processes and the project proposals. Officers consider from the submitted information, it is not clear how the proposal has been designed to mitigate for potential impacts on the hydrological regime, with supporting documents providing evidence that groundwater movement and changes to this, may affect the natural evolution of this dynamic coastline, SAC/SSSI features, as well have implications for the life of the proposed wall and the existing road.
- 7.32** The ES and sHRA, informed by the submitted Preliminary Ecological Appraisal (PEA) and Terrestrial Invertebrate & Botanical Survey, assess that the installation of the wall would result in a direct loss of approximately 26 square metres (footprint of the wall and pile cap) of MG1 mesotrophic grassland and transitional OV23/MC9 (open vegetation/maritime cliff grassland) and MG1a/MC9c (mesotrophic/maritime cliff grassland) communities, these habitats are considered to be of low conservation value but loss of which would need to be mitigated to ensure a biodiversity net gain. To mitigate for this loss, it is proposed to remove the made ground under the former highway layby/bund, where the wall is proposed, and to reinstate removed topsoil and turf from the area as a new embankment over the piled wall and pile cap. Natural England and the Council's Ecology Officer have advised that no method statement for how this work would be undertaken or to demonstrate that this mitigation would be effective has been submitted. They have advised this information is required to ensure this loss would be mitigated, and to inform the submitted sHRA. Therefore, without further information demonstrating how these habitats would be effectively reinstated, or any assessment of biodiversity net gain, it is considered the applicant has not demonstrated the proposal would result in conservation and enhancement (biodiversity net gain) within the SSSI.
- 7.33** Notwithstanding the above, Officers also note that the ES and Invertebrate and Botanical Survey report that one nationally scarce invertebrate species (shorebug), two Species of Principle Importance, and two Local Priority Species were recorded, with the majority of the best invertebrate assemblages associated with the slumping cliff faces, and the earliest successional stage in development of soft-cliff vegetation also present across the slumped zone. This reinforces the importance of the naturally evolving coast here to the interest features of the SAC and SSSI, with unimpeded cliff erosion/retreat supporting these species/habitats.

- 7.34** With respect to geological impacts, NE has advised that there are two designated features within the SSSI, the Wealden strata which makes up the cliffs and the rich fauna of fossil reptiles which occur within this strata. NE has advised that the proposed stabilisation would adversely impact on these features by disrupting natural processes which maintain exposure of the strata, and potentially by obscuring the geological exposures behind the piles. Although NE states this small intervention is unlikely to have a major impact on the geology (because features are exposed along a long stretch of coastline and because the piling is intended to be temporary), it has advised the lack of detail regarding length of time the piling would be in place makes it difficult to fully assess the impact, and has asked for a specific date and guarantee the structure would be removed.
- 7.35** The Curator and General Manager of Dinosaur Isle, referring to the global importance of the Island's dinosaur and other fossil heritage, considers the proposed works do not pose an immediate impact to geological heritage, but that the longer-term impact could be highly detrimental to the site, with the concrete wall becoming a disfigurement to this SSSI section as it is exposed, actions to remove it would lead to further damage, and possibly would impact the favourable status of the SSSI. They have advised any mitigation would have to include a watching brief, support for Dinosaur Isle to safely remove deposits/larger fossils, on-site processing of samples for further analysis, cliff restoration to a favourable condition, and prevention of debris disposal on the shore. They also state this section along with Compton Bay is an important educational resource, widely used by school and university groups, as well as local businesses using the beach for public walks and school groups. He adds, one impact could be these groups/businesses would use other locations leading to greater pressure on highly sensitive and limited fossil resources.
- 7.36** Officers conclude, that for the reasons given above, the proposal would not comply with the Habitat Regulations, the NPPF, and policies SP5, DM2 and DM12 of the CS, as, applying the precautionary principle, it cannot be concluded the proposal would not have adverse effects on the integrity of the SAC/SSSI.
- 7.37** Substantial negative weight is afforded to this issue. However, fundamentally, the Council is also unable to lawfully grant planning permission for the development, as it cannot conclude no adverse effect on the Habitats (SAC) Site, or that the other subsequent legislative tests, set out in the Habitats Regulations, including the tests of alternatives and Imperative Reasons of Overriding Public Interest (IROPI) would be met, and therefore to do so would be in breach of the Habitat Regulations.

Impact on landscape and seascape character, which is part of the AONB and Tennyson Heritage Coast

- 7.38** The application site is located within the Isle of Wight Area of Outstanding Natural Beauty (AONB) and Tennyson Heritage Coast, with the Heritage Coast falling within the designated AONB. NPPF paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. It adds that the scale and extent of development within these designated areas should be limited. Paragraph 177 of the Framework adds:

When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Footnote 60 of the NPPF explains that for the purpose of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

- 7.39** With respect to Heritage Coasts, the Government's Planning Practice Guidance (PPG) explains these are stretches of our most beautiful, undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve access for visitors. Paragraph 178 of the NPPF, states major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.
- 7.40** Policies SP5, DM2 and DM12 of the Core Strategy also require proposals to be of high quality design, to protect, conserve and/or enhance the Island's natural and historic environments, its landscape and seascape, and the integrity of international, national, and local designations, to complement the character of the surrounding area, particularly in the AONB, and to reflect the aims and objectives of the AONB Management Plan and any relevant landscape assessment.

- 7.41** The AONB Management Plan 2019-2024 (MP) sets a vision that

'The Isle of Wight AONB will remain a beautiful, thriving landscape cared for and appreciated by all'.

It explains that the primary purpose of the AONB designation is the conservation and enhancement of natural beauty (which includes wildlife and cultural heritage, as well as scenery), and refers to the Council's statutory duty under The Countryside and Rights of Way (CRoW) Act 2000 to 'have regard' to this purpose in exercising or performing any functions in relation to land within the AONB.

- 7.42** The MP contains six overarching objectives, which include ensuring the conservation and enhancement of the AONB and encouraging opportunities to enhance its landscape and seascape. Policies P1 and P2 of the MP seek to ensure the continuation of natural processes and encourage strategic approaches to deal with areas where this may create potential conflict with socio-economic considerations (particularly on currently undefended coastlines) and encourage the use of landscape, seascape, and historic landscape character assessments

as a tool to consider proposals for change within the AONB.

- 7.43** With respect to the Tennyson Heritage Coast, the MP states that this coastline runs for 34km from Steephill Cove, Ventnor to Widdick Chine at Totland, is breath-taking, with an open aspect, long-distance views to the English Channel, has a special quality of light, and includes the iconic Needles chalk stacks and other multi-coloured cliffs, is fossil-rich (including well-known dinosaur footprints at Brook Bay), has miles of undeveloped coastline and unspoilt beaches, important wildlife habitats and memories of past islanders (including smugglers), chines and lighthouses.
- 7.44** The West Wight Landscape Character Assessment (WWLCA) identifies the site as being within an area where Southern Coastal Farmland (Clay Farmland), meets with chalk downs to the north, and soft cliffs to the south/southwest (Hanover Cliff).

Hanover Cliff

The WWLCA considers the Hanover Cliff area to be in good condition, exhibiting a strong character, the essence of which is its constant change as the cliffs are eroded by the sea, with few interventions. It refers to its natural, peaceful ambience, strong visual contrast between the semi-enclosed cliffs and shoreline and the wide open views out to sea and its outstanding biodiversity, geological and historical interest. It sets out a landscape strategy for this area to conserve the tranquil, undisturbed natural landscape, with minimal interventions, low key design of infrastructure (paths and stairs) to provide access to the foreshore, and litter removal.

Clay Farmland

The WWLCA refers to the moderate condition and strength of character of this landscape area, the open and exposed nature of the farmland contrasting with the more intimate and enclosed nature of woodland blocks, open views across farmland to the cliffs and sea beyond, the Chalk Downs and Brighstone Greensand Hills creating a backdrop to the north, traditional stone farmhouses, and historic village centres. The landscape strategy for this area is to conserve the inherent qualities of this area including remnant hedgerow boundaries, medieval earthworks and the woodland blocks, marshland, and drainage ditches, as well as enhancement of the traditional agricultural character, whilst allowing respectful tourist development. Guidelines for this area include protection of coastal views, avoidance of intrusive coastal development, mitigation of existing development, and to minimise small scale incremental change such as signage, fencing or improvements to the road network which could change the simple open character of the landscape.

- 7.45** Within this context, the proposal would introduce a hard engineered retaining wall into the existing cliff at this location, which would be at odds with the natural and largely undeveloped and undefended coastline within which the site is situated. It is agreed that initially on completion of the construction works the wall would be hidden below ground level and the proposed embankment over the pile cap and gabion baskets, and that the visual impact on the proposed development would increase overtime with ongoing exposure of the wall as the cliff in front of it

continues to slump due to ongoing erosion of the underlying geology. On exposure, the wall would appear as an incongruous hard feature within the natural cliff line, obscuring the geology behind it, as opposed to revealing it through recession of the cliff.

- 7.46** The wall would be visible directly from the beach below, the inshore area, and from certain points along the cliff top. Precisely where the wall would be visible from would be likely to change over time depending on how the cliff recedes and public access is modified near to it, but it is agreed with the findings of the submitted Environmental Statement (ES) and supporting Landscape Visual Impact Assessment (LVIA) that the visual impact of the wall would be experienced at the localised level. Further afield and landward of the wall, its visual impact would be reduced or obscured due to distance, being viewed in the context of the wider stretch of coastal cliffs, and intervening topography, with the cliffs either side of Site 14 currently being seaward of the application site.
- 7.47** The ES and LVIA state that the visual impact of the wall would be mitigated by concealing of the pile cap, colouring of the concrete to blend the wall into the underlying cliff strata, and by not providing the indicated future vehicle restraint barrier. Furthermore, the reversibility of the proposed development, as well as presence of the road, car park, nearby dwellings and other signs of human activity locally are also given as mitigating factors. As above, it is proposed by the applicant that the wall is removed following the top 5 metres of the wall becoming exposed.
- 7.48** Whilst covering of the pile cap and colouring of the concrete would help to reduce the visual impact, the dynamic nature of this coastline means that there would be a significant degree of uncertainty as to how this section of coast would change over time, or how this change may affect/expose the wall, including the pile cap and its covering, or the timescale within which it may be exposed. The pile cap covering is shown to be supported by gabion baskets on the seaward side and building up of the slumped cliff immediately adjacent to it, as indicated on the plan provided showing this proposed mitigation (see Appendix 8 of the LVIA). However, these gabions and the increased cliff profile in front of the wall, as well as any planting to further conceal the wall, are likely to be undermined by further slippage within a relatively short time frame, noting that historically cliff recession here has occurred at a faster rate than experienced elsewhere along this section of coast. Therefore, it is considered that these proposed mitigation measures would do little to relieve, and would add to, the hard engineered and unnatural appearance of the proposed structure.
- 7.49** Following concerns with the installation of a vehicle restraint barrier, due to this increasing the visual impact of the proposed development and introducing an above ground form of enclosure alongside this road section/cliff top, the applicant has stated that this would no longer be provided. However, this detail is still indicated on submitted plans. Notwithstanding this, a condition could be imposed to ensure this was not added later. Whilst omission of the barrier would reduce the overall visual impact of the proposed development, it would not mitigate for the visual impact of the wall, pile cap and gabion baskets once exposed. It also raised questions that should it be required for safety audit purposes at a later date would the road have to be closed without it, creating a conflict between the significant visual impact of such a feature and the use of this stretch of road,

which the application seeks to retain.

- 7.50** Regarding the presence of existing development, dwellings at Brook Green and the Coastguard Cottages to the north are located at least 200m away from the site, and the existing car park is relatively low key and informal, as is the road. The proposed wall would therefore be more readily viewed within the undeveloped and natural coastline, as opposed to in relation to existing settlement, or these other manmade features.
- 7.51** As discussed above, there is a high degree of uncertainty as to the timescale for removal of the piled wall, which could be shorter or longer than predictions, and although it is proposed by the applicant to remove the wall, the submitted method statement for removal indicates that this would involve a significantly greater level of excavation of the surrounding land, including the highway, verge and farmland to the north, loss of part of the field boundary hedgerow, and would be carried out in stages over an undefined time period. Furthermore, there are concerns that should the wall not be removed in whole or in part, any remnants would litter and potentially present a hazard on the beach below the cliffs. Furthermore, given land required for wall removal is shown to extend outside of the highway boundary extent, and land controlled/owned by the applicant, removal of the wall could not be secured by planning condition. It is also noted that the applicant has not assessed the visual impact of the works required to decommission the project, or proposed any mitigation for this.
- 7.52** Whilst initially the visual impact of the proposed wall is likely to be low to negligible, as suggested by the submitted ES and LVIA, and visual impacts during construction would be temporary and contained within the highway, it is considered that given the hard engineered design and appearance, its extent, including depth below cliff/beach level, uncertainty over its design life and timescale for removal, as well as how removal would be secured, and having regard to the likely effects of removal as indicated by the submitted removal method statement, as well as the high sensitivity of the receiving AONB landscape, which is afforded the highest status of protection nationally in terms of its landscape and scenic beauty, it is considered that the proposed development would be likely to have a significant adverse impact on the natural beauty of the AONB and Heritage Coast, particularly in terms of the natural appearance and evolution of the sea cliffs, given the lack of hard engineered manmade interventions locally.
- 7.53** Having regard to the above, it is considered that the proposal would constitute 'major development' for the purposes of paragraphs 176 and 177 of the NPPF, taking into account the nature, scale and setting of the proposed development, and the purpose of the AONB designation which is to conserve its natural beauty. In deciding whether to grant planning permission in this case, the considerations set out in Paragraph 177 of the NPPF (see paragraph 7.6 of this report) would therefore need to be applied.
- 7.54** Having regard to the above, and paragraph 173 of the NPPF, great negative weight is afforded to this issue.

Impact on heritage assets

- 7.55** Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 adds, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. With respect to non-designated assets, paragraph 203 of the Framework requires the effect of an application to be taken into account in determining the application and, in weighing applications that directly or indirectly affect non-designated heritage assets, states a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.56** Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) also place duties on the Council in considering whether to grant planning permission to have special regard to the desirability of preserving a listed building, its setting, or any special features it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.57** Reflecting the above requirements, policies DM2 and DM11 of the Core Strategy require proposals to conserve and enhance the special character of the Island's historic and built environment, support proposals that preserve or enhance heritage assets/settings of heritage assets and complement the character of the Island's conservation areas.
- 7.58** The submitted Environmental Statement (ES) informed by a Heritage Impact Assessment (HIA) has assessed the potential for impacts on the historic environment, considering designated and non-designated heritage assets within 0.5km of the proposed piled wall location, including the Brook Conservation Area (BCA) and listed buildings within it, with two grade II listed buildings (Cliff Cottage and Hanover House) within the 0.5km search area. The HIA states that a search of the Historic Environment Record (HER) also identified 114 non-designated heritage assets, with a large proportion of sites found within the continuously eroding cliff line. None of the identified heritage assets are within the application site, although 7 (non-designated) sites are situated within 20m south of the road and there is a further site 45m to the north.
- 7.59** The closest listed building to the site being Cliff Cottage (grade II listed), is located at the western end of Brook Green, at the end of a row of dwellings, including several other 18th and 19th century cottages and the old lifeboat station, which are on the HER and therefore are considered to be non-designed heritage assets. Although they are the closest properties, they are about 250 metres to the southeast of the site. Cliff Cottage can be glimpsed from the road and the coastal path. However, the distance and nature of the works is such the proposed development would not impact upon its setting.
- 7.60** Hanover House (grade II listed) is a 17th century two storey dwelling located at the southwestern end of Brook Village about 430m to the east of Site 14. Given the separation distance, orientation of the building itself, together with the intervening

undulating topography the site would not be visible other than glimpsed from the eastern limit of the site area the proposed development would not impact on the setting of this building, the setting of Brook Village, or settings of the other listed buildings within the village.

- 7.61** The Victorian Coastguard Cottages are located within 200m to the northeast of Site 14. These non-designated heritage assets are in a more prominent and isolated location on higher ground to the west of Brook Village and to the immediate north of Coastguard Lane. Given the buried and lower level of the proposed piled wall at Site 14, and that any exposure of the wall within the cliff would not be visible from these cottages and this part of the BCA, it is considered that the proposed piled wall would not harm the setting of these non-designated heritage assets, which would be maintained following construction and the wall being in place.
- 7.62** Brook Green, Brook Village, and the Coastguard Cottages comprise three of five defined character areas of the BCA. The other two (Brook House and St Mary's Church) are areas located further north of the Brook Village character area. Given the above, and that these other two areas are located further north and enclosed by woodland blocks to the west, it is considered that the proposal would overall not harm the setting of the BCA.
- 7.63** In terms of archaeology, the ES assesses there to be low to moderate potential within the site for further archaeological deposits of prehistoric, Romano-British, and medieval activity. There is potential for archaeological deposits to be impacted by excavation, ground disturbance and piling to install the proposed development, as well as excavation/ground disturbance associated with decommissioning to remove the piles and pile cap.
- 7.64** Recognising that overtime heritage assets/archaeology may also be lost/uncovered due to the natural erosion/retreat of this coastline, the Council's Archaeological Officer has recommended conditions to ensure a programme of archaeological works to mitigate for potential adverse effects on archaeological deposits that may be buried within areas affected by the proposed development. Conditions have been recommended to secure archaeological works in accordance with an agreed Written Scheme of Investigation (WSI) for both the construction and decommissioning phases. The Archaeological Officer has commented that the applicant would need to consider cost implications of archaeological mitigation likely to be required. In addition to archaeology, the Curator/GM of Dinosaur Isle has also referred to the need to mitigate for potential impacts on deposits of palaeontological/geological significance, which are also likely to add to mitigation requirements and project costs.
- 7.65** Officers do have concerns with the timing/requirements of any condition(s) to secure archaeological mitigation, as recommended by the Archaeological Officer, as these would require works to be agreed prior to decommissioning and carried out. This could mean that should archaeological mitigation not be agreed and/or such works not be carried out, this could have practical implications for securing removal/timing of removal of the piled wall at the end of its design life, or potentially removal adversely impacting deposits of archaeological/geological/paleontological significance. Given the application has not considered implications of decommissioning, other than how removal of the

top 15 metres could be undertaken, the requirement for archaeological mitigation to be agreed prior to decommissioning taking place, and the additional cost implications of this, do add to concerns/risks over the certainty of the structure being removed.

- 7.66** Notwithstanding any cost implications for the project, or potential adverse impacts on geological interests of the SSSI (discussed in earlier sections of this report), it is concluded that with respect to implications for buried deposits of archaeological or palaeontological significance, mitigation could be secured by planning conditions.
- 7.67** Subject to conditions to ensure archaeological/palaeontological mitigation would be secured as part of the development, it is concluded the proposal would not have adverse implications for heritage assets, and would preserve the settings of listed buildings, non-designated heritage assets, and the Brook Conservation Area, in accordance with the aims of policies SP5, DM2 and DM11 of the CS, the NPPF, and the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 7.68** On balance, with mitigation being secured by planning conditions, this is considered a neutral matter, neither weighing for or against the development.

Impacts on public rights of way/coastal path

- 7.69** Policy ICS2 of the BNDP requires public rights of way and open access land within the parish to be maintained and enhanced, any detrimental changes to be strongly justified, and any adverse impacts mitigated in other ways, such as through creation of new routes or areas. Policy DM17 of the Core Strategy also requires proposals to, as well as meet the aims and objectives of the Island Transport Plan, provide and improve accessibility for pedestrian, cycling, equestrian and public transport. Paragraph 100 of the NPPF adds:

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The Council's Rights of Way Improvement Plan 2018 sets out a series of policy objectives and actions to maintain, improve, extend, and promote the rights of way network.

- 7.70** There are two public footpaths within vicinity of Site 14, the clifftop coastal path BS98 to the south of the Military Road (A3055) and BS51 which runs south from Dunsbury to the west of the Coastguard Cottages down to join the north side of the Military Road, adjacent the site, approximately 50m to the east of Site 14, where the centre of the piled wall would be located. BS98, which is to form part of the King Charles III England Coast Path National Trail has, compared to its alignment on the Definitive Map, migrated inland toward the road and has now become squeezed between, and within a few metres of the cliff and the road.
- 7.71** Construction of the piled wall due to its location and width in relation to these rights of way is unlikely to directly impact on these public footpaths. However, the

wall would present a 'hard point' retaining this section of the road in its current alignment as the cliff retreats towards it, and therefore as the cliff recedes to the wall the footpath at this point would be lost, compromising the forthcoming National Trail. This would mean that either footpath users would have to walk along the carriageway, or cross and walk along the highway verge at the northern edge of the highway and then cross back over to rejoin BS98/National Trail further on. It is appreciated that this would increase risks for pedestrians, as well as for motorists using the road, particularly at night in this more remote unlit rural area of the Island. However, this would occur irrespective of whether the road is retained in its current position here or not, with the need to realign the coastal path/National Trail further inland likely to be driven in the not-too-distant future by cliff retreat, irrespective of the proposed development.

7.72 Notwithstanding direct impacts of the piled wall, the submitted method statement for decommissioning gives greater cause for concern with respect to the implications of the proposed development for existing rights of way. The significant excavations and reprofiling of the cliff to remove the wall are shown to cut across BS51 where it joins the Military Road. Given changes in land levels and gradient illustrated in the submitted removal method statement, this would seem to indicate that during and post decommissioning works, rights of way users would either need to use or detour via footpath BS99 and bridleway BS52, approximately 140-200m to the west of BS51, possibly also along Coastguard Lane between these routes, in order to reach the coastal path/National Trail, or that future diversion of BS51 would be required over third party farmland (outside of the application site and ownership/control of the applicant) in order to circumvent the area subject to decommissioning works. Impacts of the decommissioning works on the rights of way network, including BS51, have not been assessed or considered by the applicant.

7.73 Given the piled wall (other than its removal) would not directly impact the coastal path/National Trail route, that the need to modify this route is likely to arise irrespective of the development, and that potential impacts to BS51 where it joins the existing Military Road would not prevent users accessing the coastal path/BS51 via an alternative route, it is considered that impacts to the rights of way network/National Trail would be moderate adverse. The application does not put forward any mitigation for this or consider how the rights of way network may be enhanced as part of the proposed development.

7.74 Having regard to the above, it is considered that the proposal would be contrary to the aims of policy ICS2 of the BNDP, policy DM17 of the Core Strategy, and paragraph 100 of the NPPF, as well as the aims and objectives of the Council's Rights of Way Improvement Plan 2018.

7.75 Moderate negative weight is attached to this issue.

Impact on coastal change

7.76 Policy CSC1 of the BNDP expects new development along the coastline of the parish to fully consider the impact of coastal erosion and to minimise future threat to property from coastal change. The policy states there is a presumption against any major development that would reduce or prevent natural rates of coastal erosion due to the coastline's landscape and ecological importance. It adds,

proposals will need to be in line with the Shoreline Management Plan and the AONB Management Plan. Policy DM15 of the Core Strategy states development proposals will be expected to take a sustainable and practicable approach to coastal protection and flood risk management.

7.77 As set out earlier in the report, the policy approach set out in the Island's Shoreline Management Plan (SMP2) for the southwest coastline is No Active Intervention (NAI), to allow for coastal erosion and retreat and promoting adaptation to coastal change and realignment of the Military Road further inland. SMP2 recognises this approach will have implications, including socio-economic, in terms of access to the coast and for coastal communities, and for the historic environment, as retreat of the coast continues. However, here SMP2 considers the natural landscape and scenery, nature conservation designations, unique geology, and coastal geomorphology to be of overriding importance.

SMP2 sets out the following overarching objectives for this stretch of the coast:

- To maintain and enhance the essential natural landscape of the area.
- To support and enhance the nature conservation value of the area and the geological significance of one of the finest Cretaceous successions in the world.
- To maintain access to and along the coastline by providing opportunity for adaptation and realignment of the coastal road.
- To support adaptation of access to the shoreline.
- To support opportunity for adaptation of local communities along the frontage.
- To sustain the historic landscape and environment where practicable.

SMP2 states the policy is NAI to preserve the essential natural character of the area and maintain sediment supply from the eroding cliffs, also due to the limited number of assets at risk. It adds, there is no management intent along this section of coastline that would be successful in delivering a plan that protected the road and access to rural communities, was economically justifiable, while allowing natural processes along the designated cliffs to continue.

7.78 SMP2 policy of NAI and AONB Management Plan Policy P1 are mutually supportive with P1 also encouraging the continuation of natural processes and strategic approaches to deal with areas where this may conflict with socio-economic considerations for undefended coastlines within the AONB.

7.79 Taking into consideration the identified negative impacts of the proposal on designated (SAC/SSSI) sites, landscape and scenic beauty of the AONB/Heritage Coast, and rights of way, it is concluded the proposal would have adverse implications for coastal change along this naturally evolving coastline contrary to the aims of policy CSC1 of the BNDP, policy DM15 of the Core Strategy, SMP2 and policy P1 of the AONB Management Plan.

Other matters

Road safety and active travel

7.80 It is acknowledged concerns have been raised regarding safe use of the road for

cyclists and other road users, as well as potential adverse implications for active travel, should this application be refused. Officers consider that reduction in road width and any safety issues with use of the road as the cliff naturally retreats towards the road section at Site 14, as well as for other sections of the Military Road in future years, would be a matter for the Council as the Local Highway Authority and the applicant to manage. This is not a matter for this planning application, which proposes to improve the existing road infrastructure to enable it to be retained for a temporary (undefined) period.

8. Planning balance and conclusions

- 8.1** The National Planning Policy Framework states that the planning system is planned and that the purpose of the planning system is to achieve sustainable development. In the same way, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The role of the planning system is to balance issues, particularly where they compete and compare the benefits of a proposed development with any identified harm. In this context, as set out in paragraph 5.2 above, the NPPF advises that the planning system has three overarching objectives, these being economic, social, and environmental objectives. These issues are balanced below:

Economic

- 8.2** The NPPF states that the economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. It is recognised that maintenance and improvement of the Island's Strategic Road Network, of which the Military Road forms part of, is important in terms of supporting the local economy and economic growth, as well as for tourism. There may be some adverse impacts on local businesses focused on walking and educational trips to this area. Notwithstanding this, overall substantial weight in favour of the development is afforded to the economic benefits of the scheme.

Social

- 8.3** The NPPF states that the social objective is to support strong, vibrant, and healthy communities, referring to supporting the community's health, social and cultural well-being. The Military Road is recognised as of importance in terms of connecting scattered and coastal communities along the southwest coast of the Island. This route, including the coastal path, is also popular for outdoor leisure and recreation and for the health and wellbeing of residents and visitors. Having regard to SMP2, as well as ITP3, the scattered nature of communities and more limited number of assets at risk along this coastline, that it is promoted as a temporary solution to protect a short section of this route for a limited (undefined) period, and that it has been identified the works could adversely affect existing rights of way near the site, as well as access to the coastal path, it is considered that on balance, the social benefits can be afforded minor to moderate weight.

Environmental

- 8.4** The NPPF states that the environmental objective is to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.5** Environmentally, it has been identified that the proposal would be likely to have significant adverse effects on internationally and nationally designated sites, including the South Wight Maritime SAC, Compton Chine to Steephill Cove SSSI, the Isle of Wight Area of Outstanding Natural Beauty, and the Tennyson Heritage Coast, with these sites/the south west coastline being recognised as of importance for nature conservation, its unique coastal geomorphology and geology, dinosaur fauna/palaeontological significance, and its exceptional landscape and scenic beauty. Having regard to these designations being of international, national and local significance and, in line with national policy, great negative weight is afforded to the likely harmful environmental effects of the proposed development.

Conclusion

- 8.6** Notwithstanding the “planning balance” and the benefits of the proposal, Officers consider that, based on the information submitted, it cannot be concluded the proposal would not have adverse effects on the integrity of the designated Habitats (SAC) Site.
- 8.7** Therefore, it is advised that the Council cannot grant planning permission for the project, as to do so would be in contravention of the Habitats Regulations. Furthermore, the application is not supported by any robust assessment or evidence to demonstrate that the legal tests set out in the Habitats Regulations for allowing a proposal to go ahead where it has failed the integrity test have been met.
- 8.8** Furthermore, it is considered that the proposal would be contrary to the provisions of the development plan (including the Brighstone Neighbourhood Development Plan) and the NPPF. Also, the policies and guidance set out in the Isle of Wight AONB Management Plan, the Shoreline Management Plan 2, and the Rights of Way Improvement Plan. Section 10 below details the specific reasons for refusal recommended by Officers.

9 Statement of Proactive Working

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

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 ways:

- By offering a pre-application advice service; and
- Updating 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 updated and advised of concerns/issues, and given the opportunity to submit additional information to address those matters;
- following receipt of additional information, the application was still deficient in information and, for the reasons set out below, considered not to constitute a sustainable form of development.

Reasons for refusal

- 1** The proposal, by reason of its location, scale, and design, as well as lack of certainty over its removal, and timescale for removal, as well as potential effects of decommissioning, would be likely to have significant adverse effects on the South Wight Maritime SAC, Compton Chine to Steephill Cove SSSI, as well as have adverse effects on coastal change, contrary to the aims of policy CSC1 (Coastal Development) of the Brighstone Neighbourhood Development Plan, policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM15 (Coastal Change) of the Island Plan Core Strategy, the National Planning Policy Framework, and the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).
- 2** The proposal, by reason of its location, scale, design and appearance, as well as lack of certainty over its removal, and timescale for removal, as well as potential effects of decommissioning and/or failure of the structure, would have significant adverse effects on the landscape character and scenic beauty of the Isle of Wight Area of Outstanding Natural Beauty and special character of the Tennyson Heritage Coast contrary to the aims of policies D1 (Design Criteria) of the Brighstone Neighbourhood Development Plan, policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, the National Planning Policy Framework, and policies P1 and P39 of the Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024.
- 3** The proposal has failed to have regard to the existing public rights of way network, would potentially have adverse effects on existing public footpath(s) and users of these footpaths, as well as access to and along the coast for pedestrians contrary to the aims of policy ICS2 (Public Access) of the Brighstone Neighbourhood Development Plan, policies DM2 (Design Quality for New Development) and DM17 (Sustainable Travel) of the Island Plan Core Strategy, the National Planning Policy Framework, and the Council's Public Rights of Way Improvement Plan 2018 to 2028.

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