

Agenda

Name of meeting	PLANNING COMMITTEE
Date	TUESDAY 16 APRIL 2024
Time	4.00 PM
Venue	CONFERENCE ROOM 5, FLOOR 4, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the Committee	CLRs 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 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 March 2024.

3. **Declarations of Interest**

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



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.

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, 11 April 2024.

5. **Report of the Strategic Manager for Planning and Infrastructure** (Pages 11 - 116)

Planning applications and related matters.

6. **2023/24 Decision review, monitoring and Appeals Performance report** (Pages 117 - 126)

7. **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, 12 April 2024. 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, 8 April 2024

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.

Notice of recording

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>

All information that is recorded by the council is held in accordance with the Data Protection Act 2018. For further information please contact Democratic Services at democratic.services@iow.gov.uk

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Minutes

Name of meeting	PLANNING COMMITTEE
Date and Time	TUESDAY 5 MARCH 2024 COMMENCING AT 4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs W Drew (Chairman), D Andre, G Brodie, V Churchman, C Critchison, J Jones-Evans, M Price, P Spink, N Stuart
Co-opted (Non-Voting)	E Cox (IWALC representative) (Non voting)
Also Present	Oliver Boulter, Ben Gard, Neil Troughton and Sarah Wilkinson
Apologies	Cllrs C Quirk, J Bacon and M Oliver

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

Apologies were received from Cllrs J Bacon, M Oliver and C Quirk.

27. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 23 January 2024 be approved.

28. **Declarations of Interest**

Councillor Julie Jones-Evans, Prejudicial, declared an interest in minute number 30 (Land adjacent Osborne Works, Whippingham Technology Park, Whippingham Road, East Cowes) as her portfolio included the application site, she would withdraw from the room for the application.

Councillor Matthew Price, Non Pecuniary, declared an interest in minute number 30 (land adjacent Warlands Lane, Off Burt Close, Shalfleet) as he had a child at Shalfleet school.

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

There were no public questions submitted.

30. **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:

22/00989/FUL

Details:

Redevelopment of Site to provide 70 residential dwellings including 27 affordable units to include associated roads, landscaping (Revised plans relating to the layout of housing, design of housing, and location of balancing pond) (Updated supporting information)(readvertised application)

Land Adjacent Warlands Lane, off Burt Close, Shalfleet.

Site Visits:

The site visit was carried out on Friday, 1 March 2024

Public Participants:

Ms J Minchin (Objector)

Mr H Blacksell (Objector)

Mr A Lomax (Objector)

Ms S Stables (on behalf of Shalfleet Parish Council)

Mr N Taylor (Agent)

Mr S Jacobs (Applicant)

Additional Representations:

Additional letters of objection had been received since the report was published which were summarised.

Comment:

Cllr N Stuart spoke on the item on behalf of his residents as local Councillor.

A question was raised regarding nitrate neutrality, officers advised that a separate application had been made and approved for a wetland scheme as mitigation which had been supported by Natural England.

Concern was raised regarding the recommendation from Island Roads to refuse the application, unsafe walks to access a limited bus service in the area. Officers advised that they considered the recommendations from Island Roads and explained that consideration had been given to the comments received from Island Roads regarding the proposed development.

The Committee also raised concerns regarding a safe walking route to the local

primary school, officers advised that the applicant had approached land owners to achieve a walking route to the school however some land owners had denied access across their land. The Local Planning Authority advised it would be unreasonable to include a condition on something that had been investigated and understood to be unachievable at this time.

A question was raised regarding the ancient woodland near the site and the extenuation pond proposed, the pond appeared to be within the 15 metre buffer zone which was recommended by legislation, officers advised that a condition had been included to ensure the pond would not sit within the buffer zone.

The Committee asked who would manage the affordable aspect of the housing site, and were advised that that information had not been provided but it would need to be a registered provider and this would be established through the legal agreement process.

A recommendation was made and duly seconded to approve the application subject to the provision of at least 70% affordable rented accommodation in perpetuity.

A request to add to the proposal the materials used to be reconsidered than that shown on the proposed plans.

The request was accepted by both the proposer and seconder.

A vote was taken the result was tied.

As the vote was tied, in accordance with the Council's Constitution the Chairman gets a casting vote, the Chairman voted for the proposal.

Decision:

RESOLVED:

THAT the application be approved subject to the provision of at least 70% affordable rented accommodation in perpetuity and that the materials be reconsidered.

Amended/Additional Conditions/Reasons:

As per report (Item 1)

Application:

23/01430/FUL

Details:

Hybrid Application: Full planning permission for proposed Suitable Alternative Natural Greenspace (SANG) and means of access/community car park;
Outline application for residential development and its means of access

Land Served Off Cordelia Gardens, Tuttons Hill and Cockleton Lane, Gurnard.

Site Visits:

The site visit was carried out on Friday, 1 March 2024

Public Participants:

Mr M Rainey (Objector)

Mr P Salmon (Objector)

Mr R Hollis (on behalf Cowes Town Council)

Mr D Long (Agent)

Additional Representations:

Additional letters of objections had been received as well as comments from Active Travel Hub, which were summarised.

Comment:

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 result was:

RESOLVED:

THAT the meeting be extended.

Officers advised that this was a hybrid application, for a Suitable Alternative Green Space (SANG) and outline application for housing.

The Committee asked why a car park had been included in the middle of the SANG, officers advised that the space was to provide a suitable open space for people to use to walk etc, an access gate onto Tuttons Hill was proposed and would be closed at night to restrict the use of the car park overnight, management of the SANG would ensure the maintenance of the site. The car park would not necessarily be constructed of concrete. It was noted that the SANG protects the site from future development.

There was discussion regarding how much of the site joined the site to the settlement boundary, officers advised that there was no rule on how much of the site needed to join the boundary.

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.

RESOLVED:

THAT the application be approved subject to the reserved matters application being brought before the Planning Committee and discussions for a minimum of 70% affordable rented accommodation in perpetuity.

Amended/Additional Conditions/Reasons:

As per report (Item 2)

Councillor J Jones-Evans withdrew from the room.

Application:

22/02293/OUT

Details:

Outline for B8 Distribution Building

Land Adjacent Osborne Works, Whippingham Technology Park, Whippingham Road, East Cowes.

Public Participants:

Mr P Salmon (Agent)

Comment:

The Committee were advised that the application was for outline, the local councillor did not raise any objections to the application.

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.

Amended/Additional Conditions/Reasons:

As per report (Item 3)

31. **Members' Question Time**

The Strategic Manager for Planning and Infrastructure Delivery thanked the officer for presenting the applications at short notice.

CHAIRMAN

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ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 16 APRIL 2024

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 21/02437/FUL

Parish: East Cowes

Norris Castle Estate With Springhill Estate, New Barn Road, East Cowes.

Ward: East Cowes

Refusal

Hybrid Application: Full Application: Restoration & conversion of: Grade I Norris Castle to luxury hotel (C1); Grade I Norris Castle Farm, bailiffs house, cottage & walled kitchen garden to spa/wellness centre providing spa residences, treatment rooms, associated retail, restaurant/cafe facilities (sui generis); Grade II Pump House to clubhouse (E(f)); Grade II Cattle Shelters to a resort residence (sui generis), gatehouse/security building (E(g)(i)). Restoration of Grade I Registered Park & Garden including preservation of the grotto & ponds; 4 Grade II stone watering ponds. Construction of: spa residences within walled garden (sui generis); 2 linked buildings to accommodate hotel services, amenities, swimming pool & additional hotel suites (sui generis); 4 seawall sentinel buildings containing resort residencies (sui generis); resort residences (sui generis), boathouse & slipway at harbourside; resort residences within Norris Castle Estate walls (sui generis); dwellings in South West Field (C3); parking areas, ancillary services, utilities, drainage works, SUDS & substations for resort. Repair & restoration of Seawall including Grade II elements. Consolidation of Grade II Bathing House ruin & construction of associated restaurant (E(b)). Demolition of Modern Barn & change of use of existing barn for resort storage. Creation of resort access road from the Esplanade across Springhill Estate & demolition of section of Norris Castle Estate boundary wall to provide new entrance to resort. Hard & soft landscaping & all enabling & associated works. Outline Application: Construction on Springhill Estate of: senior living units with associated communal facilities (C2); dwellings (C3) including retention & conversion of existing buildings; associated drainage, services, utilities & SUDS; restoration of landscape; resort overflow car park & all enabling & associated works (all matters save for access reserved)(revised & additional information)(revised plans)(readvertised).

2 21/02438/LBC

Parish: East Cowes

Norris Castle Estate With Springhill Estate, New Barn Road, East Cowes.

Ward: East Cowes

Refusal

Listed Building Consent for: internal and external works to restore and convert the Grade I Norris Castle to a luxury hotel and the construction of two linked buildings to accommodate hotel services, amenities, swimming pool and additional hotel suites; internal and external works to restore and convert the Grade I Norris Castle Farm, bailiff's house, cottage and walled kitchen garden to a spa and wellness centre to include the conversion of existing buildings and structures to spa residences, treatment rooms and associated retail, restaurant and cafe facilities and the construction of further spa residences within the walled kitchen garden; internal and external works to restore one Grade II cattle shelter to a gatehouse and security building for the resort; internal and external works to restore, extend and convert the second Grade II cattle shelter to a resort residence; external works to consolidate and make safe the Grade II Bathing House ruin and the construction of an associated restaurant building; the construction of four sentinel buildings on the seawall with resort apartments; external repair and restoration works to convert the Grade II Pump House to a clubhouse; the restoration of the Grade II listed seawall and repair of the remaining seawall; the repair and restoration of the four Grade II stone watering ponds; the repair and conservation of the grotto and the restoration of the man-made ponds; and the demolition of a section of the Norris Castle Estate boundary wall to allow for a new entrance to the resort (revised and additional information)(revised plans)(readadvertised)

Planning Committee Report

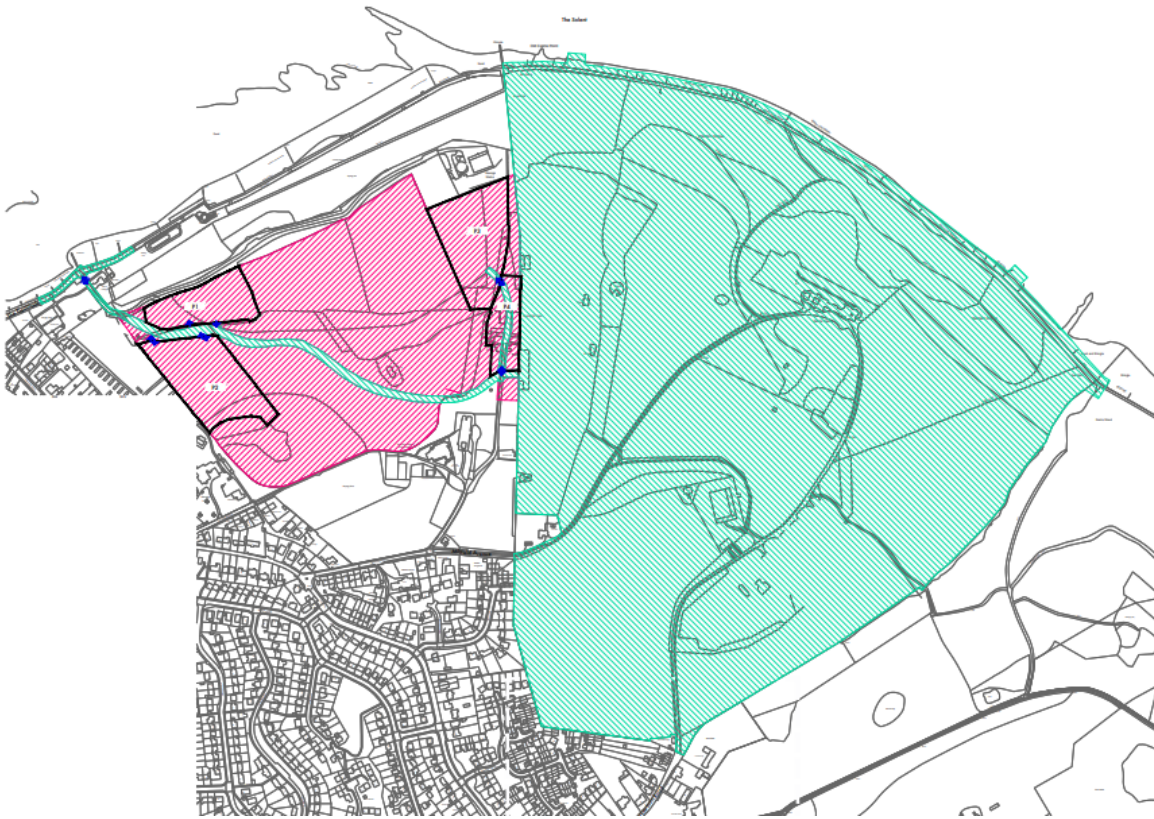
Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY
Date	16 April 2024
Application Reference	21/02437/FUL and 21/02438/LBC
Application type	Hybrid
Application Descriptions	Hybrid Application to include: Full Application: Restoration & conversion of: Grade I Norris Castle to luxury hotel (C1); Grade I Norris Castle Farm, bailiffs house, cottage & walled kitchen garden to spa & wellness centre providing spa residences, treatment rooms, associated retail, restaurant & cafe facilities (sui generis); Grade II Pump House to clubhouse (E(f)); Grade II Cattle Shelters to a resort residence (sui generis), gatehouse & security building (E(g)(i)). Restoration of Grade I Registered Park & Garden including preservation of the grotto & ponds; 4 Grade II stone watering ponds. Construction of: spa residences within walled garden (sui generis); two linked buildings to accommodate hotel services, amenities, swimming pool & additional hotel suites (sui generis); 4 seawall sentinel buildings containing resort residences (sui generis); resort residences (sui generis), boathouse & slipway at harbourside; resort residences within Norris Castle Estate walls (sui generis); dwellings in South West Field (C3); parking areas, ancillary services, utilities, drainage works, SUDS & substations for resort. Repair and restoration of Seawall including Grade II elements to stabilise the Norris Castle Estate. Consolidation of Grade II Bathing House ruin & construction of associated restaurant (E(b)). Demolition of Modern Barn & change of use of existing barn for resort storage. Creation of resort access road from the Esplanade across Springhill Estate & demolition of section of Norris Castle Estate boundary wall to provide new entrance to resort. Hard & soft landscaping & all enabling & associated works. Outline Application: Construction on Springhill Estate of: senior living units with associated communal facilities (C2); dwellings (C3) including retention & conversion of existing buildings; associated drainage, services, utilities & SUDS; restoration of landscape; resort overflow car park & all enabling & associated works (all matters save for access reserved).

Listed Building Consent for: internal and external works to restore and convert the Grade I Norris Castle to a luxury hotel and the construction of two linked buildings to accommodate hotel services, amenities, swimming pool and additional hotel suites; internal and external works to restore and convert the Grade I Norris Castle Farm, bailiff's house, cottage and walled kitchen garden to a spa and wellness centre to include the conversion of existing buildings and structures to spa residences, treatment rooms and associated retail, restaurant and cafe facilities and the construction of further spa residences within the walled kitchen garden; internal and external works to restore one Grade II cattle shelter to a gatehouse and security building for the resort; internal and external works to restore, extend and convert the second Grade II cattle shelter to a resort residence; external works to consolidate and make safe the Grade II Bathing House ruin and the construction of an associated restaurant building; the construction of four sentinel buildings on the seawall with resort apartments; external repair and restoration works to convert the Grade II Pump House to a clubhouse; the restoration of the Grade II listed seawall and repair of the remaining seawall; the repair and restoration of the four Grade II stone watering ponds; the repair and conservation of the grotto and the restoration of the man-made ponds; and the demolition of a section of the Norris Castle Estate boundary wall to allow for a new entrance to the resort (revised and additional information)(revised plans)(readvertised)

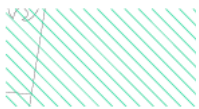
Site address	Norris Castle Estate with Springhill Estate, New Barn Road, East Cowes Isle of Wight PO32 6AZ
Parish	East Cowes
Ward Councillor	Cllr Karl Love
Applicant	Norris Castle Estate (Group) Ltd.
Planning Officer	Sarah Wilkinson

Reason for Planning Committee consideration	These are major applications which have an Island wide significance and raises competing policy issues.
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Recommendation	Refusal
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LEGEND:



Full element



Outline element

Main considerations

- Principle
- Impact of the fabric of the listed buildings, the setting of those building, the character of the area including trees and ground stability.
- Viability, and optimum viable use
- Highway consideration
- Ecological considerations
- Socio-economic considerations

1. Recommendation

1.1 Refusal on grounds that can be summarised as follows:

- Substantial harm to Grade I registered park and garden and,
- High degree of harm to two Grade I and three Grade II listed buildings
- Insufficient information on the impact on five Grade II listed buildings/structures

- Contrary to the Shoreline Management Plan
- Impact on the character of the area and the National Landscape
- Impact on Ancient Semi-Natural Woodland
- Impact from light pollution on the National Landscape
- Impact on archaeology
- Impact on protected sites
- Impact of protected species
- Highway safety
- Impact on the SPA
- Flood risk
- Substantial harm to the locally listed park and garden
- Impact on the character of the conservation area

2. Location and Site Characteristics

- 2.1** The application site is a total area of approximately 76 hectares to the east of East Cowes, including a 1.5 kilometre section of coastline extending from Old Castle Point to Osborne Bay. Osborne House estate sits to the south-east, the residential areas of Millfield Avenue, Oaks Close and Osborne Heights to the west, the Esplanade to the north-west and the Solent to the north-east.
- 2.2** Approximately 60 hectares of the site forms the Norris Castle Estate, which includes Norris Castle itself, Norris Farmstead and Walled Garden and the Norris Registered Park and Garden. The remaining 16 hectares being formed by the Springhill Estate.
- 2.3** The application site includes two Grade I listed buildings, eight Grade II listed buildings and structures all of which sits within a Grade I Registered Park and Garden. The listings include the following:
- Cattle shelter x 2 – Grade II listed
 - Pump House – Grade II listed
 - Stone-lined watering pond x 4 – Grade II
 - Norris Castle Park and Garden – Grade I
 - Norris Castle – Grade I
 - Norris Castle Farm, the bailiff’s house, cottage and walled garden – Grade I
 - Bathing House and a 50 metre length of raised sea wall at Norris Castle-Grade II
- 2.4** Historic England have confirmed that *“The Norris Estate is of outstanding importance as a particularly beautiful and unusually well-preserved Picturesque ensemble of houses, landscape and ancillary buildings.”*
- 2.5** The Springhill Estate is a locally registered park and garden. The area of this Estate inside the application boundary includes the farmhouse and associated disused farm buildings, together with the parkland, but does not include the former convent building.
- 2.6** The Norris Estate is location within the National Landscape (former AONB). The

line of the designation is formed by the Norris boundary and as such Springhill falls just outside the designation itself.

3. Details of Application

3.1 The application is a hybrid seeking Outline consent for senior living units, dwellings, associated infrastructure and an overflow car park within the Springhill Estate and Full consent for the creation of a luxury resort, spa and wellbeing complex. The application includes the following different elements, within the different areas of the site:

The Castle

- The conversion of the castle to 17 hotel suites, a bar, lounge and restaurant and associated facilities
- A crescent extension to the castle to provide a further 38 suites, a reception, conference rooms and 'public rooms' and modern kitchens. This extension would be linked to;
- a terrace extension to the castle to provide a further 19 suites, swimming pool and treatment rooms

The Shoreline

- 80 cover restaurant alongside the Bathing House, which would be made safe
- 50 metre section of listed seawall would be repaired
- Three 'Sentinel' buildings (accommodating 20 resort residences (five in each) and a wellness suite in each one)
- Nine resort residences (to include a further Sentinel), boathouse and slipway (coastal cottages)

The West Field

- 16 resort lodges
- Conversion and extension to cattle shelter to resort lodge
- Conversion of cattle shelter to security lodge and office

The Farmstead

- Conversion to spa and wellbeing centre
- 33 spa residents
- Café, gym and ancillary retail

The Modern barns

- Demolition of barns
- 22 resort residences
- 107 space car park
- Restoration and recladding of existing barn to buggy store and charging

The South-west Field

- 15 four-bedroom houses

The Park and Gardens

- Restoration of pleasure gardens
- Restoration of watering ponds

- Restoration and conversion of Pump House to clubhouse
- Restoration of drive(s)

Springhill

- 55 senior living units (referenced later in this report as parcel P1)
- Up to 25 dwellings (21 houses and 4 apartments) and 25 space overflow car park (P2)
- 17 dwellings (13 detached and 4 apartments) (P3)
- 8 dwellings (6 new, 2 conversions) (P4)
- Swales and landscaping
- Access road [this element of the Springhill works forms part of the Full element of the application]

3.2 The development would result in a hotel of 74 suites, 68 resort residences and 33 spa residences within the Full element of the application and up to 105 units within the Outline proportion of the site.

3.3 Access to the resultant development/resort would be from the Esplanade, across the Springhill Estate. The access point would be positioned approximately 170 metres from the junction with Cambridge Road. The point of access from the Esplanade would follow the line of an existing access point to a Southern Water pumping station. An area of open space sits to the west and a café to the east. This access would also provide pedestrian and cycle access to the site.

3.4 The exiting access to the site off New Barn Farm Lane would be used as the access to the 15 units proposed in the south-west field and emergency services. This route would also provide a pedestrian and cycle link into the Estate.

4. Relevant History

4.1 None relevant to this application.

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:

- 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
- 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 6 – Building a strong, competitive economy
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed and beautiful places
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 immediately adjacent to the Medina Valley Key Regeneration Area settlement boundary. The following policies are considered to be relevant to this application:

- SP1 - Spatial Strategy
- SP2 – Housing
- SP3 – Economy
- SP4 - Tourism
- SP5 - Environment
- SP7 - Travel
- SP9 - Minerals
- DM2 - Design Quality for New Development
- DM3 - Balanced Mix of Housing
- DM4 - Locally Affordable Housing
- DM5 - Housing for Older People
- DM8 - Economic Development
- DM11 - Historic and Built Environment
- DM12 - Landscape, Seascape, Biodiversity and Geodiversity
- DM13 - Green Infrastructure
- DM14 - Flood Risk
- DM15 – Coastal Management
- DM17 - Sustainable Travel

Neighbourhood Planning Policy

5.4 None relevant to this area.

Relevant Supplementary Planning Documents (SPDs) and other planning 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 and Walking Infrastructure Plan East Cowes and Whippingham 2022 - 2032
- 5.11 English Heritage Enabling Development and Historic Assets: Historic Environment Good Practice Guide in Planning Note 4 (GPA4)
- 5.12 East Cowes Town Plan 2021 - 2036

6. **Consultee and Third Party Comments**

Internal Consultees

- 6.1 The Senior Planning Arboricultural Officer has objected to the application. Detailed comments are provided within the relevant section within the evaluation of this report.
- 6.2 The Rights of Way Service have raised concerns that the application fails to provide rights of way or contribute to the provision of the English Coastal Footpath. More details of their comments are presented in the relevant section of the evaluation of this report.
- 6.3 The Planning Ecology Officer outlines that they are unable to support the application in its current form and recommended refusal. More detailed reasoning is providing within the relevant section of this report.
- 6.4 The Council's Geomorphologist has objected to the application on grounds that can be summarised as follows:
 - The Springhill senior living development is proposed to be placed adjacent to a coastline which is expected to return to natural behaviour with active coastal retreat occurring during the lifetime of the development.
 - The East Cowes Esplanade road is proposed for use the main access to the entire site, but the road is expected to be lost to erosion when the existing seawall protecting it reaches the end of its life. Sea flood risk already occurs to the road in this area.
 - The Shoreline Management Plan policy for the Norris Castle frontage is 'No Active Intervention'. The proposal to rebuild and raise sections of seawall would be contrary to this policy approach.
 - The application proposes putting people and property into the area at risk on a changing coastline along the Norris Castle Estate frontage. This is not sustainable without continued and increasing man-made intervention to keep-pace with the increasing coastal risks this area will be subject to, including sea level rise. The maintenance of any sections of proposed new coastal defence structures for the lifetime of the development has not yet been secured.
 - There is clear potential for outflanking of any improved sections of

defences where the coast is left to evolve naturally between them, where erosion and potentially coastal slope failure are characteristic of the area, erosion which has started occurring behind old sea defences which have already failed. Measures to understand this risk of outflanking (and continuing coastal change in some areas of the sites) through the whole lifetime of the development are not sufficiently clear and measures to reduce and manage this are not currently secured.

- The underlying geology of the site has the potential for further landslips towards the coastal areas and slope instability further into the site. It is not fully clear how this would impact the assets and access around the site throughout the lifetime of the development. Beyond limited sections of seawall upgrades proposed, it is not fully clear what interventions may be needed in other areas and how any slope stability interventions would be secured for the lifetime of the development.
- Maintenance of the access roads/infrastructure to the new properties on the coast is not currently secured if any erosion slope or movement affects them during the lifetime of the development.

6.5 The Archaeology Officer has commented that their principal concerns relate to whether the proposed development conserves and enhances the special character of the historic environment and whether the proposal is informed by sufficient evidence to understand the impacts upon the significance of heritage assets and their setting. Due to the scale of the development, they consider that the proposal will undoubtedly impact on the significance of national designated heritage assets and will impact on the wider historic landscape and seascape and harm the significance of locally listed Springhill Estate. More detailed comments are set out within the evaluation section of this report.

6.6 The Council's Environmental Health Officer has raised no objection, subject to conditions requiring the submission of a contamination report.

6.7 Island Roads have commented raising objection/no objection subject to conditions. Their comments are discussed in more detail in the Highway Considerations section in the Evaluation below.

External Consultees

6.8 The Environment Agency have raised no objection, subject to conditions that the development must be carried out in accordance with the submitted Flood Risk Assessment and that the submission of details in respect of the design, inspection and maintenance of the proposed sea defences. They have also provided advice to officers which is discussed, where relevant, in the evaluation section of this report.

6.9 Natural England have commented that further information is required to determine impacts on designated sites, specially, further consideration on the impacts of the proposed seawall stabilisation works on the qualifying habitats of the Solent Maritime SAC and the impact the proposals will have on the qualifying features of Briddlesford SAC and the functionally linked habitat. In respect of the impact on the landscape they recommend consideration is given to the advice of the AONB Partnership. They also recommend that consideration is given to the English Coast Path. Further advice is also provided in respect of

protected species, SUDs and sensitive lighting.

6.10 Historic England object to the application on the grounds that the proposal to convert the estate into a resort would destroy much of what is special about the place. They question the viability of the scheme to secure a sustainable future for the estate, even in a “*severely mutilated form*”. They consider that the proposals to be fundamentally at odds with the significance of the ensemble formed by Norris Castle, its farm buildings and its designated landscape. As the proposals would not secure the future of the estate the applicant has not clearly and convincingly justified the harm that the development would cause, nor have they set out demonstrable public benefits that would outweigh that harm. Furthermore, the proposals would cause substantial harm to the Grade I registered landscape. Neither of the tests for substantial harm could be met, firstly because the public benefits this scheme promises are not deliverable and, secondly, because none of the alternative four tests have been fulfilled.

6.11 The National Landscape (AONB) Planning Officer has raised objections to the application on the grounds that the myriad of proposals within this application will erode and/or cause harm to the special qualities for which the area is designed. They raise significant concerns regarding the harmful visual and physical impacts these developments would have on the protected landscape, historic listed buildings and the Registered Park and Garden and highlight that the proposals in relation to the sea wall are contrary to the AONB Management Plan Policy P1 and the Shoreline Management plan, which requires the continuation of natural processes and no active intervention. Concerns are also expressed in respect of light pollution, the impact on the setting of the AONB from the Springhill element of the development. They comment that the development proposed would be urbanising, out of character and scale with the existing landscape, appearing incongruous in the setting and overbearing on the seascape. They also raised concerns regarding the significant loss of trees and impacts to Ancient Semi Natural Woodland. The application is considered contrary to policies P1, P15, P25, P26, P28, P29, P34, P35, P39, P56, and therefore Objectives 1 and 6 of the AONB Management Plan. In line with the amended CRoW Act 2000, Section 85, the LPA must seek to further the purpose of conserving and enhancing the natural beauty of the AONB which this application fails to do. More detailed comments are provided in relevant sections in the evaluation of this report.

Parish/Town Council Comments

6.12 East Cowes Town Council objected to the planning application, for the following reasons:

- Highway impact on the Esplanade and surrounding road network including New Barn Road, including construction traffic, contrary to DM2
- Impact on the various listed buildings
- The proposals would not enhance the setting of any of the listed buildings or the surrounding landscape setting
- The Town Council do not support housing within the West Field, as it is a remote unsustainable location with no direct access to public transport
- The subterranean nature of the housing in the West Field would add cost and further reduce funds for the preservation of listed buildings

- The Sentinel units and Coastal Cottages would be new and bulky structures, completely incongruous in the overall design of the site
- Lack of clarity regarding the appearance of retaining walls close to the Sentinels, or their impact on trees
- The structural report provided by HLS for the Council contradicts the findings of the applicant's report
- Historic England have confirmed that the castle is not moving, or that there is major subsidence as claimed by the applicant
- The castle seemed to be watertight and in a reasonable state of repair when the Parish Council visited it
- There is no detail regarding the intact kitchen and its existing features and how these would be affected
- The proposed mezzanine within the carriage entrance would harm the appearance of the listed building
- The rooms within the castle are small but 5* hotel rooms are normally large and if approved, it is expected that there would be attempts later to increase the rooms by demolishing internal walls
- The Parish Council is concerned about the proposed false ceilings and walls to be used
- Concerned that repairs to the listed buildings would not happen
- There would be insufficient profit to balance the conservation deficit and the applicant has not provided alternative approaches to protect the grade I listed buildings or the designated heritage assets at the site
- Viability of the scheme for funding listed building maintenance in the longer term
- The applicants claim that the scheme is not enabling development
- No justification for the use of Castlepoint (the Bathing House) as a restaurant
- The visual clutter of the changes to the Bathing House would create an odd mix of materials between the previous and proposed uses
- Impact on landscape setting
- The use of the Bathing House building would put people at risk of flooding
- The flood levels would require the floor of the Bathing House to be raised by 1.1m
- Concerns regarding the visual impact of retaining walls around the restaurant
- Impact on surrounding businesses in the area
- Concerns regarding the stability of seawalls at the Esplanade and potential for flooding
- No details of impacts to trees as a result of the footpath route between the Bathing House and the rest of the estate
- No details of lighting for the footpath route
- Concerns regarding light spillage from windows above ground for the Castle Crescent
- Ventilation chimneys for Castle Crescent would appear incongruous
- The castle terrace would harm the setting of the castle and break up the undulating natural appearance of the land beneath the castle
- The cost of the terrace would detract funds from repairing heritage assets
- Lack of information regarding the stability of walls of the farmstead and walled garden, and the use of alternatives to support them

- The new elements within the walled garden would not enhance its setting
- Queries over whether the subterranean elements within the walled garden would destabilise it
- Additional holiday structures would be cramped and not be high quality accommodation and would appear cluttered in relation to the farm and walled garden
- The land around the walled garden is not flat and so proposed units may protrude above the walls, causing significant harm to its setting
- Modern barn residences would appear urbanising and not of a high quality
- Supported the conversion of farm workers dwellings to holiday use
- The development within the South West Field would not be sustainable as anyone living in the units would have to walk along a road lacking pavements or lighting
- The access would be too narrow to serve the South West Field
- The layout of the houses in the South West Field would be poor, with houses cramped
- The houses would not bear any resemblance to its setting, with large footprints and poor quality design
- No affordable housing proposed for Springfield plans
- Conflict between the nearby camping site and the housing at Springfield as a result of noise
- Lack of parking for the Springfield proposals
- Poor walking or cycling access for Springfield development
- Structural integrity of designated heritage assets
- Parks of the proposal being constructed, but repairs to the listed building not being made
- Viability of the scheme for funding the listed building maintenance in the long term

Third Party Representations

6.13 A total of 111 representations objecting to the planning application and 59 to the listed building application have been received, which raised the following summarised comments/concerns:

- Contrary to the NPPF and Island Plan
- The site is outside of the settlement boundary
- No need for the housing
- The grounds of the castle are grade I listed and the proposals should be thrown out immediately as totally inappropriate
- Development would never be allowed on the grade II Osborne Estate, so why would it be allowed on the grade I listed Norris estate?
- This is an exceptional site and the damage to the whole asset would be unacceptable
- All the major heritage assets would be subjected to development impacts
- The farmstead is totally unique and its character would be totally destroyed with the 34 units and spa
- A sympathetic restoration could be achieved as all buildings are in a state to be saved
- All major heritage assets are unacceptably impact by the development

- The farmstead and walled kitchen garden are unique
- The enormity of the development would have a considerable impact on flora and fauna
- The works to the listed building are only being used to justify a major development
- Applicant has failed to deliver this type of development in other parts of the country
- If the applicant cannot afford to carry out the development then the site should be sold
- The castle is narrow and not suitable to provide a high quality hotel
- Proposed changes to the castle to provide the hotel would destroy the character of the rooms
- The castle was designed by James Wyatt and is a fine example of neo-gothic architecture with fine interior rooms with historic associations with Osborne and the developers have not taken this history into account
- The castle is more suited to a private dwelling
- Continued neglect of the castle has increased conservation deficit
- Damage to the building has occurred under the current owner
- The Planning Authority could use legal powers to force the owner to carry out essential repairs
- There are viable alternatives to the proposals, which would cause significantly less harm
- The proposed scheme is not viable/ there would be a deficit of millions
- The developer paid over the odds for the estate, and are hoping to recover their investment through a larger development that might have been envisaged
- The property could be sold to private buyers as a private dwelling
- There are 3 grade I and 8 grade II listed buildings
- Norris is one of the few intact estates on the Island
- It needs to be made clear who would operate the hotel, would it be open to residents?
- Harm to the castle as a result of the subterranean accommodation
- The dwellings proposed would not be the Affordable Housing that is so desperately needed/ houses would be second homes
- A gated community would not bring much advantage to those who live here
- The proposed sentinel houses, boathouse and bathing station should be refused due to the change to the shoreline
- The coastline is currently untouched which makes it unique
- The scheme would be overdevelopment including many unnecessary buildings designs that would harm the AONB
- The senior living accommodation would be too large and be detrimental to the Esplanade and woodland
- Impact of the development when seen from the sea
- Loss of greenspace
- Loss of the buffer zone between the town and Osborne
- Loss of the sea views between West Cowes and Springfield
- Visual impact assessments are inadequate
- The harm to the seascape caused by the development cannot be justified
- The proposed seawall would be contrary to the Shoreline Management

Plan

- Protection of the land from the sea is not required, as the castle is built in a stretch of limestone
- There could be more economical ways of slowing down coastal erosion
- Increased risk of flooding
- Impact of sewerage discharged to the Solent
- Loss of character to the area
- Impact of light pollution on the Springhill and Norris estates and wildlife
- Impact of cars, sun loungers, barbecues etc around the proposed hobbit houses, which are not shown on the plans
- The proposed houses would be ugly and develop ribbon development to Wootton
- Impact on the AONB and the grade I parkland
- Impact on the East Cowes Conservation Area
- Impact of traffic on the seafront and play area, walkers/ dog walkers, users of the area
- Access arrangements to the ferry terminal are already unsuitable
- The Esplanade is too narrow for additional traffic
- The transport assessment gives a false impression of traffic flows
- The transport assessment fails to investigate the public danger of increased traffic volume
- Predicted traffic flows are unrealistic
- East Cowes is on gridlock in the summer due to ferry traffic
- Roads in the area are narrow and twisting/ not suitable for traffic
- Access to the site would be inadequate
- Lack of suitable visibility for the proposed signalised junction onto the Esplanade
- Lack of footpaths/ pavements for some roads
- Plans for double yellow lines in New Barn Road would not mitigate problems
- To make residents in New Barn Road walk (due to loss of parking) would be impractical
- Risk of accidents to children
- Impact of flooding and high waves on proposed Esplanade access
- Impact on the town's flood response that are planned with a temporary barrier system
- Impact on the sewer system
- Impact on the use of East Cowes Sailing Clubs use of their dinghy park on the Esplanade
- Impact on the public slipway
- Impact of additional traffic on East Cowes
- East Cowes has only one road access
- Additional pollution to the area
- Noise and pollution caused by construction
- The area is unstable due to blue slipper clay/ impact on ground stability
- The information has failed to note that the castle is built on limestone
- Impact on the dinghy park
- The East Cowes Esplanade should not be used as an access
- Coastal areas should not be privatised
- The National Coastal Path could be extended through this site – Officer

comment – the National Coastal Path is the subject of a separate consenting process that is administered by Natural England

- Loss of woodland and impact to wildlife
- Failure to submit a rigorous biodiversity checklist
- The information has erroneously claimed that there are no red squirrels at the site
- The development would be less intrusive if the houses were further from existing housing
- The 5 year construction process would cause disruption
- The castle is beyond affordable repair and being used as a feature of the development that would never materialise
- The developers could just walk away early, with some works unfinished
- The costs do not add up
- Impact on Grade II listed Cow Tower
- The castle has always been a private dwelling and is too small for a hotel
- Impact of the development on tourists visiting the Island
- Lack of suitable infrastructure/ lack of doctors and dentists/ impact on schools
- Loss forever of unspoilt landscape
- Impact on wildlife and habitat
- No benefit to the local community
- Lack of willingness to use New Barn Road
- Impact on the community owned parts of the Esplanade
- Increasing risk of landslips from Springhill Woods
- Continuing threat of expanding the development
- Development could be left uncompleted
- Impact from access off New Barn Road
- Road signs would be out of character
- Currently unrestricted parking on New Barn Road, the build out would limit parking for those properties that do not have off road parking and for visitors etc.
- Buildouts would restrict delivery and emergency vehicles etc.
- Buildouts would cause a hazard to pedestrians

6.14 Nine letters of support/ no objection were received in relation to the planning application, which made the following summarised comments:

- The developers must be careful to protect the character of the castle's surrounding estate
- Too much development must be avoided
- Public access through the estate would be beneficial to the public and this should be a condition
- The Esplanade access is brave and might inject some life into a tired area
- The Island desperately needs development
- Norris Castle has fallen into disarray
- The developers have taken public concerns into account and tried to make the scheme viable
- The developers are keen to improve local infrastructure
- Housing would attract new people and make public houses more viable and a busier seafront

- Highways issues are resolvable
- Accessing a small part of New Barn road is sensible, with sensible use of double yellow lines but visibility must be improved
- The development would be a great asset to East Cowes and the Island
- East Cowes has little to offer other than Osborne House and Waitrose
- The development would bring jobs and boost the Island economy and restore a lovely building
- The current application, while not perfect, is the best we can hope for
- There should be more flexibility when it comes to saving heritage assets
- The scheme would save the history of the site
- This is the quality of development that East Cowes needs
- The castle's survival has to be secured by commercial development

6.15 The Georgian Group objected to the proposed development, raising the following summarised concerns:

- Alarming caused by the proposed castle terrace on views of the castle and landscape
- Highly questionable and intrusive approach to the conversion of the Castle's principal rooms; the impact of the glazed mezzanine on the service wing
- The intensive development of the Grade I listed walled garden as a residential spa and the questionable structural justification for the spa residences; the irredeemable loss of agricultural character within the farmstead
- The negative impact of market housing on the parkland and on key Castle views
- Overdevelopment of this highly significant and tranquil landscape and irrevocable loss of character of both Norris Castle and Springhill estates
- Concerns regarding the viability of the proposed development
- Concerns regarding the applicant's structural information
- Considered that the proposals would cause irreparable substantial harm to the Grade I registered park and to the setting and fabric of the Grade I listed castle and farmstead
- No evidence of compensating public benefit sufficient to outweigh substantial harm
- None of the tests set out within the NPPF paragraph 207 have been met, with some not even attempted by the applicant

6.16 The Isle of Wight Society objected to the planning and listed building applications, raising the following summarised concerns:

- The harm to the fabric of the castle, its setting, the farmstead and kitchen garden and the Registered Park and Garden would far outweigh any benefit that might ensue
- This is a complex Georgian estate still in its original form
- The developer's geologist has not taken into account that the castle sits on a Bembridge limestone foundation. The castle is 223 years old and will not slip in the near future
- The access plans will severely harm the East Cowes Conservation Area

- The locally listed Springhill grounds will be severely damaged in character
- The plans are incomplete and often merely indicative, in places contradictory and sometimes illegible and show insufficient detail for a full planning application to be considered
- Many of the roads in East Cowes have been reduced to single width carriageways due to parking caused by additional housing
- As the application for Springhill is outline, the number of dwellings could increase
- New Barn Road is not suitable for widening
- Millfield Road would not be a suitable means of access
- The application would result in the change of use of a section of the Esplanade as an access road for recreation areas, to an access serving 280 units with additional trips relating to visitors and staff at the site
- The development phase would require considerable volume of heavy traffic along residential roads
- Construction traffic must not use Old Road
- Impact on the ferry service
- Housing in East Cowes has increased by 50 per cent over the last three decades and put considerable strain on services
- The town would suffer a prolonged period of disruption as the supplies of electricity and water are improved
- For the quality of life for residents, the density of town should not be increased
- The IPS recognises that certain parts of the Island are not suitable for further development, surely this must also apply to East Cowes
- Lack of parking
- Damage to the grounds and views from the sea

6.17 The CPRE objected to the proposed development, raising the following summarised concerns:

- The house and grounds have remained untouched for a significant amount of time and CPRE recognise that the house, model farm and gardens require urgent repair
- Supported the idea of converting the castle to a hotel, but believed the proposals would damage the setting of the Listed Building and parkland
- Concerned about the subterranean aspects and the harm they might cause to the structure of the building and landscape setting
- Concerned that the size of bedrooms currently in the castle, would not meet the requirements of a 5* hotel
- Not enough information to show whether false ceilings and walls would cause harm
- Concerned about the visual impact of the terrace structure as it would cause harm to the landscape setting
- Concerned about the harm caused to parkland by terracing shown on some plans, as shown on the sentinel and bathhouse elevations
- Strongly objected to the proposals within the model farm area
- Not enough detail within the application in relation to the pleasure garden and cant understand how it would fit within the setting, or the planning design choice
- Concerned about highway risks to users of New Barn Road and the

Esplanade

- Noted that the housing aspects are in outline, but believed the information is too vague
- The housing would be on greenfield land
- The applicant states that the whole application is not enabling development, and then claims that the housing is required to finance the repairs to the castle
- Lack of information regarding outdoor lighting

6.18 The Gardens Trust raised concerns regarding the applicant's submitted information, which can be summarised as follows:

- The visualisations within the applicant's LVIA should be treated with a degree of caution due to a high degree of artistic license in deciding which area of woodland trees are cropped out in views
- It is conceivable that existing trees have been retained [in visualisations] to hide proposed buildings
- Confusion between the Arboricultural Implications Report and Land Restoration Plan as to which trees would be removed or be retained
- The lack of a detailed landscape plan adds an element of inaccuracy and potential deception
- The location, size and species of tree planting is not accurately determined
- Disappointed regarding the lack of visualisations of the farm and walled garden or judgment of nighttime effects

6.19 The Isle of Wight Gardens Trust commented that the significance of Norris Castle is heightened by its group value of castle, model farm and designed landscape, which together create an extremely fine example of Picturesque landscape style, crucially and remarkably virtually unchanged since its creation c1799. Their comments refer to the grade I listed park and garden as likely to have been laid out by Humphry Repton. The Gardens Trust have objected to the development, raising the following summarised concerns:

- We have very serious concerns about the scale of the development
- The proposals represent an overdevelopment of this extremely precious site which will irrevocably alter the character and spirit of place of both Norris Castle and Springhill
- The restoration of the sea wall, one of the most expensive parts of the restoration proposals, is in direct conflict with the IOWC's Shoreline Management Plan
- The sea walls are eroding not due to land-slippage as suggested in the application documents, but instead we would argue, by the power of the sea
- The Historic England Structural Engineering Report contradicts the applicants information
- The monolithic Sentinel buildings would permanently alter what is widely considered the most famous and historic view towards the castle from the north, and we strongly oppose the construction of these and the other developments along the seashore
- Lack of information to assess the visibility of new structures in the landscape
- With vegetation clearance (which we are told could jeopardise the stability of the slope) opening up historic views and also necessary for the

construction of the Terrace, Castle Crescent, Restaurant by the Bathing House, Coastal Cottages, and their associated access roads, the newly built elements will become considerably more prominent within the landscape, negatively impacting its setting and significance

- The many new roads throughout both estates plus the extensive new housing within Springhill will add to this negative, permanent impact upon the application site
- Other introduced buildings which will be visible upon the approach to Norris Castle along the main drive: housing in the South West Field, the modern barn residences, car parking, and housing within the Walled Garden (which will be visible over the walls), will irrevocably adversely impact upon the way the various heritage assets are experienced within their setting
- The proposed development in both Norris Castle and Springhill estates will be extremely harmful to the setting of the designated and non-designated heritage assets
- During the long construction period the current tranquillity will be lost and subsequently, the additional qualities of remoteness, seclusion and privacy will also vanish forever
- Impact of lighting at nighttime
- Concerns that the Norris Castle developments are in essence a private gated community which will be inaccessible to the general public
- Struggle to accept the applicant's argument that the new build is not enabling development
- The proposals fail to comply with the NPPF as the development within Norris Castle estate will so change the character of the RPG that future generations will no longer be able to appreciate its contribution to the quality of life as originally designed
- The development does not make a positive contribution to local character and distinctiveness and changes that environment and the character of place forever
- It is the degree of harm to the asset's significance as a whole rather than the scale of the individual areas of development that we feel should be considered. The sum total of all these individual works add up to cause substantial harm to the assets and their setting
- The proposed development will be transformative, with the numerous new buildings damaging the setting and significance of a large and varied group of highly important designated and undesignated heritage assets, particularly their landscape frame.

6.20 Save Britain's Heritage objected to the planning and listed building applications, raising the following summarised concerns:

- Insufficient information has been provided on the heritage impacts of the proposals as currently presented
- The scheme will cause substantial and irreversible harm to multiple grade I listed heritage assets, with insufficient justification to outweigh such harm
- Alarming that the detailed elements of the proposals are not accompanied with commensurately detailed plans and assessment of the existing buildings and landscape
- Failure to provide detailed drawings of the existing layout and fabric of the castle and or model farm and so not possible to understand how these

- buildings are to be repaired, altered or impacted upon by the proposals
- Lack of detail on how rooms within the Castle would be altered
 - No accurate visual representations or scale drawings to facilitate assessment of numerous impacts on landscape or key views of the castle and farm
 - Major changes to natural and historic environment, including the new terrace, sentinel buildings and cottages which would be visible from the sea
 - The sheer quantum of new development would be completely at odds with the landscapes fundamental character and significance causing irreversible and substantial harm to the grade I listed registered park and garden
 - The scale of new buildings proposed will have dramatic and far-reaching harmful impacts on the historic and natural landscape at Norris

6.21 The Isle of Wight Ramblers Association has made comments that neither object or support the development, summarised as follows:

- East Cowes has few footpaths and none in the coastal area to the east of the town
- The development would offer an opportunity to create a path close to the coast and should allow connection to the town using the Esplanade and have an exit onto Old Road
- Such a route would have a huge value to the local community and the Island
- The Ramblers are disappointed that the applicant has failed to propose a suitable section of the English Coastal Path through Norris Castle

6.22 Cycle Wight have advised that should consent be granted, a legal agreement should secure a financial contribution towards the East Cowes LCWIP proposals to assist visitors and residents access the wider area by walking and cycling. They commented that infrastructure in the proposals should meet national standards, and that cycle parking should be covered, with electrical charging sockets. Cycle Wight supported Rights of Way comments for a public path through the site.

6.23 The United Kingdom Sailing Academy (UKSA) has objected the development, raising the following concerns about the site access:

- Most of the properties would be accessed via the Esplanade
- Traffic on the Esplanade is currently very light and slow
- UKSA uses the Shrape Water Sports area extensively and believe that the increase in traffic will make activities less safe and expose children to traffic fumes
- Increase in peak time traffic

7. Evaluation

Principle

7.1 The application is a Hybrid, the Full element seeks consent to renovate a number of listed buildings and restore a registered park and garden, to provide a luxury hotel complex with a spa and wellbeing centre within the Norris Castle

Estate, accessed off the Esplanade.

- 7.2** Policy SP4 of the Core Strategy sets out that the Council will support sustainable growth in high quality tourism. The policy continues by outlining that to reflect the special tourism offer of the Isle of Wight, proposals for tourism related development should utilise the unique characteristics of the historic and natural environments without compromising their integrity.
- 7.3** The principle of a high-quality tourism use of the site is therefore supported. However, officers consider that the proposed development would compromise the integrity of the designated buildings, structures and grounds and would therefore be contrary to policy SP4.
- 7.4** The application site is located immediately adjacent to the settlement boundary of the Medina Valley Key Regeneration Area, and as such the general locational principle of development is acceptable. Policy SP1 does however require that all development on non-previously developed land will need to demonstrate how it will enhance the character and context of the area.
- 7.5** The units proposed within the Springhill Estate are separated from the settlement boundary by Waverly Caravan Park, which sits on the western boundary of the site at this point and therefore appear more isolated. However, the site as a whole is immediately adjacent to the settlement boundary. The general principle of development in this location is therefore considered to be acceptable. Nonetheless, officers consider that the development would fail to enhance the character and context of the area and would therefore fail to comply with policy SP1.
- 7.6** The conflict with policies as outlined above must be balanced with the benefits associated with the scheme; of renovating the listed building and landscape of the site. This is discussed in more detail in the viability section below.

Impact of the fabric of the listed buildings, the setting of those building, the character of the area including trees and ground stability.

- 7.7** As outlined above, the application site includes a number of listed buildings and the proposed development would see works undertaken to these to bring them into active uses, as part of the overall complex. This section will look at each of the buildings and how they would be redeveloped, before looking at other works within the grounds, which is a registered park and garden.

The Castle

- 7.8** Norris Castle is a Grade I listed building, which was first listed in August 1951. This listing was amended in January 2017 to increase the listing to Grade I. The Castle was designed by James Wyatt and built in c1799 – 1804 as a marine villa for Lord Henry Seymour. The principal reasons for listing set out within the official listing includes (but not limited to) the rarity of the building being an exemplar of a Regency marine villa, it being among the finest examples of his work in the Gothic Revival style, the architect, the fine interior rooms with Wyatt-designed integral bookcases, stone fireplaces, over mantel mirrors, a stone staircase with mahogany handrail, and cast-iron kitchen range.

- 7.9** As well as the principal reasons relating to the building itself outlined above, the official listing also references the group value with the Grade I-registered landscaped park that provides the villa's setting, the Grade I-listed model farm, and the Grade II listed lodges [Fort Norris and South Lodge outside of the site boundary], Pump House, Bathing House, sea wall (a 50 metre length), cattle shelters and watering ponds, as well as the adjacent Grade II* registered park and Grade I-listed house at Osborne. This group value is referenced in the individual listings for each building within the estate.
- 7.10** The application has been submitted with an Assessment of Significance. The site description within this document identifies that the *“Castle area is of the highest significance and sensitivity”* In the assessment of significance chapter the significance is linked to those identified in the official listing. In respect of the setting, the document sets out that *“the setting of Norris Castle is integral to its original design and strongly contributes to its significance. The building was constructed on a man-made plateau which provides a series of terraces stepping down the slope towards the Solent.”*
- 7.11** Historic England have commented that *“The complete and unaltered condition of Norris greatly enhances its significance.... The interiors of both farm and castle have undergone very little alteration since they were built. All the principal rooms in the castle remain largely as conceived by Wyatt. The survival of once common but now exceedingly rare features like mechanical smoke jacks and plate drying racks in the service wing is remarkable. To have both buildings and landscapes from this era surviving this intact is exceptionally rare.”*
- 7.12** The proposal seeks to convert the Castle to create a hotel with 17 suites and communal rooms to include receptions, bars, restaurant, dining, kitchen and prep room, and treatment rooms/facilities. The details submitted for the changes proposed are very limited given the historic importance of the building.
- 7.13** The principle of converting the building into a hotel has been supported by Historic England, who consider that the use could work very well. However, they have raised concerns that *“the way in which the applicant is approaching adapting the interior would lead to a very high level of harm.”*
- 7.14** Officers have a number of concerns in respect of the works proposed to the Castle, including proposed changes to the plan form, impact on decorative mouldings, the blocking up of windows and doors and insufficient information around detailed design. These are discussed in more detail below.
- 7.15** To facilitate the provision of en-suite bathrooms within the proposed bedroom suites it would be necessary to block up windows and doors, which would cause visual harm as well as potentially causing issues of maintenance. The provision of internal walls within the rooms would cause severe harm to decorative mouldings (including skirting boards, dado rails and picture rails) as well as the proportions of the rooms. Of particular note is the subdivision to the second-floor tower with proposed ensuite and lobby. There would also be a degree of harm from the provision of services associated with these, for example waste or ventilation, of which there are no details. Although the annotation on the plans indicates that *“new services can be run in false ceiling void without disturbing*

existing floor structures". This does not however deal with how the waste etc. would exit the building.

- 7.16** The 'typical details' for works to walls, floors and ceilings (for fire and sound separation) would involve constructing internal metal frames with plasterboard and decorative features replicated which officers consider would be highly intrusive. The drawings are not clear exactly where these would be located, but it appears to be rooms at the east end of the castle. The frames would cover the existing walls and decorative features and there would be a new ceiling approximately 0.6m below the existing ceiling to create a void above. This lining system would not be used on walls containing windows or fireplaces, but it would abut them at ceiling level as this would enclose the whole ceiling. As a result, this system would severely harm the rooms because of the visual loss of the original features covered and the change in the plan form and proportions of the rooms, a critical part of their design. There would also be problems associated with the juxtaposition of the replicated mouldings with the original walls, where new mouldings would meet the original walls with existing mouldings. There are also concerns with the use of plasterboard, a non-breathable material, to an otherwise breathable building which could compromise the performance and longevity of the castle in these specific areas.
- 7.17** There are contradictory details on drawing 'protected areas and routes' in relation to suites, staircases, and wall lining/portal frame provision. This is a major concern regarding an informed assessment and places considerable doubt on the accuracy of the details submitted.
- 7.18** It is proposed to permanently enclose the staircase at the east end of the castle, along with the provision of a new staircase to provide access out to the proposed Castle Terrace. These works would result in the loss of historic fabric through the removal of the floors and external walls.
- 7.19** To provide a restaurant space it is proposed to install a glass floor over the semi-circular courtyard and across the middle of the covered courtyard, including a new lift. There is no detail showing the design or fixing of these to the building itself, which is likely to need to be substantial having regard to the deadload (the structure itself) and the live-loading (from the use). Furthermore, their presence would fundamentally change the appearance and open character of these areas, as well as involve harmful alterations to facilitate them such as the internal blocking of windows and breaking through a section of the stone balustrade. The drawings also include some form of glazed roof over the external semi-circular courtyard area and whilst the drawings are unclear what form this would take, incorporating a glazed roof over this external area is highly likely to result in harm to the appearance of the castle, from this overtly modern intervention and the likely physical harm from the works required to accommodate it. It is also noted that these floors/ceiling alone would cost in the region of £366,000. Viability and costings are discussed in more detail in the relevant section below.
- 7.20** The proposals include alterations to the use of rooms within the lower ground floor. Insufficient information has been submitted to support these works. For example, the change from a boiler room to a kitchen preparation room, and absence of service details that would be required for the treatment rooms which

have no natural light or ventilation, as well as the means of escape for these spaces. The kitchen at the east end of the castle is a very important room retaining many fixtures and fixings of historic interest, but there are no details showing how or whether these would be preserved as part of the works to modernise the kitchen. Similarly, there are no details of the works required to the lounge bar and private booths. The castle is a highly significant listed building and an assessment of impact from these works has cannot be undertaken. Officers therefore consider that sufficient information has not been submitted to demonstrate that these works would not result in harm.

- 7.21** The drawings include large scale details showing proposed upgrading of doors which are a minimum 45mm thick. Upgrading doors is likely to be acceptable but it is unclear what would happen to the doors less than 45mm thick. This could result in the loss of important architectural and historical features.
- 7.22** Separating floors would be upgraded and whilst the works would be undertaken from above and most contained within the floor void, the floor is shown with a slight increase in height. This would require alteration to the skirtings and possibly doors and would also have a visual impact upon the fireplaces and associated stone hearths. Collectively these would result in harm.
- 7.23** All areas would be protected by a full fire mist suppression system but there are no details of how the system would be provided throughout the building. These systems, along with the heating and ventilation systems require significant levels of service equipment and it is unclear how this would be incorporated in a sympathetic manner.
- 7.24** In an assessment of the significance of the Norris estate Historic England have outlined that *“The lack of alteration that the interior has undergone is remarkable. Seymour’s plunge pool even survives in the basement of the main wing. Nearly all the original chimneypieces survive and the service rooms in the basement are extraordinary. Here the kitchen survives complete with original range, the mechanical jack above it and contemporary shelving. B17 has its original pump, the scullery (B19) still has its sinks, slate bins and drying racks and B22 retains its stone sink and copper. Other rooms have their original shelves.”*
- 7.25** In Historic England’s detailed analysis of the impact of the proposals they consider the impact on this significance outlining that *“The intensive nature of the conversion would mean that Norris’s remarkably rare intact early 19th century interior would be lost. This would be most keenly felt on the basement of the service wing, which is the most atmospheric part of the castle. Here the extraordinary survival that is the kitchen (B13) is to be converted into the main restaurant kitchen. No details are given but few, if any of its features could survive conversion of this area to meet modern catering standards. The drying racks, sinks and bins in the scullery (B19) would be lost as this space is intended to be turned into a corridor and stair well. The stone sinks in B22 are unlikely to survive this area being transformed into a private booth.*
- 7.26** *The proposed treatment of individual hotel rooms would also be harmful. Here it is proposed to fit false ceilings, clad two of the four walls and add a compartment within the room for an en-suite (Rummey Design’s drawing RE1654-Z1-A507/01*

shows a typical finish in the proposed hotel rooms). It is not clear precisely which of the rooms this approach would be applied to, but in rooms with decorative cornices and skirting boards (such as suite 4, the former morning room on the ground floor and suite 15, the remarkable circular room on the first floor) a real historic room would be hidden by an ersatz one. This would compromise the authenticity of the castle, harming its significance.

- 7.27** *The vagueness of the proposals raises fears that further harmful works are envisaged. It is not clear whether the key ground floor rooms in the main wing would be treated in this way. These have décor designed by Wyatt with a great deal of care and subtlety and, if a false ceiling was fitted and walls over clad the level of harm would be of a very high order.”*
- 7.28** Aside from the works required to facilitate the conversion of the building, it is notable that there are no details of the repairs proposed to the Castle itself, which would be substantial given the poor condition of the castle and the likely structural works that will be required, all of which would have a major impact upon the historic fabric. Whilst the principle of repairs is accepted, these details form an integral part of the works and so must be provided now to enable an informed assessment to be made.
- 7.29** The Council’s structural engineer has commented that, based on the information submitted the structural works proposed for the conversion are not of a significant structural nature and they have been considered to retain much of the existing structure. Existing small defects in the structure are considered to be due to lack of maintenance and all are typical in a structure of this age. They can all be simply repaired during the refurbishment works. However, consideration and further detailed investigation into the cracking within the walls in relation to cause and existing stability is required in the Lower Ground Floor Corridor as the existing steel propping appears to be of a simple supporting nature rather than a full structural repair.
- 7.30** The applicant’s consultant has submitted a rebuttal to this stating that this assumption is incorrect as the current deterioration of the Castle (and Farmstead) is significant and worsening over time. They have however also confirmed that none of these defects are due to ground movement or foundation instability but are principally concerned with a breakdown of the building fabric – mainly through roof leaks but also due to deterioration of the external wall construction. Officers consider that the works proposed through the creation of the terrace and the seawall, as discussed below, would not assist with these issues. The need for works to the Castle is not in question.
- 7.31** The Environmental Statement, submitted by the applicant, concludes that the magnitude of impact to the Castle would be moderate, beneficial with a significance of effect being moderate/large. Notwithstanding this and having regard to the range of information summarised above officers consider that the proposed works to the Castle would be significant and in the absence of additional detail, could result in substantial harm to a Grade I Listed Building, but in any event result in a very high degree of harm.
- 7.32** The submitted document outlines that the hotel would need an inventory of not

less than 74 suites for its year-round viability. As outlined above the Castle itself would provide 17 suites. The additional would be provided within a 57 suite extension, in the form of a crescent and a terrace.

Castle Crescent

- 7.33** The proposed castle crescent would provide 38 suites as well as a reception, conference rooms, 'public rooms' and a modern kitchen to service the hotel. It would be positioned to the west of the castle, within a bowl formed in the landscape. It has been positioned here to reduce its visual prominence, with there being a 7-8 metre difference between upper and lower levels. It is proposed that the suites within the crescent would be attached to the Castle underground, via the castle terrace (discussed in the following section).
- 7.34** Despite being located within a bowl within the site, to accommodate the scale of building being proposed it would be cut into the slope with some excavations being over 6.5 metres in depth. This would still result in the proposed building projecting above the higher land level. Inadequate elevational and floor plans details have been provided of this building. The elevational plans do not show the external finish of the building, or the positioning of fenestration. The plans appear conceptual, which officers do not consider is acceptable when considering the proximity to the castle itself. The design and access statement provides a 'façade study', indicating the use of glazing and perforated metal. The statement goes on to state that "*the precise detailing of the façade is to be finalised*". Officers do not consider this to be acceptable or something that could be covered by condition, for a large-scale building within the grounds of a Grade I listed building and registered park and garden.
- 7.35** The planning statement and the design and access statement indicate that the reception for the hotel could be provided within the crescent, via a "glass chips". However, no details of this glass structure have been provided, with the design and access statement stating, "*sculptural glass shape to be developed further*". Again, officers do not consider this to be acceptable. As a full application within the grounds of a Grade I listed building and within a Grade I registered park and garden, the design would need to be submitted in detail, especially as this element would be a 'feature' of the building.
- 7.36** The northern end of the building would project one and a half storeys out of the ground. 'Chimney' features are also incorporated for ventilation but add height that would make the structure more visible. Submitted details suggest that these chimneys have been incorporated to "*punctuate the landform and are a reference to the blocky quality of the Castle*". However, officers consider that these features provide an alien intrusion within the landscape, that would appear incongruous rather than providing a visual link to the castle.
- 7.37** Although much has been submitted to seek to demonstrate that this building would not be visible from the sea, suggesting that it would therefore not impact on the setting of the Castle, there are other views within the estate which are equally as important to the setting of the listed building where it would be visible and harmful. The castle and its relationship with the foreground are very important components of the building and parks significance with the areas immediately in front and around the Castle being highly sensitive areas that in

their current form contribute positively towards the setting of the castle and the appearance of the Park.

- 7.38** Historic England have commented that *“These exploit a bowl in the landscape where it appears to be possible to hide development in longer-range views. Nevertheless, it will be plainly visible in views from the west side of the castle, including from the distinctive D-shaped bastion, and both would be visible in close views of the castle from the west. The sense of the castle standing alone in a parkland, a key element of the landscape, would be eroded harming the significance of castle and park. While not as damaging as some other elements, such as the terrace or west field, this aspect of the scheme would harm the significance of both the castle and the registered landscape and this harm needs to be taken seriously.”*
- 7.39** The proposed Castle Crescent would impact on the setting of the listed building and the registered Park and Garden. Due to the lack of information on external elevations and projecting glazing features to demonstrate otherwise, officers are of the opinion that the proposed extension would have a significant impact on the setting of the Castle and the Park and Garden, resulting in substantial harm contrary to policy DM11 and DM12 of the Core Strategy and the NPPF.

Castle terrace

- 7.40** The castle terrace would provide the final 19 suites together with a swimming pool and treatment rooms. Although it is proposed to use the Farmstead as a spa, the submitted information suggests that this is too far from the Castle and therefore the hotel building itself would have to provide similar facilities.
- 7.41** The submitted planning statement outlines that *“the castle terrace is set within the existing man-made terrace which appears unfinished”*. However, the footnote confirms that *“Whether the existing man-made terrace was completed or unfinished is not known”*. In light of this it also is reasonable to presume that the man-made terrace was constructed to the front of the castle to provide a natural bank for the castle to appear on top of, accentuating the isolated and elevated appearance of the building. The current setting of the castle, regardless of potential intent when constructed is open green space and undeveloped. The submitted assessment of significance outlines that the setting of the castle is integral to its original design and strongly contributes to its significance. The documents further outline that the castle is constructed on a man-made plateau which provides a series of terraces. It is considered by officers that this undeveloped setting is important to the significance of the building and the positioning of the terrace would be harmful.
- 7.42** Norris Castle represents an exemplar Regency Marine Villa estate. The Castle is among the finest examples of James Wyatt’s secular Gothic Revival work and the landscaped park and pleasure grounds have strong association with Humphry Repton. Laid out according to the picturesque principles the siting of the castle took full advantage of the topography of the landscape ensuring commanding views of the castle and its setting from the sea. The castle and its relationship with the foreground are a very important component of the building and parks significance. The areas immediately in front and around the castle are highly sensitive areas that contribute positively towards the setting of the castle

and the appearance of the Parkland. The experience of the castle in its landscaped setting is extremely important whether gained from long distance views from the sea, in closer proximity whilst travelling through the Park, or from the building itself, where uninterrupted views of the sea form an important component of the seascape.

- 7.43** In an appreciation of the significance of the Norris estate Historic England have outlined that *“The grass terrace to the south of the castle is clearly a conscious creation on the part of Repton or Seymour. It forms an area of flat ground directly in front of the castle and overlooking the sea that the occupants can use for recreation without compromising the effect of parkland coming right up to the castle.”*
- 7.44** The heritage impact assessment submitted with the application acknowledges that the terraces (terrace and crescent) would provide new structures in *“highly sensitive locations. The terrace to the north is within the sightline between the castle and the Solent, which is a key element of the listed buildings setting”*. Although much has been submitted to seek to demonstrate the impact from this building would be minimal when viewed from the sea, there are other views within the estate, towards and from the castle which are important to the setting of the listed building and Registered Park where it would be visible and harmful. It would be a substantial building that is considered to represent overdevelopment of the area around the castle, that would harm the sense of isolation of the castle and the clear intention for the parkland to extend right up to the castle, which is of significance to the setting of the building. This setting is not only appreciated from afar, but also from close proximity in the landscape surrounding the castle.
- 7.45** The submitted design and access statement outlines that the terrace needs to *“convey the sense of “strength” of the castle”* and a number of options are presented for the elevational detailing. The elevational plans show opinion C. The plans indicate the approximate ground level to the north of the terrace, which would result in only the upper section of the terrace being visible. However, officers consider seeking to ‘hide’ the building within the landform does not remove the impacts associated with development in this part of the site, especially as it forms part of the Grade I registered park and garden.
- 7.46** The application has been supported by a structural survey, which considered that that *“there is a risk of slope stability affecting both the Castle and the landscape, both of which are listed, such that remedial actions are considered necessary to ensure the stability of this section of the slope. Other sections of the slope may also be at risk of slope instability and will need to be given further consideration, although the consequences of any slope movement may be less significant and may reduce the necessity to carry out remedial works.”*
- 7.47** The structural information suggests that slope stability remedial action is using a combination of approaches, and in this instance the proposal seeks to reduce the mobilizing force by slope crest overloading. The report outlines that this could be achieved *“by removing the historical earthworks which were added to provide a level terrace plateau at the top of the slope and represent a significant additional weight at the slope crest. Whilst the removal of this soil would have significant effect on stabilizing the slope, it is considered that the visual impact of*

this soil removal may be unacceptable. The historical earthworks could be removed and replaced with light weight fill, but a significant betterment could be achieved by excavating out and constructing the proposed below ground terrace building.... It is considered that the construction of the below ground level terrace combined with the use of lightweight fill where required would have the maximum potential stabilization of the slope.”

- 7.48** In assessing the submitted structural information officers have commissioned an independent assessment. Whilst it is agreed that there is potential within the geological strata for slope instability, there is no evidence of historic or recent damage due to ground movement to the Castle structure nor has there been reported movements to the ground occurring in the vicinity. The proposals for the Castle Crescent and Terrace would require significant ground movement and relieve pressure on the area.
- 7.49** The submitted information suggests that *“the ground on the down slope side of the line of pinning piles could be removed as this would provide an element of crest unloading without affecting the castle. Replacement of this soil loading with a sensibly designed building would make use of this space, minimise the visual impact and still allow for some slope unloading as the building would be expected to weigh less than the existing soil.”*
- 7.50** This is not disputed. However, the Council’s structural consultants have concluded that *“the retaining walls for the Terrace are in close proximity to the Castle walls and design and sequencing of work will be required to maintain the stability of the existing structure, the design must also allow for potential slip planes due to the location near the poorly stratified Head Deposits. Full detailed site investigation will be required to determine the ground below the Castle and to the North of the Castle, a detailed assessment of the geological section will also be required to locate slip planes as suggested in the submitted reports. If slip planes are located additional work may be required at these locations. Specific consideration must also be given to the placement of the large amounts of spoil from the construction as it must not be placed to load another area of the site which would then have the potential for slope instability.”*
- 7.51** In response to the independent assessment commissioned by officers, a letter has been submitted by the applicant’s engineers outlining that *“It is accepted that there is a requirement at the appropriate time for detailed ground investigation to inform the detailed design of the necessary engineering works to stabilise the slope and protect the listed building and landscape.”* The report concluding that *“More detailed design and slope assessments will obviously be required, but at this stage it is considered that action is required to ensure the short term and longer-term stability of the slope at this site, in particular in the vicinity of the listed castle structure, which could be at risk of catastrophic failure in the event of a slope movement.”* Having regard to the harm which would be caused to the setting of the listed building and the park from the terrae, officers consider it necessary for this additional investigation to be done now, or any approved scheme could either cause more harm or not be effective.
- 7.52** As well as reducing the mobilising force of the slope crest unloading it would also be necessary to reduce the mobilising force by increased ground resistance. The submitted report set out that *“once the most critical slip planes*

have been identified, these can be stabilized through the introduction of reinforced concrete piled foundations, installed along a line and to a depth depending upon a detailed design to essentially pin through the most critical slip surfaces and prevent slope movement in these locations. Initial concept designs indicate the requirement for a 150 metre line of 0.6 metre diameter piles extending to 30 metres below ground level at approximately 3 metre centres. Clearly the cost of this approach [is] significant and it could also be detrimental to the landscape. The requirement for this approach could be obviated by the suggestions above, or these piles could be incorporated into the design of the foundations to the terrace structure to provide a betterment to the slope stabilization provided by this structure...”

- 7.53** The structural information submitted with the application includes a letter written to Historic England, who commissioned GeoConsult to undertake a geotechnical review of proposed slope stabilisation works. This states that “we [GeoConsult on behalf of Historic England] *consider that the assessment lacks detail: it appears to be based on conjecture and provides no compelling evidence to support the conclusion that the proposed stabilisation works are currently necessary to mitigate an imminent risk of slope instability. Details of the ground models used in the slope stability analyses (including the stratification, the presence and location of pre-existing slip surfaces, peak and residual soil shear strength parameters and the groundwater regime) and associated factors of safety have not been provided. Without this information it is not possible to offer meaningful comment on Wilson Bailey’s preliminary stability analyses.....it is also significant that the assessment presented by Wilson Bailey [on behalf of the applicant] gives no consideration to Norris Castle having stood for over 200 years without any apparent impact from slope movement (this inference being based on there being no mention of any building damage or field evidence of slope movement closely adjacent to the Castle). Such considerations are relevant to the assessment because they provide a strong indication that the prevailing stability of the slope is likely to be adequate in respect of imminent risk from slope movement at the Castle’s location. Subject to confirmation of the above (which would likely require more detailed study, investigation, and assessment) the medium to long term threat to the Castle from slope instability could potentially be mitigated by simply maintaining existing conditions.”*
- 7.54** *“In this regard, and based on the available information, continued sea erosion at the toe of the slope would appear to be the primary risk driver and the most likely trigger of slope instability at the Castle’s location in the medium and long term. It is therefore possible that suitable toe protection works in combination with maintenance of existing drainage measures and surface vegetation would adequately mitigate the risk to the Castle from future slope instability.”*
- 7.55** The Geoconsult report continues by outlining that “*If sea erosion at the slope toe is not arrested, a succession of landslips will inevitably occur and the actively unstable section of slope along the shoreline will continue to retreat inland until it ultimately undermines the Castle. The timeframe for such events is difficult to predict with certainty. However, comparison of the LiDAR data from 2001 and 2020 suggests that where the seawall has been breached on the line of Section A-A’ the toe of the slope is being eroded at an average rate of around 0.1 to 0.2 m per year (see Figures 6 and 7). On this basis, it is very tentatively estimated that it could take around 175 to 350 years for the crest of the unstable slope*

section to retreat by 35 m and begin to impact the Castle.”

- 7.56** A further report submitted by the applicant sets out that *“The section through Norris Castle is marginally steeper than elsewhere and it is considered likely that the castle may become affected by ground movement if the sea defences are not soon repaired. If it is found that the slip here is deep seated, as are most slips forming the coastal slopes on the north side of the island, then just repairing the sea defences may not be sufficient to ensure stability. Nevertheless, there is no engineering reason why the ground on which the castle sits, cannot be stabilised by employing a range of techniques, potentially including unloading of the slope and installation of piled reinforcement to the slope. Recommendations are made for a comprehensive site investigation to assess stability and provide the information required for the design of sea defences, stabilisation works and foundations of any proposed buildings.”*
- 7.57** The Council's structural engineer have also commented that *“drainage behind the large retaining walls is very important and a separate land drain system should be designed to ensure no overloading of the existing strata. Any build-up of water could cause instability in the adjacent ground”*. The applicant's engineer has responded by confirming that *“obviously elements of drainage would be considered in detail as part of this proposal together with consideration of the sequencing of works.”* This information does not however form part of the submission.
- 7.58** The Isle of Wight Gardens Trust have raised concerns about the introduction of the Terrace and Crescent buildings (and the car parking area), within the immediate context of the Castle, which they consider would dramatically alter the character and setting of the Castle and views within the Registered Park and Garden. They have set out in their comments that they consider that the justification for the 'Terrace' in performing a structural role in supporting the Castle is questionable, given that the Structural Survey within the Viability Appraisal Appendix C states, *‘There is little evidence of foundation movement causing damage to the load-bearing external walls’*.
- 7.59** Consideration is given to the works to the seawall below, but in respect of the Terrace officers consider that it would not be appropriate to support works which would have a significant impact on the setting of the Castle and the registered Park and Garden when further assessments would need to be undertaken to ensure that it would be the appropriate solution. Officers do not consider that it would be appropriate to condition this, as it forms part of the applicant's justification for harm. Furthermore, although a detailed design has not been undertaken, indicative construction costs have been provided as part of the viability assessment, these being between approximately £8.7 and £10.2 million for the Castle Terrace [the difference being a discrepancy between the submitted costs and the cost considered by the independent viability consultant's report which is discussed in more detail in the relevant section below]. This represents a significant cost and officers consider that an alternative solution could provide slope stability but be far less harmful and costly.
- 7.60** The Planning Arboricultural Officer has confirmed that building the terrace and

the crescent would cause the loss of several mature self-set ash and sycamore and B grade oak trees. It is intended to retain two of the better quality oak trees to the northern side of the new build, which the submitted information states is to enhance a parkland quality.

- 7.61** Whilst the “B” grade oak trees that are to be removed may not have formed part of the original layout as they are only just mature trees of around 60 to 70 years old on average, but they form a linear feature around what in the past was an open area of lawn seen in historical aerial photograph on the English Heritage website. As such it may be that their planting was intended to frame this area and could be said to be part of the landscaping of the property over the years. As such the loss could be described as removal of a landscape feature.
- 7.62** The retention of the two oaks would retain some of the open parkland feel that has been seen in the past round the house. However, the proximity of the trees to the building could cause pressure in the future as the trees grow into the older more mature form extending their branches towards the structure. This would require pruning etc preventing the trees from reaching their full potential as would be expected in a listed garden.
- 7.63** The Senior Planning Arboricultural Officer has identified that many aspects of the submitted tree information, such as the potential quality, age, possible veteran or even ancient status of several trees has been missed or inaccurately defined. It is noted that sections of the tree data are missing even though the trees are seen on the map and on the grounds of the site. An example of this is all the data for trees numbered between 1242 and 1330 is not provided which is true of other sections of the report. Three of the trees from this missing data are shown on the map to be of veteran status, but not testable to determine whether the protection is sufficient due to the missing information. It is also noted that there are large trees that don’t appear to be on the survey or maps, an example of this being three ash trees near T234 that are around 20 metres tall seen to be near an intended new drive. As a result, their protection or consideration of impact has not been carried out.
- 7.64** Several trees have had their diameter at breast height estimated due to issues of access or difficulty. By estimating, the trees are not given the significance and consideration they deserve. An example of this is Lime tree T234 seen near the Castle which has a circumference measured at basal flare of 8.8 meters and a trunk circumference of over 5.5 centimetres, determined from the tree a trunk diameter being of 1.81 meters when measured at metres above ground level. This would mean the tree is worthy of an ancient status or veteran status and should be afforded a 15-metre buffer zone or greater. This is not the case with the design, as the tree data estimated this to be 1.15 metre trunk diameter and which would mean the circumference is 3.61 metres. It should be noted this measurement was hard to achieve as there is considerable amount of epicormic growth around the trunk, but still possible and necessary with such a significant feature tree.
- 7.65** The lime tree (234) as mentioned above has been underestimated in its quality and size and as such not seen to be the veteran – ancient tree it is. In doing so the building would potentially be within the generic 15 metre buffer zone. This is especially true given the manner the build is to be sunk into the ground and the

excavation necessary to do so would have to extend beyond the building wall lines shown on the plans. This is contrary to the NPPF guidance paragraph 186(c) and standing Natural England and Forestry Commission concerning ancient trees.

- 7.66** The new drive in this area is to cut across the root protection area (RPA) of several high-quality oak trees. The report recommends a non-dig methodology is employed, and a cellular confinement system used. Whilst this may have addressed the issue of root damage in theory in practicality this may be harder as the topography of the ground in this area could prevent this being done. This is because it would require excavation and raising of soil levels to achieve a flat road, which in turn could cause damage to the roots of the adjacent trees.
- 7.67** The development of this area may have an adverse impact of trees of high amenity and the character and setting they afford the wider area, but due to the lack of adequate information provided the level of impact cannot be appropriately assessed.
- 7.68** Historic England have commented that *“As a major function of the park was to act as a Picturesque setting for the castle, the area around the castle and the way that lawns swept up right to the base of the castle walls was an integral aspect of both castle and landscape. The proposed terrace would break this connection, creating a formal separation between the north front and the park that was never intended.”*
- 7.69** In terms of design Historic England have stated that *“The terrace is intended as a way of hiding additional rooms, but it would only partially achieve this aim. The terrace wall and the deep trench scooped out of the landscape beyond would be all too obvious from the immediate environs of the castle and would significantly change the way in which it is experienced, the close connection between house and park would be lost. Even in long range views from the sea the top of the terrace wall would be visible as a scar across the landscape, particularly at night, where there would be a glow from the large windows of the terrace rooms.”*
- 7.70** Having regard to the above, officers consider that the submitted information fails to demonstrate that the proposed Castle Terrace would not have a substantial impact on the setting of the listed building and the registered park and garden. Officers consider it would represent an over-development of the site and harm the important relationship between the castle and its surrounding parkland, while providing a possible solution to ground stability concerns, it would be extremely costly, and alternatives would be possible which could be more financially viable and less intrusive.
- 7.71** Historic England have commented that *“The creation of the Terrace and the Castle Crescent would have a profound, and very harmful, effect on the castle as well as the park though damage to its setting.”*

The shoreline

- 7.72** Along the shoreline, at Old Castle Point (near the original site of East Cowes Castle), is the existing Grade II listed Bathing House and a 50 metre length of

raised sea wall. The official listing sets out that the reasons for the designation include (but are not limited to) the important component the building and wall make to the designed landscape; the sea wall was used as a terrace walk and the Bathing House was used for bathing and probably served as a recreational stopping point on a route around the landscape. The Bathing House is a roofless shell constructed of coursed rubble and squared Bembridge limestone, with later repairs in red brick and concrete. The building is attached to the sea wall of squared coursed quarry-faced stone.

- 7.73** The Assessment of Significance submitted with the application sets out that *“it is located on the shore and approached from a narrow footpath, now within the dense woodland. Much of this has been thickened by self-seeded growth and selective tree clearance would be beneficial. However, the relative reclusion of the Bathing House is an important element of its setting, distant enough from the Castle to provide a quiet ‘sanctuary’ character.”*
- 7.74** The Assessment acknowledges that the significance of the building has been diminished due to a lack of maintenance and gradual decline. Emergency structural works, including the insertion of large steel beams have been undertaken which, whilst saving the structure, have further eroded the significance of the building. Officers agree with this assessment, but do not consider that the lack of maintenance should diminish the weight given to the significance of the building. The proposal does not seek to restore the Bathing House but indicates that it would “freeze” the ruins as are. However, officers note that the cross sections show a roof and mezzanine being installed. The scheme then seeks to construct a new building to the rear to provide an 80 cover restaurant.
- 7.75** The restaurant would have a large footprint, on this otherwise undeveloped coastline, measuring approximately 29.5 metres by 10.5 metres and would be positioned behind the Bathing Housing, projecting along the coastline. The cross sections show the internal height of the building would be 3.5 metres, with the building having a flat roof. The annotation on the plans indicate that the building would be “visually separated” from the Bathing House by a recessed entrance, and by levels.
- 7.76** The finished floor level of the Bathing House is shown to be 4.209AOD, while the restaurant would be 5.300AOD. Opposed to providing a visual separation, officers consider that the restaurant building would dominate the Bathing House, due to its elevated position and elongated design and scale.
- 7.77** The front façade of the building consists of a series of pierced corten steel screens placed at an angle to the main façade. [Corten steel is a term for a group of steel alloys that are often used in outdoor construction. If left outside and exposed to the elements it develops a rusted appearance in a few months].
- 7.78** The proposed angled screens have sought to overcome concerns about light spillage, with glazing provided on the oblique and end elevation. Although this may assist in mitigating the issue of light spillage it would result in a design which would be industrial in appearance and harmful to the seascape. No side elevation has been provided.
- 7.79** The submitted information sets out that *“the building was originally constructed*

in the same castellated style and was a simple building, comprising a square 'tower' element overlooking the sea, and attached to the sea wall, in addition to a longer room at the rear. This longer room does not appear to exist anymore, aside the remains of a wall. The proposal seeks to incorporate this wall into the restaurant, divorcing it from the rest of the Bathing House".

- 7.80** The plans also state that the restaurant is an important part of the land stabilisation of the northern part of the West Field. It is stated that the retaining wall at the rear of the new building would 'ensure the survival of the Bathing House'.
- 7.81** The submitted structural information outlines that "*This slope stability risk has been given further consideration and preliminary assessment through consideration of the existing topography, which indicates most of the slope up from the Bathing House and the coastal Sea Wall in this area to be at an angle of greater than 10 degrees and therefore steeper than a residual slope angle and consequently at risk of future slope instability.....Slope stability assessments need to consider the cause, mechanisms and the consequences of any slope instability in order to assess the requirement for remedial actions to mitigate any unacceptable consequences.*"
- 7.82** The Council's structural consultants have stated that the restaurant located behind the Bathing House is to be constructed by cutting into the existing slope and utilising a retaining wall to retain the ground. They confirm that the design of this should take into account potential further landslips in this area and detailed consideration should be given to the both the drainage behind the wall and the sequence of construction to limit the amount of disturbance to the ground in this area. Officers consider although this approach may be an option to deal with slope stability, it would cost in the region of £1.2 million to undertake the Bathing House alterations and restaurant, which themselves would have an unacceptable visual impact on the area. An alternative, less instructive option could achieve the same result in a less intrusive manner, if seen to be necessary.
- 7.83** Geoconsult, the engineers appointed by Historic England, whose comments are attached to the structural information supporting the application, outline that "*alternative stabilisation methods have not been considered. In addition to maintaining or enhancing the existing sea wall to protect the slope's toe from sea erosion, such alternatives could include one or more of the following: toe weighting; slope drainage; strategically placed earth retaining structures (including reinforced earth to minimise visual impact); soil nailing; and spaced piles.*" Officers therefore give limited weight to the restaurant providing structural stability to the slope.
- 7.84** As outlined above the submitted Assessment of Significance outlines that "*the relative seclusion of the bathing house is an important element of its setting distant enough from the Castle to provide a quiet 'sanctuary' character*". Having regard to this assessment, officers are of the opinion that the proposed restaurant would significantly impact on the setting of the listed bathing house, due to the scale of the proposed building and the impact that this would have on the setting of the listed building together with the impact on the tranquillity associated with this significance of the building that the proposed use would

cause.

- 7.85** Historic England have outlined that they consider that *“The proposed restaurant adjoining the bathing house and overlooking the sea would entail a high level of harm to this listed building. The architectural value of the bathinghouse is completely bound up with its form as a tower: the power of the design derives from the fact that it stands alone. Attaching a large structure to it, particularly one of a contemporary design with large amounts of glazing, detracts from its defensive character and architectural quality. It would dramatically change the setting of the bathinghouse. This would no longer be the secluded and tranquil private spot where it is still possible to imagine Seymour bathing.”*
- 7.86** Further to the impact on the setting of the listed building itself, the proposed development is considered by officers to have a significant impact on the character of the area, more specifically the seascape and would destroy the undeveloped character of this coastline contrary to policy DM12. Historic England have commented that *“The proposed restaurant would dramatically change this appearance of this part of the estate in views from the sea. What was intended as a secluded, tranquil and highly rural spot would be compromised with a large and brightly lit building bustling with activity. This change in character in such a visible part of the registered park would result in a high degree of harm to it. The harm would be compounded by the necessity to raise the sea wall to counter flood risk. This is proposed to be executed in concrete with a lip on the crest, which would look starkly functional.”*
- 7.87** The bathing house is within the buffer zone of the Ancient Woodland. The submitted Arboricultural Implications Report suggests that the restaurant would be within the ruin and impact would therefore be negligible. However, this is not the case as the proposed restaurant goes extensively outside of the area of the bathing house. The proposal would therefore place new development within the buffer zone of the ancient woodland, which would result in significant concerns. The plans including the annotation “trees retained where possible”. Access to the new restaurant would result in further loss of trees. This is discussed in more detail in the tree section below in respect of the impact on trees and ecology, but officers consider that this would also have an impact on the character of the area, with the current building being viewed to the front of a verdant backdrop of the dense woodland.
- 7.88** In association with the restaurant the proposal for this part of the site would also see the restoration of 50 metre of seawall. The official listing describes the wall as *“.... built of squared and coursed quarry-faced stone with a battered outer edge. A 50m length survives to full height, extending east from the Bathing House. Thereafter the wall is ruinous, having suffered erosion, landslips and storm damage, and varies in height with some sections missing altogether; this section, beyond the 50m length, is therefore excluded from the listing.”* The submitted Assessment of Significance outlines that the wall possess historic and architectural interest and represents an impressive piece of late 18th century engineering.
- 7.89** The works proposed would involve its repair and alteration, raising its height with concrete capping and the provision of handrails. The submitted details separate the proposed works into six categories:

1. Stabilisation and repair of the existing breached seawall.
2. Repair and raising of existing breached seawall, with the top section built up to flood safe level.
3. Construction of a new section of seawall, backfilled with site-won or imported materials to approximately 4.7m AOD.
4. Construction of new section of seawall, backfilled with site-won or imported materials to flood safe level.
5. Deconstruction and removal of sections of breached seawall, with materials retained for incorporation into proposed shore protection works along the frontage. Construction of a new section of seawall on the line of the removed sections, backfilled with site-won or imported materials. The new seawall construction at here is to be designed and detailed to allow for foundations to the proposed Boathouse, Sentinel 4 and Coastal Cottages and to incorporate a slipway giving access to the water.
6. Protection of the existing land profile with reclaimed and/or deconstructed wall blocks and materials to reduce ongoing erosion.

7.90 The submitted information outlines that where the height of the seawall is to be raised, a precast concrete capping with wave return profile would be incorporated to locally reduce spray and splash under wave action. The capping would also feature a handrail and seating detail at various locations. The access level is to be raised to the level defined by the Flood Risk Assessment in these locations. This is considered mainly necessary due to the positioning of residential accommodation along sections of the wall, as the wall is only being raised alongside the proposed restaurant and sentinels (discussed below). Officers consider that the raising of the wall and the inclusion of a wave return profile and railings would have a significant impact on the character of this section of coastline.

7.91 The proposed works to the seawall would be contrary to the Shoreline Management Plan (2010). The policy within this plan for this coastline is 'No Active Intervention'. Although this policy does not preclude the maintenance of existing private coastal defences, it is noted that often the current fragments of seawall on the site appear in a fully failed state, with only isolated pillars remaining, separated from the coastal slope, with beach re-established inland of them, and then a natural coastal slope behind, so there appears a limited amount remaining to maintain. Maintenance of an existing coastal defence structure is typically at the same height and on the same footprint as at present. Maintenance would not include raising a seawall or structure, or extending the structure seaward or laterally into areas which are currently undefended.

7.92 The Environment Agency have commented setting out that the coastline in this location has a 'No Active Intervention (NAI)' policy in the Isle of Wight Shoreline Management Plan 2 (2010). Whilst short term maintenance of existing private coastal defences may be permissible in some circumstances, subject to the appropriate licenses and permits being obtained, the location of development in areas at risk of flooding and coastal erosion introduces a need for significant new infrastructure which would not comply with the NAI policy and would be unsustainable in the longer term. The construction of sea defences is likely to impact upon sediment movement along the coastline and could accelerate erosion elsewhere, including outflanking of the proposed new sea wall. They state that the full range of impacts caused by changes in sediment movement

and coastal squeeze should be understood before making a decision on this application.

- 7.93** This coastline is vulnerable to coastal erosion, slope failure and coastal slope retreat, and the coastal margin is currently undeveloped, and evolving naturally. The application proposes putting people and property into the area at risk on this vulnerable coastline. This is not sustainable without continued and increasing man-made intervention to keep-pace with the increasing coastal risks this area will be subject to, including sea level rise.
- 7.94** The council's Geomorphologist raised questions with regards to outflanking (where erosion and potential slope failure continues unchecked between any improved sections of seawall) and how the coastal slope failure risk is specifically considered in the proposals (as the natural coastal slopes along the frontage are weak and subject to slumping and vulnerable to slope failure). The Planning Agent responded to the matter of outflanking stating that "*Recovered stones from dilapidated seawall will be used in a shallow slope, openly porous, rubble mound feature to protect the upper slope where necessary and mitigate the risk of outflanking the sea defences.*"
- 7.95** In respect of coastal slope failure, the agent stated that "*the structure of the repaired, augmented and maintained seawall will be designed to provide a strong "toe" to the slope, increasing its stability*". This clarification is helpful but references the seawall only. Construction of access routes across slopes, any areas of tree clearance on slopes, and seafront erosion in areas where seawall improvements are not proposed also have the potential to negatively impact coastal slope stability. This remains a risk through the whole lifetime of the development. Interventions and their maintenance are not clear.
- 7.96** The risk of erosion in embayments is acknowledged in the Flood Risk Assessment which states, "*Various remnant seawalls, breastwork and groyne structures are in poor repair or breached and allowing erosion to occur in embayments*" and that erosion "*would promote coastal slope undercutting. Erosion would lead to possible reactivation of inactive shallow landslides and ultimately generate significant recession of the coast within several embayments.*" Additionally, in the application document West Lodges and Bathing House slope stability letter highlights that "*It is important to note that locally coastal erosion has occurred due to the localised failure of the sea wall at locations along the Norris Estate coastal frontage. Where this has already locally occurred, localised regression is currently happening resulting in a locally over steepened back scarp slope. Over a short period of time, this localised erosion will result in a reduction of local slope stability and potential failure as identified in the latest independent coastal survey report. Any more substantial erosion, or should localised areas start to combine, would result in a significant reduction in slope stability that would be expected to rapidly progress towards a substantial slope failure.*" In the FRA, where proposed work to the seawall is outlined, there is no reference to undertaking rock placement to reduce outflanking (where erosion and potential slope failure continues unchecked between any improved sections of seawall), of any new defences, to be placed at the toe of vertical seawalls, or to improve slope stability, although this was suggested in a response from the Planning Agent to concerns previously raised. It is therefore not understood what the extent, sufficiency and implications of any additional works

to address outflanking would be (including the predicted shape of the shoreline for the full lifetime of the development and how any interventions would be secured).

- 7.97** It is also noted that the Environmental Statement Technical Annex C Coastal Morphology contained a proposal for further work to be undertaken to assess the potential coastal erosion at the site for a 'do nothing' scenario, and a scenario where sections of the existing seawall are repaired. This information does not appear to have been provided.
- 7.98** To facilitate this area of development, it would require the removal of Beech tree 553 and the surrounding mixed species trees that form part of W3. The Beech has been given a "U" grade due to there being fungal bodies and decay in the tree. However, when assessing such a tree it is important to note its size would indicate it is an ancient tree and it also exhibits many of the qualities given to show it is of veteran status and as such would require consideration using the guidance of NPPF paragraph 186(c). In giving it a "U" grade these considerations are disregarded and the possible impact the development may have upon the tree. In this case it is said to be removed to enable the restaurant in the area of the bath house. It may be thought that its condition would discount this consideration, but this is not the case when regarding such trees as they are irreplaceable habitats and space for them must be considered in the design. It is agreed that due to its height of 26 metres it could endanger the bathhouse if retained at its current size and if the surrounding trees were removed. This chance of collapse onto the bath house is unlikely as the tree leans away from it and if it were to collapse it would do so in the direction of the heavy lean. The removal of this tree to facilitate the restaurant would be contrary to paragraph 186(c) of the NPPF, as there are not wholly exceptional reasons to build a restaurant in that location. If it is decided that the tree is to be retained tree work can be carried out to reduce the risk of collapse and that which it may present the bath house.
- 7.99** It is also noted the restaurant would be located within the buffer zone of the ancient semi natural woodland (ASNW) of Spring Hill Wood. It is agreed that direct impact to trees of this woodland may be minimal as the estate wall forms a barrier to root ingress. However, it is possible that associated positive aspects of the woodland such as mycorrhizal fungi would extend across this boundary and could still be damaged, given the potential risks associated with construction. The removal of the trees around from the buffer zone would also leave the trees of the ASNW exposed to high winds and the elements. It is in part for this reason the buffer zone is defined at 15 metres. The buffer zones round ASNW are also there to reduce light and noise pollution into the woodland, which the restaurant has the potential to create. For this reason, it is considered that the restaurant development should be considered through the recommendations of paragraph 186 of the NPPF, which states:
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists

[footnote 67 states "For example, infrastructure projects (including nationally

significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.]

- 7.100** The development of this area in the manner indicated would cause the loss of an ancient tree and impact on an ASNW contrary to paragraph 186 of the NPPF and policies DM2 and DM12 of the Core Strategy.
- 7.101** The National Landscape (formerly the AONB Officer has outlined that *“the proposals in relation to the sea wall are contrary to MP [the AONB Management Plan] Policy P1 which requires the continuation of natural processes. The Council’s adopted Shoreline Management Plan for this area is No Active Intervention. The reinstatement and increased height of a sea wall defence is therefore contrary to these. Notwithstanding this policy objection, the proposal is contrary to the key characteristics of the Landscape Character of Osbourne Coast Wooded Coastline. The increase in height of the sea wall together with loss of woodland and several large development proposals incorporated into it, will have considerable, inappropriate, visual impacts upon this currently undeveloped coastline. Whilst a public gain could have been proposed as a potential mitigating measure, in line with Policy P28 of the MP, by allowing public access to a new sea wall, this has not been forthcoming.”*
- 7.102** The large size of the proposed restaurant, its form, and the materials with the proposed tree clearance would dominate the Bathing House and compromise the verdant setting of the building and seawall. This, along with the intensity of the use associated with an 80 cover restaurant, and the overtly modern profiled concrete capping to the Sea Wall, would harm the significance of the listed buildings and the Registered Park, compromising their appearance and the ability to appreciate their isolated and tranquil setting. The works to repair the sea wall would involve traditional materials and standard techniques and as a result would not harm the structure. However, it is not possible to assess the impact arising from the proposed alterations to the Bathing House and Estate Wall (and ruins) because no details have been provided.
- 7.103** Officers acknowledge that the structural information is clear that works to the seawall would be necessary to protect the future of the Castle. This would result in an element of harm, which would need to be balanced against the benefits associated with undertaking these works. As outlined above, the Shoreline Management Plan does allow for maintenance of existing defences. It is also noted that the structural information submitted with the application sets out that *“Examination of the large-scale OS maps show little change in the coastline since the first maps in 1864, although the width of the beach has narrowed considerably in this time. This is due to the sea defences, preventing further erosion of the cliff and the removal of the landslide debris that made up the beach before the sea defences were constructed. The removal of this debris material will allow a greater wave energy to impinge upon the beach and may encourage further landslides by both direct attack on the remaining sea defences and also by removing any material resulting from uplift on the beach through deep seated landslides that pass under the sea walls. This is what has happened in an area to the east in similar strata, where after, being stable for, at least, the past 150 years, breaching of an offshore reef, formed from the Nettlesome beds, allowed a greater wave energy to attack the base of the cliff*

and cause the existing coastal slope to fail and the rear scarp to retreat. Subsequent movement of the slide being controlled by the removal of uplift material on the beach. It is clear that the construction of the sea defences and the landscaping of the ground has largely been successful in maintaining stability of the area. However, the destruction of those defences has resulted in further movement and will continue to do so in the future, both from direct attack at the base of the cliff, leading to over steepening and by the removal of toe weight from the beach due to the higher energy resulting from the narrowing of the beach." It would therefore appear that the previous defences were successful and therefore officers consider that consideration should initially be given to the repair of these, which would assist in slowing retreat, without the need for extensive additional works to increase their height or the addition of railing, which would harm the appearance of the coastline.

Sentinels

- 7.104** The application seeks consent for four Sentinel buildings. Three of which would be located along the coastline. One (Sentinel 1) approximately 100 metres from the Bathing House and two (Sentinel 2 and 3) 'framing' the Castle, a further 340 metres along the coastline.
- 7.105** The design of the sentinels has taken cues from the historic Landing House, a Grade II* building located to the south-east of Norris Wood, associated with Osborne House. The buildings would have a central 'tower' feature, with wings either side. A narrow elevation onto the sea, they would extend back into the site, with the design and access statement outlining that the "*use the existing trees (sometimes in the ancient woodland) to 'absorb' the building into its landscaped setting*".
- 7.106** The sentinels are suggested to represent a defensive form, reflecting the military architecture of the castle and farm. They would be built into the sea wall and constructed predominantly from local stone and fenestration would be oblique on the front elevation facing the water, but otherwise standard on the side and rear elevations. There would be open terraces on the first and second floor and roof level. The submission suggests they have been designed to appear narrow from the sea to minimise their impact. The central part of the building would be three storeys' high with the first floor being set back. However, the building would still extend outwards each side from first floor and more so at ground floor level.
- 7.107** Sentinel 1 would be located within the west copse, adjacent the Bathing House, set back from the sea wall, within the woodland. Whilst this building would not affect the views of the castle, development of this form in this location is likely to compromise the setting of the Bathing House, undermining the significance of this isolated structure in this location. Furthermore, its presence would harm the Registered Park which is characterised by the verdant nature of this section of shoreline.
- 7.108** The submission suggests that sentinel 2 and 3 would reinstate this element of historic setting of the castle and provide stabilising function to protect the castle. The buildings would be located to the edge of the east and west copse to retain an uninterrupted central view of the castle. However, the views out from the principal rooms at the east end of the castle, namely the tower and external

terrace, would be affected by the presence of sentinel 2. Furthermore, both sentinels would impact upon the transient views of the castle from the Solent.

- 7.109** Sentinels 2 and 3 would be built on the restored seawall and appear to remove access along the top of the seawall, with the submitted details suggesting that each would include a section of walkable esplanade, but this would be private. The official listing states that the sea wall was used as a terrace walk, and possibly a carriage drive, which suggests that they were intended for promenading. Although accepting that, due to its condition, this is not possible at present officers consider removing this ability entirely would impact on the significance of the wall.
- 7.110** Originally the seawall did include structures, but these were small folly style buildings likely to have been sheltered viewing and resting areas and likely no greater than single storey, other than the Bathing House which would have been the largest by some margin. The sentinels proposed would be three storey and whilst the floors reduce in width as their height progress, the buildings extend back into the site considerably. As a result, their depth would present expansive side elevations when viewed from within the site and transient views from the sea. Their size, along with the rear access footbridge, the lift access to the roof terrace, and the landscaped terraces proposed to the rear that extend outwards to both sides, would create buildings overly domestic in appearance that would fail to harmonise with the setting of the Registered Park and the Castle. The presence of these buildings, combined with works proposed to the seawall in front of and between sentinels 2 and 3 which involve increasing the height and adding a precast concrete capping with wave return, and the level of activity that would occur from their use within this highly sensitive part of the site, is likely to harm the significance of the Castle and the Park.
- 7.111** The National Landscape Officer has raised concerns with regards to the urbanising impact of the bridge and terracing upon the natural landscape of this area as well as the scale and height of the building having an overbearing impact on the landscape and seascape. They also consider that the roof glazing and fenestration would result in light pollution, resulting in a loss of tranquillity.
- 7.112** Historic England have commented that *“The visual impact of these buildings would be exacerbated by the terraces planned to surround them and the concrete heightened sea wall. Verified views 2 and 3 give a clear indication of how intrusive these buildings would be. They would seriously compromise the rural character of the park when viewed from the sea and entail a high level of harm to the registered park.”*
- 7.113** The submitted report indicates that the Sentinel buildings are located in such a position to minimise their arboricultural impact beyond that of the removal of woodland around them. It is also said that they are located outside the buffer zone of the ASNW. This is not accurate because the terraced landscaping on either side of the sentinel 1 and 2 would extend into the buffer zone of the ASNW. In the case of sentinel 1 this would almost reach the ASNW of Western Coppice. This is contrary to the NPPF and standing advice. Whilst the buffer zones are currently treed it is intended to remove them as part of the tree clearance to facilitate all 4 sentinels and the cottages (discussed in more detail below). This would defeat the purpose of a buffer zone and would again be

contrary to standing advice in regard to paragraph 186(c) of the NPPF.

- 7.114** As well as the above impact on the ASNW the proposal for this area of the site would also result in the loss of trees which are protected by an area TPO. The tree reports suggest that *“direct arboricultural impacts associated with all four of these Sentinels are minimal”*. Officers do not agree with this. The arboreal assessment also states *“Nevertheless, accessing the Sentinels, in conjunction with other elements of the Proposal (namely the restoration of the historic parkland – item (I) discussed in Section 4.10 of this report, and stabilisation of the slope and seawall repair – item (J) discussed in Section 4.11 of this report), causes the largest arboricultural impact of the Proposal. The entirety of woodland 3 and most of woodland 6 will be removed, primarily to facilitate the stabilisation of the slopes and repair of the seawall but also to re-establish historic views of key buildings and the historic landscape’s setting, including the Solent. This work also allows for the upgraded or new tracks to access the Sentinels”*. The Senior Planning Arboricultural Officer has commented that *“It is hard to see how the removal of the trees will facilitate the stabilization of the slope as the very root structure will hold the upper soil level together and if the movement is due deeper in the geological structure of the land in this area the removal of trees will have little impact. In removing these trees it will cause greater level of soil erosion due to heavy rain which the trees canopies reduce at the present time. The tree removal in the manner described should be avoided.”* Officers agree with this assessment of the removal of trees from the slope. Having regard to the stability that the trees themselves would be providing to the slope and the comments above on the balance between the loss of the trees and the importance of the views, the harm is considered to be too significant.
- 7.115** To access all of the coastal properties it is intended to install small tracks to be used by electric buggies. Whilst these may be small, they are shown to extend through part of the ASNW W1 and in doing so would be contrary to paragraph 186(c) of the NPPF, unless wholly exceptional reasons justify the development. Officers do not consider that the need for units on the coastline and the impact of these on the seascape associated with them would represent wholly exceptional reasons.
- 7.116** The submitted information also suggests that the Fire Service are happy with the arrangement that the coastal properties would only be accessible by buggies. However, officers have consulted with the Hampshire and Isle of Wight Fire Service, who have outlined that; as a new development, each building on site would be required to demonstrate conformance to the guidance contained within the relevant version of Approved Document B (fire safety) at the Building Control stage. It is therefore strongly recommended that the roadway layouts be reviewed in line with this guidance. Their comments also advise that the pumping appliances currently operated by HIWFRS exceed the dimensions stated in Approved Document B, with an overall width of 3 metres (including driving mirrors) and weighing approximately 15 tonnes. Given this it would be a requirement that the structures were accessible by a fire appliance this is unlikely. As such it is probable that the access track to these properties would be far larger than detailed and require a far greater clearance of the ASNW.
- 7.117** Natural England have raised concerns that *“to carry out the works to stabilise*

and reconstruct the sea defences along the fore line of the of the site, sections of ancient woodland would be lost with immediate effect. The deconstruction and construction of the new wall will impact existing habitats along the shoreline. These habitats include vegetated shingle which is an Annex 1 habitat of international importance and sea grass beds that are associated with the mud flats. Both habitats are qualifying features of the Solent Maritime SAC. At present the [No Active Intervention] NAI strategy benefits the Solent Maritime SAC habitats, as the erosion of the coastline materials creates sediment which then services the nearshore sensitive habitats and aids their survival. The construction and operation phase of the development is likely to result in sediment changes and the new slipway [as part of the coastal cottages discussed below] is likely to increase recreation pressure on the foreshore. Further consideration is required to establish the impacts the construction of the proposed seawall will have on the qualifying features of the Solent Maritime SAC.”

- 7.118** Having regard to the above officers consider that the proposals Sentinels would have an impact on the character of the area, the seascape, the setting of the listed Castle, and parkland, an ASNW together with protected trees and would result in works to the sea wall which would be contrary to the Shoreline Management Plan, while also placing residential units in an area of No Active Intervention increasing the need for engineering works to protect these properties and residents, whilst not providing a safe and adaptable built environment. This element of the scheme would therefore be contrary to DM2, DM11 and DM12 of the Core Strategy.

Coastal cottages

- 7.119** This element of the scheme incorporates eight cottages, Sentinel 4, a slipway and a boat house. The submitted documents outline that there was at one time a summerhouse in this location and access would have been provided in this area for goods coming to the site from the water. However, the assessment of significance and OS mapping shows that there was only a very small building in this location and not the level of development shown within the submission.
- 7.120** The coastal cottages would incorporate two different design styles. A terrace of five traditional stone cottages with a hipped slate roof punctuated with dormer windows and a terrace of three more contemporary strong gable ended units, sat behind sentinel 4, which would be designed differently to the other three sentinels, being of a more traditional design and hipped room to match cottages 1 – 5, but would remain three storeys. The design and access statement suggests that the design consent would make the cottages appear as fisherman’s cottages. No elevational details of these units have been provided. The plans entitled elevations providing the view from the sea only and no other elevations of the building, so are considered to be more illustrative.
- 7.121** The sea wall in this location would be repaired and raised in front of the development, with the exception to the slipway which would punctuate the seawall. Alongside the slipway would be a ‘boathouse’. As with the cottages, no details of the boathouse have been provided, aside from a visual representation in a ‘streetscene’ image and an overall layout plan for this area of the site, showing its footprint/roofscape.
- 7.122** The character of the coastline around the Norris estate is very much a natural

verdant one, that is punctuated by small folly style structures, including the landing house, the bathing house and the former summerhouse. These are set at some distance from each other and are small in scale. The assessment of significance outlines that *“it is currently experienced as largely undeveloped...the retention of this view and the undeveloped character is important”*. These building would add a cluster of development on an otherwise almost undeveloped coastline. Furthermore, officers consider the absence of a boathouse in this location to have been a conscious choice, not unusual for this period. Introducing a boathouse and the other associated development would create a cluster of development on an otherwise almost undeveloped coastline that would, in conjunction with the precast concrete capping on the raised sea wall, harm the seascape and the significance of the Registered Park, where the verdant and undeveloped character is so important.

- 7.123** The National Landscape (AONB) Officer has raised concerns again in respect of light pollution but also the impact of the development due to the extent of hardstanding and parking and the level of engineering required for site levels and the impact upon the natural landscape, trees and ecology.
- 7.124** The Isle of Wight Gardens Trust have also raised concerns about the introduction of a great number of new buildings along the coastal edge (namely Sentinels, modern Restaurant, Coastal Cottages, Lodges, the Terrace and Crescent) which together, they believe, would have a substantial adverse effect on coastal views, and the setting of the Castle itself. They also remain unconvinced about the requirement to reinstate the sea wall along its full length, at a considerable cost, which would need to be financed by the construction of the Sentinels and other new buildings, when a cheaper gabion/rock wall could offer a more sustainable solution. This is an undeveloped, wooded coastline dominated by the Castle sitting proudly on its own, and new buildings here would dramatically change this. Whilst they support the proposed removal of woodland to open up views, this would increase the visibility of the Terrace and Crescent located immediately below the Castle, which is not considered within the applicant’s landscape visual impact assessment (LVIA). Indeed, the LVIA somehow suggests that the significance of effect for V5 (looking south towards the Castle from the Solent) would revert from minor adverse at year 1 (which the Garden Trust believes has been underscored) to moderate beneficial *‘once the restored landscape has matured’*, even though woodland areas are being cleared. They believe the significance of effect from these coastal locations has been deliberately underplayed and should be moderate / substantial adverse which would be considered ‘significant’ in EIA terms. Officers would agree with the assessment of the Garden Trust.
- 7.125** Wireframe visuals have been submitted, which officers consider support their concerns that these structures would be substantial and impact on the undeveloped visual appearance of the coastline. Historic England have commented that *“This would be a sizable development in a very prominent location right on the waterside. The design and massing look rather more natural than the sentinel houses, it would look something like the waterside boathouse/cottage complexes sometimes found in picturesque landscapes. Nevertheless, it would still be development in an area intended to be and that has long remained open, rural parkland and thus harmful to the significance of the park.”*

7.126 As with the sentinels, the majority of the cottages are located within flood zone 3. An inadequate sequential test has been provided to justify development within a higher flood level is necessary within this area of the site. The Environment Agency have commented that *“Finished floor levels of the residential elements are 5.6m AOD at Sentinels 1-4 and the Coastal Cottages at Original Harbourside. The proposed sea defence crest level is 5.6m AOD at Sentinels 1-4 and the Original Harbourside. Although the upper end climate change allowances have not been considered, the proposed finished floor levels and sea defence crest levels offer a 1.2m AOD freeboard above the 0.5% AEP upper end tide level in 2120. We are therefore satisfied, subject to appropriate design of the sea defence (to be secured via condition), and appropriate resilience measures such as those included within Paragraph 10.2.2 of the FRA, that further assessment is not required at this time.”* In the context of this comment, officers are concerned regarding the impact from the proposed sea defence and increase in the height and design of the sea wall. Therefore, officers do not consider that the proposed required resilience measures.

7.127 The proposed coastal cottages, Sentinel and boathouse would introduce a cluster of buildings and built form in a relatively undeveloped coastline, which would result in a significant impact on the seascape and is considered by officers to be entirely unacceptable and contrary to policy DM12.

The West Field

7.128 The application includes the proposed construction of 16 lodges within this field, the conversion of one of the existing listed field shelters to provide another lodge. The second listed field shelter would be converted to a security office.

7.129 The submitted information states that *“the west field is outside of the core Norris Estate and was part of the grazing land for the model farm”*. However, this area forms part of the ‘Park’ designation of the registered park and garden. The designation outlines that *“the park comprises largely open grazed grassland interspersed with belts and copses of trees.”* The West Field was originally planned and laid out to be visually distinct from the Farmstead and Castle. Designed as an attractive area of agricultural land for cattle to graze, this area therefore forms an important part of the Norris Estate and the Registered Park and Garden, with the associated grade II listed cattle shelters and watering ponds reinforcing this importance.

7.130 The submitted Heritage Impact Assessment acknowledges the *“development within the West Field will provide a further intensification of development and provision of non-agricultural uses within this part of the Estate. This will change its character, from a pastoral part of the Estate, to one with increased activity and built development”*. It suggests this area is not undeveloped and makes reference to the cattle shelters but accepts this is limited development and the intensification of uses proposed will change this. It then accepts the proposed works will harm the historic interest and significance of the Norris Castle Estate but suggests this would be minimised by the design and siting of the lodges, roads and landscaping to minimise their visual impact.

7.131 Historic England in an appreciation of the significance of the Norris Estate

outlined that *“Seymour’s interest in farming was not confined to the farmstead and walled garden but is evident throughout the estate. This is best illustrated by the West Field where ornamental landscape and progressive farming techniques were combined. This area was separated from the lawns around the house by a shelterbelt but ornamental cattle shelters, stone-lined ponds and its prominence in views from the sea (now masked by self-seeded tree growth but apparent from early illustrations) mark it clearly out as part of the designed landscape.”*

- 7.132** The proposed lodges would be of two different design types. One of an ‘L’ shape and one linear. There would be 12 ‘L’ shaped lodges located within the main field with the four linear lodges located in the area currently forming a woodland down to the shore.
- 7.133** The proposed lodges comprise single storey and two storey structures, built partly underground to seek to reduce the visual prominence. However, their presence, along with the changes which would be undertaken to the landform involving extensive excavation, retaining walls and reprofiling areas of land with engineered bunds, together with the cuts/excavation required for the series of tracks and stone retaining walls, would severely alter the character of the landscape. The elements of the buildings that would be visible would be utilitarian in appearance and would not complement the natural form and simple composition of this part of the Parkland, and because of this would harm the Registered Park and the setting of the listed field shelters and watering ponds, which have a visual and functional relationship with the grazing land within this part of the site.
- 7.134** The National Landscape Officer has raised concerns with regards to the light pollution from roof glazing, the creation of an engineered landscape within the registered park and garden, impacts to trees, ancient woodland and ecology, visual impact of terracing and units and opening in boundary wall (to create the proposed access road).
- 7.135** In order to provide the four linear lodges a number of trees would be removed. These include one U grade tree but a number that are grade B and C as well as a C grade group. The submitted information suggests that this would be of landscape and historic benefit, as it would ‘restore’ views of Norris Tower from the Solent and visa-versa (it is presumed this is referencing Fort Norris). However, officers do not consider that this provides a sufficient balance, as it does not consider the value of this woodland against the restoration of the view. As the woodland forms part of the SINC, and is classified as category B within the submitted arboreal information, officers would give greater weight to its retention than that of the view, which is not considered to be of significant importance to the overall value of the designated buildings, especially considering the impact the overall development of the field would have on the vista from this building, due to the changes in landform. The view would be so changed, the restoration of the ‘gap’ between the tree belts is not considered to justify the loss of trees. It is clear that by the 1957 Ordnance Survey Map that this woodland was well established, and it therefore has some significant ecological and arboricultural value. Planting within this area can be seen as early as 1863.
- 7.136** Officers do however also give weight to the comments of the Isle of Wight

Gardens Trust who welcome the removal of vegetation, where illustrated on the Landscape Restoration Plans (RE1654-Z1-P-L107 and RE1654-Z2-P-L107), to open up and re-establish important vistas throughout the Norris Castle parkland. They state that whilst one never likes to see trees and vegetation being cleared, grand gestures such as these are important to ensure the Repton-designed parkland does not lose its integrity and become too naturalised (similar tree clearance work was carried out successfully at Osborne House to reopen views to the sea).

- 7.137** Historic England have commented that *“The 17 proposed lodges would transform the character of this area. Open fields would be replaced by buildings, an access road parking and extensive walls. While efforts have been made to reduce the impact of the lodges by burying them in the land-form its parkland character would be completely lost; the level of change would be so great that it would no longer be recognisable as a historic landscape. This part of the development alone would entail a very high level of harm to the registered park and garden.*
- 7.138** *There may also be a major impact in seaward views of the landscape. The verified views supplied of view 2 year 1 shows substantial trees which do not appear to be exist at present. A view showing only existing trees which are to be retained would give a better indication of likely impact. It is very difficult to predict how much of the existing tree cover would survive building works. Images showing year 15 should be given very limited weight, as its difficult to predict whether trees planted as part of the development would survive or thrive.”*
- 7.139** The Senior Planning Arboricultural Officer has commented that the four properties within W3 would be achieved through its removal. However, woodland W3 is detailed for retention in the landscape restoration plan. If this is the case the properties in the area of W3 would be shaded and form a perceived threat from the surrounding trees and in doing so result in the clearance of the woodland even if not intended. As such development in this area is not advised.
- 7.140** Certain field properties would extend into the RPA of oak trees 275 and 276, and it is not clear why this is necessary and as such the potential for damage is preventable and unnecessary. Given the size and nature of the field buildings, it is considered that they could be moved a few metres outside the RPA to prevent impact of tree roots.
- 7.141** The removal of trees could also lead to an instability to the slope, as discussed above. It is acknowledged that the submission is seeking to mitigate this with the lodges providing a form of retaining structure, but this level of engineering is not considered to be necessary should the trees simply be retained, and this area not built upon.
- 7.142** The council’s Archaeologist has outlined that impact of the development in the West Field would cause substantial harm to the significance and character of the Grade I Park, and harm to the setting of Grade II listed watering ponds and cattle shelters. The extensive ground works required may also impact on as yet unknown buried features relating the park, designated structures or earlier archaeological deposits.
- 7.143** As outlined above the application seeks to convert the listed field shelters to

provide a further lodge and a security lodge. The grade II northern cattle shelter would be extended to provide a further lodge. The official list description outlines that the historic interest of the cattle shelters is linked to it forming part of a progressive estate within the context of early C19 agricultural improvement, and a landscaped park laid out according to picturesque principles. The northern shelter is constructed of coursed rubble and is currently roofless. The grade II southern cattle shelter would provide the security lodge and has the same list description, with the exception that this lodge has a slate roof. The shelters appear to be one of the 'sheds' mentioned in a set of 1830 sales particulars, by which time the boundary wall was also built: 'One hundred and twenty-four acres, nearly encompassed by lofty and substantial walls...Grounds, paddocks, with sheds, grass land, well supplied with water, and plantations'. The cattle shelters are shown on the 1845 Tithe map and appear on the 1864 and 1898 OS maps.

- 7.144** There is insufficient information to be able to assess the impact from the alterations and change of uses proposed to the Cattle Shelters because no details have been provided, other than an annotation referring to the creation of a lodge with an extension and a security office. These uses are likely to require extensive changes, especially to create the lodge which could severely compromise their functional character which would be harmful to their significance. Historic England have identified that although no details have been submitted *"an extension of the size envisaged in the general arrangement plan RE1654-Z1-P-113 02 would cause a high level of harm to the northern shelter."*
- 7.145** Historic England continue by outlining that *"This shelter was conceived as a useful but ornamental building, its main architectural feature being a pair of symmetrically placed arched entrances. The proposed extension would obscure one of the entrances and much of the shelter's principal elevation. The symmetry which is essential to its architectural qualities would be completely lost."*
- 7.146** The Senior Planning Arboricultural Officer has outlined that the information provided in regard to this aspect of the development is a little confusing, as the report describes the removal of a hornbeam tree but shows it to be retained on the plans. The reason for its removal is said to be because there is to be a new access point in the wall. However, this is not correct as the new road is shown to be north of the southern cattle shed and the tree in question is to the south.
- 7.147** The Northern shed is said to be converted into a lodge and impact said to be minimal. This may be correct in terms of impact during the conversation as the nearest tree is beech T1326 of "B" grade (assessed from site visit as no data is present in the report regarding this tree). Which is located on the other side of the estate boundary wall. The future pressure caused by the crown over hanging the structure has not been considered. As liveable accommodation would bring the issues of perceived threat from the overhang onto the building this should be avoided, and houses should not be positioned under a tree's canopy for this reason. The current use as a field shelter does not put the tree at the same level of risk.
- 7.148** The north of the cattle shed is an "A" grade oak tree. The RPA of this tree is cut

off along the edge of the structure where it should extend through it. This is it is presumed because the walls of the current structure are thought to be a rooting barrier. This is unlikely as such a structure would only have a shallow foundation and not be of sufficient depth to prevent root extension beneath the building. As such it would be necessary to have due consideration to prevent damage during the conversion. As this has not been recognised, no precautions have been considered and root damage to an "A" grade tree are probable.

- 7.149** The submitted information indicates that neither tree has a wider landscape amenity, however *all* the trees of the estate are considered to have collective wider landscape value. As such, there is a concern from officers that the piecemeal removal based on individual assessment such as this could cause the depletion of the wider landscape value as the value of trees of lower public amenity and landscape value are devalued justifying possible loss. It should be noted that the historic park and garden designation is across the whole of the estate and not just the areas that have been laid out more formally and as such features such as the "A" grade oak tree would be considered part of it and contribute to its setting.
- 7.150** This area of the development has the chance of having an adverse impact on two significant trees of high amenity.
- 7.151** The listings for the Norris Estate identify four grade II listed watering ponds. Two of these are located within the West Field, with one within the woodland to the east of the field. As with the cattle shelters, the list description states that the historic interest of the ponds is as a livestock watering pond forming part of a progressive estate within the context of early C19 agricultural improvement, and a landscaped park laid out according to picturesque principles. They are substantial stone-lined ponds finely constructed of coursed and squared stone. They were built in the early C19. There were originally nine ponds situated within the park, of which seven survive in varying states of preservation; some of these were ornamental, others were provided for livestock. The design, with a watering ramp on one side, is likely to have controlled livestock access in order to maintain water quality; if given unrestricted access on all sides of a pond, livestock can erode the edges, muddy the water through wading, add manure, and promote aquatic weed growth. The ponds are described as substantial T-shaped stone-lined watering ponds approximately 8 metres by 9 metres with a watering ramp extending 6 metres on the north side/south side. The squared stone walls are about 1 to 2 metres high.
- 7.152** Insufficient information to assess the impact upon the watering ponds has been submitted, with no details provided. Whilst the proposed works suggest 'restoration' of the listed watering ponds, these are rare and unusual structures sensitive to change and so the term restoration is too vague to make an informed assessment.
- 7.153** The works in the West Field are said, within the submitted information, to be assisting with structural stability of the slope. The Geoconsult comments within the submitted structural information sets out that if additional stabilisation is required (should maintaining the existing seawall, drainage and vegetation be prioritised), it would, from a geotechnical perspective require a comprehensive reconnaissance survey, topographical survey, site investigation and quantitative

slope stability assessment. They do however state that *“if the proposed lodges are to be constructed on this slope, we would anticipate a need for more substantial engineering works than might otherwise be required in the absence of such development. Therefore, whilst the stabilisation proposals outlined by Wilson Bailey would likely be technically feasible (subject to more detailed investigation, assessment, and design), they may not be warranted if the proposed lodges were to be relocated further inland where the landslide threat is less severe...Alternative stabilisation methods have not been considered.”*

7.154 Although officers accept that it may not be possible to relocate the lodges elsewhere on site, due to the designation of the parkland, they also have an impact in the location proposed, and may not be essential should lesser works be necessary. Viability is discussed in more detail in the relevant section below.

7.155 The Council’s structural engineers have commented that the West Field development is also within the geology where there have been recent landslips and extends across the Bembridge Marls and Head deposits. These land movements will continue to affect the area. The nature of the proposal is that the houses are to be ‘sculptured into the landform’, this will by its nature require significant digging into the ground and the use of retaining walls. A full Ground Investigation would be required in the location of each house to determine the extent of the Bembridge Limestone Formation as this is a weaker band with potential for the most movement. This detailed investigation has not been submitted, so it is difficult to establish whether the positioning of the proposed lodges would be suitable.

7.156 In conclusion, the Council’s structural engineers outline that the works to the coastal areas, including the Bathhouse Restaurant and the West Field Development, will require further detailed design consideration to both tidal flood levels and design of retaining structures in relation to both drainage systems a potential further landslip. The interbedded nature of the underlying geology must be explored by further detailed site investigation.

7.157 The works to construct the lodges within the West Field would cost in the region of between £15 and £17.6 million. This is a significant cost, and insufficient information has been submitted to demonstrate that it is providing an essential function for ground stability, which could not be achieved by other mechanisms, or which would be required, should construction not take place in this field. Moreover, the results of ground stability information may change the cost of this element of the development.

7.158 The proposed works within the West Field are considered by officers to result in substantial harm to the Park and Garden and a high degree of harm to the cattle shelters, and would impact on the relationship between the shelters and the watering ponds. Historic England commenting that *“The change in character of the west field from an open agricultural landscape to a resort would harm the setting of both the cattle shelters and the drinking ponds. The north shelter would have car parking hard up against it whilst two of the ponds (list entries 1438968 and 1438971) would be placed among villas. These listed buildings would completely lose their immediate historical context, making it almost impossible to understand them as integral components of a ferme ornée.”* This element of the proposal is therefore considered to be contrary to policy DM2,

DM11 and the NPPF.

Farmstead, including the Walled Garden

- 7.159** The proposals include the conversion of the farm and walled garden would provide 33 spa residences together with a spa and wellness centre and associated facilities including cafe, gym, library, and retail areas. The Farm, bailiff's house, cottage and walled kitchen garden are Grade I listed. The official list description outlines that the reason for the listings includes (but not limited to), its rarity as a rare example of a late-C18 model farm in a Gothic Revival style. Its historic interest along with Norris Castle itself, the farm represents an important design within the context of the English Picturesque movement and an example of the re-emergence of the Castle aesthetic during the Napoleonic Wars (1796-1815) and its architectural interest as probably the grandest example of the open court layout generally adopted for model farms by the 1790s.
- 7.160** The plan form of the buildings is set out within the listing as a regular 'double-E' courtyard plan of interlinked walls and buildings enclosed by castellated walls in imitation of a medieval castle. The walls extend southwards to enclose a substantial kitchen garden with square towers at the angles. The farmstead is arranged around two cattle yards with a horse yard to the north and a stack yard to the south. The bailiff's house occupies the centre of the north-west elevation. To the south-east of the walled garden is a terrace overlooking the valley of a small brook.
- 7.161** It is noted by officers that the list description states that “*Pursuant to s.1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that the C20 concrete footings and feed troughs in the cow house are not of special architectural or historic interest.”. These features do not therefore represent a limitation to any works.
- 7.162** In Historic England's comments they have stated that “*The farmstead is one of the grandest model farms ever built. While there are other examples of model farms in the gothic style nothing else comes close in terms of scale to this vast mock fort.*”
- 7.163** The details submitted for the changes proposed are very limited and there is a reliance on concept drawings. This makes assessment of impact difficult, although not impossible given officers' knowledge of the buildings from site visits. As outline above the application seeks to convert the farm into spa residences, which would be a mix of small studio flats to three-bedroom apartments, and spa amenities including a cafe, gym and ancillary retail units together with an entrance lobby to the walled garden, which would accommodate the principal spa facilities. The spa would include restored glass houses, used as a winter garden and as the entrance to the spa facilities, which would be partially below ground. The walls of the garden would be stabilised through the construction of 13 further spa residences in two storey building set around three sides. It is also proposed to restore the historic grid pattern of the garden on top of the spa, at an elevation of 1.4 metres. Assessing the changes proposed, there are many concerns, which are set out below and separated into the Farm Buildings and the Walled Garden

Farm buildings

- 7.164** As outlined above, the proposal would involve the use of the farmstead for various alternative mixed uses, associated with the spa and wellbeing centre and 20 spa residences. Insufficient information has been received relating to the works associated with these changes of use. Examples include the change from a store to retail use and the barn to gym. Similarly, there are no details of the services proposed to the residential conversions (to include heating, ventilation, waste). These have the potential to create an overtly domestic appearance which would be harmful to the agricultural character of the site.
- 7.165** The proposals seek to infill the façade of all the open fronted structures around the perimeter of the farm with glazing or render. This includes two occasions of extending the front elevation outwards beyond the building line and introducing a valley with a pitch roof in the opposite direction. Whilst the precise details of this work have not been provided, it is possible to ascertain the changes would be dramatic and likely harmful, with the domestic use of these buildings fully evident.
- 7.166** The north-east courtyard would be enclosed to form one for the proposed spa residences. This would permanently change this open space harming the legibility of this part of the farm, with no evidence remaining of how this space would have been originally used.
- 7.167** It is proposed to use a metal frame lining system (with the exception to the Bailiffs House and Workers Cottage). Whilst the use of a breathable board and lime finish would be beneficial to the breathability and performance of the buildings, it would create a very flat, lifeless surface in comparison to the existing finishes which are predominately undulating limewashed or natural stone and some lime plaster over stone.
- 7.168** The historic building record shows evidence of numerous features and with the exception to the occasional relocation of harnesses or retention of stalls, there are no details how these would all be retained (for example, diamond section wooden bars, boarded stalls, hay racks, cast iron vents, stone drainage gully, wooden ventilation hatches, plank and batten doors with ventilation slots). This would result in the potential loss of fixtures and fittings. Even those to be retained or relocated, would be difficult to appreciate or understand because of their different context within a residential conversion.
- 7.169** Historic England's comments outline that they consider that *"the proposal to convert the farm buildings into a series of apartments would entail a high level of harm to its significance. All the historic interiors would be lost, making it much more difficult to understand how the complex and interrelated processes that went on in the farm were intended to function. The agricultural character of the place, which gives it much of its interest and charm, would be greatly eroded. The demolition of the pigsties (adjacent to building 9) would also be harmful. These original features which were an important part of the way the farm worked (the sties were next to the cattle shelters as the pigs were fed partly on waste dairy products) would be replaced by café seating and a glazed shelter that would not be particularly agricultural in its appearance. The infilling of courtyard*

B would obscure shelter shed 4, with its distinctive arched openings. The coach house doors in building 1 (courtyard A) would be replaced by new doors with glazed panels that would compromise the agricultural character of this building.”

- 7.170** As with the Castle there are no details of the repairs proposed which would be substantial given the poor condition of the buildings and the likely structural works that would be required, all of which would have a major impact upon the historic fabric. Whilst the principle of repairs is accepted, these details form an integral part of the works. Without this information an informed assessment cannot be made.
- 7.171** There are also no details of the treatment to the ceilings/underside of the roofs, which are likely to require thermal upgrades, or details proposed for the floors, which comprise stone flags/setts or brick pavements and some earth. As a result, an informed assessment of impact cannot be made.
- 7.172** In instances where windows are proposed in some elevations, these are different from existing windows. This would harm their proportions and appearance and the uniformity and relationship with the windows in the adjoining buildings.

Walled Garden

- 7.173** In an appreciation of significance Historic England have stated that *“The attached walled garden is closely linked to the farm both visually and practically. It makes a key contribution to the farm’s visual impressiveness: its crenelated exterior mirrors that of the farm, creating a single entity of gargantuan proportions. Its position next to the farm continues the theme of factory-like efficiency. Cultivating it was dependent on the plentiful supply of manure from the farm. Vine houses and heated pit houses made use of the latest technology to produce exotic fruit and vegetables. The sheer size of the garden is unusual and emphasises Seymour’s obsession with productive gardening.”*
- 7.174** The proposal seeks to construct a further 13 spa residences within the walled garden, along with the sunken spa treatment room. The design and access statement outlines that the spa would use the underground voids “thought” to exist for heating and drainage ducts. Officers have significant concerns that an element of the scheme is reliant on something that is “thought to exist”. The document continues by setting out that *“the precise extent of below ground structures such as service trenches is not known prior to investigation”*. As this is a Grade I listed building it is essential to understand the potential harm to existing features which may be within the voids before any works underground are considered acceptable, especially considering the scale of the works proposed below ground in this instance. There are no floor plans for the spa, and this appears to be a concept at this time. However, this element of the scheme is full and therefore full details would be required, for both the planning application and the listed building consent.
- 7.175** Historic England have outlined in their comments that they consider that *“Converting the walled garden into a spa and apartments would entail a very high level of harm. This area is heavily overgrown and the glass houses that once stood against the northwest wall and cold frames that stood within the*

garden have collapsed. However, this is a space that has been neglected, rather than lost or changed, and could be restored relatively easily.”

- 7.176** The residences would be two storeys with a flat roof that would terminate either at the top of the wall but below the height of the merlons or above the wall. There are different drawings illustrating both scenarios. There would be a first-floor viewing platform to the rear to provide views of the landscape and there would be a 1.2 metre space between the rear elevation and the garden wall. The sunken spa would be below the glass houses and pit houses and there would be a raised garden on top of this structure.
- 7.177** The embattled wall of the farm continues around the perimeter of the walled garden, embellished by taller square corner turrets. The enclosed space of the walled garden is a considerable size, and it is highly unusual being attached to a model farm. The land slopes away to the rear of the site meaning the side perimeter walls increase in height until they reach the rear southeast wall, which is notably lower. The kitchen garden performed a critical role to the estate and whilst the castellated wall is most notable as part of the landscape setting, the sheer size and dominance of the walls is impressive when viewed in close proximity from within this enclosed space.
- 7.178** The proposed spa residences appear in the section drawings to project above the height of the walls, but below the walls in the concept sketches. As a result, making an informed assessment of impact is difficult. Furthermore, the submitted details illustrate the height of the wall and the houses to be the same on all three sides (external sides) of the walled garden. Critically the southeast wall is lower than the other walls, purposely designed this way to avoid casting too much shade. This means the drawings are incorrect and if the residences/houses were as high as shown, they would project well above the southeast wall. This would represent serious harm to the appearance of the walled garden, the farmstead, and the parkland. Having any building visible from the outside of this impressive enclosure would compromise its architectural integrity.
- 7.179** Regardless of height, the houses are shown to be two storey and would obscure the wall around their positioning. The walls of the gardens are seminal to the significance of the listed building and the scale of the proposed dwellings would result in significant harm. Concerns are also raised with regards to the depth projecting into the open space of the garden and the design of the bracing and resultant space between the wall and rear of the houses. Furthermore, the justification for the housing is to structurally support the wall, avoiding buttressing, yet buttressing is still proposed on a submitted drawing. Whilst no specific details have been provided for the structural invention, this alone would not justify the harmful impact from the housing.
- 7.180** Historic England share the above concerns, their comments stating that *“The apartments would markedly reduce the open area of the garden, making the vast scale of the space, less apparent. Furthermore, most of the garden walls would be obscured. This would cause the garden to lose much of its character and it becomes much more difficult to understand how it was intended to function.”* They go on to raise concerns that *“The remains of the glass houses and cold frames would be replaced by the underground spa buildings. While*

entrance to the spa would retain a semblance of the appearance of the green house and the roof lights mimic that of the cold frames true form, and an understanding of the function of this important aspect of the garden would be lost.”

- 7.181** There is insufficient information relating to the subterranean spa with no plans submitted showing the floor plan/layout, the external appearance (elements would protrude above ground level) and uncertainty regarding the impact upon historically important features associated with the heating and drainage ducts for the glass houses and pit houses that are likely to be present. The extent of excavation is likely to cause harm to these features integral to the design of these buildings and so a fully informed decision on this matter cannot be made until the precise extent of below ground structures and how the works would impact upon them is known.
- 7.182** As well as issues associated with the listed buildings officers also have concerns with regards to the impact on trees from the proposed work within this part of the site. The walled garden contains a number of fruit trees, some self-seeded and others that would have been part of the garden when in use. Given the state of the garden and the trees within it is possible to consider that their removal would be acceptable, but any landscaping after development of this area should reflect its history and past use.
- 7.183** To the south-east of the walled garden is a raised area which has also suffered neglect. It has several large holm oak trees, oak trees and also fruit trees along with many self-set trees. It would appear that the manner in which the holm oak and fruit trees have been planted was intentional landscaping of the raised area. The self-set trees within the intentional planting are cause crowding and poor growth patterns. The larger holm oak trees have been pollarded in the past to maintain size but have been neglected for several years. The submitted information indicates that the trees of this area are to be removed due to the damage they are causing to the wall and their loss to be mitigated elsewhere. It is also indicated that the holm oaks are moderately prominent specimens, but only within the Norris Estate and are not visible from longer ranging views across the landscape. From inspection these trees are a landscape feature and are seen from several points on the eastern side of the estate and would have formed part of the listed garden register for Norris Castle.
- 7.184** Whilst the deterioration of the wall must be arrested, it should be noted that the planting of this raised feature of the Farmstead was intended and the removal of trees would remove its purpose. The deterioration could be better managed by the pollarding of the Holm oak, as done in the past, and in doing so reduce root damage to the wall and by removing the self-set trees such as the young holm oak trees growing against the garden wall and other ash and sycamore which due to their closer proximity are more likely to be causing the damage. The fruit trees such as the mature pear and apple trees seen in the area should not be removed as these would be the remaining vestiges of the garden's use and also provide significant environmental benefits due to their age and species. In removing the self-set and poor-quality trees and managing the remaining trees as has been done in the past, it would make these trees an even better landscape feature and retain the character and setting of the Farmstead.
- 7.185** The Council's structural engineer has outlined that *“the Farm area the structural*

works proposed to the existing buildings are not of a significant structural nature and consideration has been given to retaining much of the structures and simply adding removable 'lean to' type structures. The works proposed within the Walled Garden are of a more intrusive nature to the existing structures. The construction of the new residences near the boundary wall have been proposed with consideration to the wall and include structural ties to restrain the wall, however detailed design and sequencing of the foundations for these structures will be required in relation to the shallow footings of the existing wall. The proposed buttressing of the boundary wall will also require detailed sequencing. The proposed underground Spa is noted to be utilizing the existing subterranean structures, these will need a full structural assessment prior to any design as their full extent and condition is unknown. Any additional digging near the existing walls will require detailed assessment in relation to both the ground conditions and sequencing of works."

- 7.186** The applicant's structural engineers have provided a rebuttal to this, suggesting that the council's engineers have failed to understand the proposals, as they state *"that the proposals are to buttress the Farmstead and Walled Garden walls. Their understanding of the proposals is not correct. On page 114 of the Design and Access Statement the strategy for supporting the walls, which have minimal foundations, is set out."* However, the page referenced in this comment show the use of buttresses, as do the cross sections on page 118. It is acknowledged by the council's engineers that structural ties are also being used, as part of a combination of methods. The applicant's engineer later confirms this by setting out that *"Two buttresses only will be located on either side of the southern entrance into the Walled Garden. [therefore, confirming buttresses are proposed]...HLS has misunderstood the proposal and assumed that this buttress scenario is the application proposal, which it is not."* Officers therefore do not consider it is reasonable to suggest that their understanding is not correct, or that there has been any misunderstanding. A combination of methods would be used and this is referenced by the council's engineers (HLS).
- 7.187** The Isle of Wight Gardens Trust have raised concerns in respect of the proposed 13 units within the confines of the Walled Garden. They consider that *"the justification of these being required for structural reasons appears unwarranted. The 'Viability Assessment – Appendix E' at 4.0 states that 'where the centre of gravity of the wall lies outside the middle third of its base section', there is 'no alternative other than to rebuild these sections' as they are 'unstable and cannot be remedied'. This being the case, as demonstrated by the Gurney Consulting Engineers accompanying survey sections and elevations, significant areas of the wall will need to be rebuilt and cannot be saved by structural additions, whether this is a buttress or new buildings. These drawings also illustrate that sections of the wall are not leaning, suggesting that parts of the wall do not require structural additions. On this basis, we estimate that the remaining leaning parts of the wall which do require some form of structural support are limited, and at most would require approximately 11no. buttresses in total (at the suggested 7.5m spacing) and not the 44no. as argued. Clearly, 11no. sympathetically designed and constructed buttresses, whilst far from ideal, would be a far less imposing than 13no. 2-storey buildings, considering that buttresses are often part and parcel of historic walled gardens. This is at odds with the 'Heritage Impact Assessment', which states at 4.4.4 'The works are also considered to be less invasive and more sensitive than the provision of a series*

of large, traditional buttresses'. We are also concerned about the height of these 13no. buildings. Whilst no dimensions are shown on cross-sections, one can assume that the proposed buildings would be circa 7.5m in height, which would exceed the actual height of the grade I listed crenelated walls. The Gurney Consulting Engineers survey sections at Appendix E of the Viability Assessment show the height of the SW and NE walls to be between 5-7m, and the SE wall to be between 4.2-4.8m in height. Clearly this is unacceptable, for the proposed buildings would not only obscure the crenelated wall but they would be visible from outside of the Walled Garden, within the wider park. We are also concerned about the changes of level within the Walled Garden as a result of the partially submerged Spa, which raises a platform level and thereby further changes the character of this unique space."

7.188 The council's Archaeologist has stated that the development within the walled garden of the Grade I Norris Castle Farm has potential to impact upon archaeological remains relating to the walled garden. Granting consent may preclude preservation in situ of features of significance within the walled garden, where new buildings and structures, new planting scheme etc. are proposed, and therefore significant features could be lost.

7.189 The application contains insufficient information on the impact on important features within the grade I listed building and those works that have been specified would reduce the visual relationship between the wall and the garden and the form of the farmstead. This would in turn result in a very high degree of harm to the listed building and its setting contrary to policy DM11 and the NPPF.

Modern barns

7.190 This element of the scheme would see the demolition of a large atcost barn. The modern barn is located close to the Farm and is a prominent feature in views out from the farm towards Fort Norris. The barn would be replaced with 18 town houses (said to be serving the spa), four farm workers cottages/resort residences and a car park providing 107 spaces. Another existing barn would be converted to provide a buggy store. Whilst the impact of the modern barn is harmful within the Park, officers consider that replacing this with three storey dwellings with an appearance reflecting townhouses would not represent an improvement. The number and scale of dwellings proposed is considered to be unacceptable and their character incongruous within a rural landscape. These dwellings are proposed to be three storey in height, which would sit higher than the existing barn. The submitted floor plans show that the ground floor of the buildings proposing a space for a games room/gym/cinema, together with four bedrooms over the remaining floors and a large lounge, kitchen and dining room. This is not considered to be essential to the provisions of a dwelling to justify the scale being sought.

7.191 Combined with the provision of the car park, the dwellings would introduce residential development immediately in the heart of the agricultural setting of the farm and adjacent one of the listed stone lined watering pond, harming its significance. The presence of the trees would help mitigate some of the impact, but they would not screen the development sufficiently to avoid harming the setting of the farmstead. Officers consider that the submitted wireframes confirm this impact. On balance, there would be less visual harm from the retention of

the Atcost barn, with its utilitarian appearance reflecting the agricultural use of the site, or for it to be simply removed and the land it occupies suitably landscaped.

- 7.192** Historic England have raised similar concerns outlining that *“As view 5 of the verified images shows the proposed buildings would feature much more prominently in views across the landscape from the west drive than the existing building. These views are currently characterised by glimpses of the grade I listed farm, as the barn itself is low and visually recessive.”*
- 7.193** The units have been designed as ‘townhouses’ with reference being given to a scheme in Cliveden (Buckinghamshire). However, Cliveden is a mansion, which was built as a hunting lodge. It is not a farm therefore the settings of the two buildings are very different. This design approach and scale is not considered to be suitable in this setting. No buildings on site have a ‘classical’ appearance and officers consider that cues should have not been taken from a different scheme in an entirely different setting. Historic England have commented that *“if built, the residences would be much more assertive and draw the eye rather more than the farm. These buildings would add to the sense of suburbanisation of the landscape and would thus be harmful”*. The only elevational details of these units provided are the front elevation of a terrace of four, entitled ‘part elevation’. As a full application this is not considered to be sufficient information and detailed elevations for each unit showing all sides of the building should have been provided, especially considering the listed status of the site.
- 7.194** Insufficient information has been provided on the four farm workers cottages to enable a detailed assessment to be made. Based on the details submitted, they are likely to have less visual impact than the modern barn residences because of their number and location amongst the trees which would help mitigate their impact. However, their presence would result in the loss of woodland and introduction of new development with associated domestic paraphernalia within the Park that would represent a degree of harm to the protected landscape.
- 7.195** These units would appear to result in the loss of part of W4 woodland. A ‘B’ grade woodland which consists of prominently oak trees, but also some ash and sycamore. The group is assessed as being of moderate quality and value and of long-term potential. Works to facilitate the development of these four units is not identified with in the arboricultural implications report but is indicated within the ‘detailed general arrangement’ plan. These units would have a significant impact on trees, which has not been assessed or considered within the application submission. Officers consider that the harm to the setting of the park would be unacceptable.
- 7.196** The council’s Archaeologist has again raised concerns that the impact of the development in the area of the modern barns (new build resort residences and parking) will also impact on the significance of the Grade I park. The introduction of 3 storey townhouse style buildings would seem wholly inappropriate in the rural parkland setting of a Grade I designated landscape.

- 7.197** This field is located just within the entrance off New Barn Road. The submitted documentation considers this field to be outside of the ‘true’ Norris Estate, as it sits outside of the walls. Whilst this field is outside the walled Estate enclosure, the inclusion of this land within the estate and introduction of the South Lodge in the early twentieth century, it has become an important part of the Estate, recognised in its inclusion within the Registered Park designation. This field, along with the fields to the southeast of the farm, form an important buffer that protects the setting of the Registered Park and the Farm.
- 7.198** Historic England have commented that the land “... ensures that the park is set in and approached through a rural setting, that it is experienced as part of the countryside of the Island rather than a pocket of rurality within east Cowes. As East Cowes has expanded during the 20th century this land has become more important, it is now all that separates the parkland from the surrounding suburban development.”
- 7.199** The application seeks to construct 15 four-bedroom houses within this area of the site. These are all very large units and although three different unit types are proposed there is limited variety in respect of scale and mass. The design and access statement suggests that these units are seeking to meet a local need, however, officers consider the mix is entirely wrong to achieve this. This point is discussed in more detail in the socio-economic section below.
- 7.200** The encroachment of this scale of development from the west, into this field, would harm the significance of the park by introducing an incongruous development and removing the verdant backdrop to the Estate, harming its setting. There are also concerns regarding the scale, mass and design of the units but given the harmful impact upon the setting of the park outlined above, seeking amendments would not overcome these concerns.
- 7.201** Historic England have raised concerns that “*The proposed housing would harm the significance of the park as it would bring suburbanisation right up to the park wall, compromising its rural setting. The sense of approaching a park through open countryside would be lost. The visualisations supplied (view 7) also underestimate the impact of these houses as the tree planting shown in years 1 and 15 is over-optimistic. Even if the planting is successful in eventually obscuring these buildings replacing an open approach where the wall is clearly visible and there is a strong sense of approaching a park with an entrance hemmed in with planting would degrade the aesthetic qualities of the landscape. Furthermore, this land would no longer be recognisable as once part of Seymour’s landscape, and thus its historic interest would be lost.*”
- 7.202** Furthermore, Historic England have raised concerns in their comments that “*Placing housing on the south-west field would surround the lodge [South Lodge] with residences and cut it off from the park. Separating the building from the park it was intended to guard the entrance of makes it much more difficult appreciate the purpose of the building, greatly diminishing its significance.*”

7.203 The proposal includes the repair and restoration of the Pumphouse and its conversion to a clubhouse. It is a simple utilitarian building located between the Castle and Farmstead. It has been used to supply fresh water to the estate, a critical role. It is also likely to have been used as a Rookery with references on the OS plans to this use. The building is a Grade II listed building in its own right and the official list description outlines this is due to its rarity as a relatively rare surviving example of an early C19 pump house on a villa estate, its historic interest as an important component to the working of the Norris Castle estate, providing a water supply to the house, farm and ancillary buildings within the landscaped park and its fixtures and fittings for the notable survival of a mid-C19 cast-iron hand pump and late-C19 double cylinder pump. The building is a small single storey building with a hipped slate roof and a single bay extension at the east end, thought to be added prior to 1845. It is constructed of coursed rubble with a red-brick water tank and slate roof coverings. Due to the use of the building, the north-west, north-east and south-east elevations are blank.

7.204 As outlined in the list description, original fixtures and fittings remain inside the building. The listing contains the following details about the interior of the building: “the main part of the building, at the west, has latterly served as a coach house. It is covered by a king-post roof with wrought-iron straps and dragon ties and contains a well set into a flagstone floor. There is a blocked doorway in the south-east wall. The single bay extension contains two hand pumps; a mid-C19 cast-iron hand pump inscribed ‘J. TYLOR & SONS LONDON’ mounted on a wooden plank attached to the north-west wall, and a late C19 double cylinder hand pump inscribed ‘CLEMETS JEAKES & CO. 51 GT. RUSSELL ST. LONDON’.

7.205 The submitted details include written references to the building having “*minor alterations to provide a new use, which are likely to result in a minor impact, and a low level of less than substantial harm, through some alterations to historic fabric and a change to the character and use of the listed building*”. However, no information has been submitted (floorplans or elevations) showing the works proposed. Therefore, insufficient information has been submitted to make an informed assessment. Officers therefore consider that this element of the development to be contrary to policy DM11.

7.206 In respect of the developments within the estate as a whole the council's Archaeologist has raised concerns that the impact of development upon areas of unknown archaeological potential, including development along and adjacent to the foreshore, (Sentinel buildings, boat house, slipway at harbourside), within the Norris Estate (e.g. dwellings in southwest field and associated infrastructure, lodges in the West Field), and residential development within the Springhill Estate. Further assessment and evaluation would be required and due to the scale of development this would require a significant programme of archaeological investigation which may be costly. A generic set of archaeological mitigation has been suggested in the submitted desk-based assessment, but the assessment is not sufficiently detailed and there is no specific consideration of archaeological investigation of areas of development such as the walled garden or parkland to further understand how these heritage assets may be impacted.

Park and Gardens

7.207 The application includes works to restore the registered park and garden, including the restoration of the circular drive and the reinstatement of carriageways around the Estate. The grounds presenting approximately 60 hectares within the application boundary. The Park and Gardens are Grade I listed (officers consider it noteworthy that Osborne House gardens are Grade II* listed). The official list description sets out that the reason for the designation includes (but is not limited to) its rarity as an exemplar of a Regency marine villa estate. Its authenticity as a well-preserved, essentially single-phase, designed landscape with the overall layout remaining largely in its entirety and there have been few changes or alterations representing a high degree of survival. The designer, Humphry Repton being one of England's greatest late C18 and early C19 landscape designers, is likely to have been involved in the design of the landscaped park. Vistas and external views for the manner in which the landscape appropriates the natural topography, and for the controlled views along the approaches, as well as the commanding view of the Castle, in its setting, from the sea and its historic association as an estate closely linked to the C19 royal family in which The Prince Regent, Queen Victoria, Kaiser Wilhelm and the King of the Netherlands visited. The designation and the park and garden is also closely linked to its relationship with the listed buildings within it.

7.208 The application has been submitted with indicative plans to show how the 'structure' of the existing landscape and character would be "improved" through the reinstatement of views by removal of vegetation, by the replacement of some planting for the long term, by the management of grasslands and by the restoration or reinstatement of some landscape 'set pieces'.

7.209 Historic England have raised concerns that "*The indicative design for the pleasure garden RE1654-Z1-P-L106 01) shows something much more elaborate than Repton's original design, with an additional pond, a maze, sculptures and a folly, all of which are alien to the original concept. Much of the proposed planting, for instance the wildflower meadow and clipped box and beach has little in common with a Reptonian pleasure ground. The proposals therefore would cause a degree of harm by confusing the original design intention here.*"

7.210 The supporting information sets out that the principal restoration works include the thinning of secondary woodland (along the coast) to restore views at the coast, management of ancient woodland (according to a Woodland Management Plan) to improve its quality, health, age composition and amenity value. Replanting of lost tree belts such as west of the Castle and north of the Farm (as shown on historic maps). The restoration of the pleasure grounds, including exotic species, and informal arrangements of meadows, naturalised bulb planting, shrubs and informal footpaths with seating. The semi-improved grasslands currently have low floristic diversity. These would have enhanced diversity of species to add visual and biodiversity interest, principally through altering the management regimes. Mown grass and gravel paths would link to restored carriage drives and other access routes to provide circular walks and access. Hedgerows would be reinstated in selected locations to, it is suggested, assist with habitat enhancement and connectivity and to compartmentalise the landscape, where field boundaries previously existed.

7.211 The driveways would be cleared of vegetation, where this has encroached, as

necessary, and resurfaced to create a durable un-kerbed driveway. The section between Fort Norris and the Resort access road would be cleared to restore the alignment and a gravel footpath provided. The new access route from the Esplanade would it is said restore the historical clockwise approach to the Castle with its series of designed “dynamic” views aimed at a controlled reveal of the Castle and Solent. The new proposed access is discussed in more detail below.

- 7.212** The principle of the restoration of the park and gardens is supported in principle and the Isle of Wight Garden’s Trust have applauded the level of research that has been undertaken by the various consultants as presented within the application documents which recognise the historical significance of the parkland. The ‘Assessment of Significance’ report rightly identifies the majority of the Norris registered park and garden as either of Very High Significance or High Significance.
- 7.213** The Trust welcome the aspiration to restore the parkland at Norris (and at Springhill), in keeping with their separate, intrinsic characters, by managing existing landscape features, removing naturally colonised vegetation, carrying out extensive replanting, and introducing long-term management regimes. The ‘Heritage Landscape and Ecology Management Plan’ (HLEMP) recognises the importance of the unique landscape at Norris Castle and provides details on the management, restoration and enhancement of existing and proposed hedgerows, woodland and trees, grassland areas, ponds, carriage ways and stone walls. However, they have also outlined that they believe the planning application is missing key information, and the material provided in respect of the landscape proposals is often vague and non-committal. There is no information about proposed planting species or the sizes at which trees and other vegetation is planted. There are no external lighting proposals, nor do any of the submitted plans include external levels or an indication of how proposed buildings integrate into the existing topography, the Castle itself, or within the West Field.
- 7.214** Officers therefore consider, that while the principle of the garden restoration works are supported, there is not sufficient detail. Furthermore, as outlined in the relevant sections above, the impact on the proposed works on the park and garden is significantly greater than could be mitigated by the proposed restoration works.

Access

- 7.215** The application includes the creation of a new access off The Esplanade. This is discussed in more detail below in respect of the highway considerations associated with this access and the internal layout. However, due consideration has also been given to the impact of this to the character of the area and the listed buildings.
- 7.216** The access would pass through the Springhill Estate (discussed below) and enter the Norris Estate through a new opening in the boundary wall, close to the southern field shelter. The route would join the carriageway drive at its north-western arm. Although the removal of a section of wall and the road itself would result in an element of harm, officers accept that to facilitate development of the estate a new access is necessary, as the existing route off New Barn Road

would not be suitable for the increase level of traffic generation associated with the development of the site.

- 7.217** The Isle of Wight Gardens Trust have raised concerns that about the highway impacts on the parkland at Norris and Springhill. New roads, designed to meet highway standards required of emergency and refuse vehicles (wide roads or with frequent passing places and vehicle turning areas), would carve through the landscape, and would not only be highly visible but would cause undue harm to the intrinsic landscape character of the RPG and locally listed park.
- 7.218** The proposed access point is within East Cowes Esplanade Conservation Area. The appraisal identifies this area as being a quiet and unspoiled esplanade and notes the setting to the south (which includes Springhill) as green and predominantly treed. The provision of the access into these sites would dramatically increase traffic generation in this area, resulting in a busier character within the conservation area.
- 7.219** Concerns have been raised in respect of the access point by both the Environment Agency and the council's Geomorphologist. The Environment Agency have commented that *"The principal entrance to the site is via The Esplanade, which is subject to a 'No Active Intervention' Policy from 2026. The feasibility of using this route as the principal access should therefore be considered. As there is an alternative access to the site, we have not raised an objection as a result of a lack of information on the flood characteristics associated with the principal access. However, the implications for the ability of the site to function as intended when access to the Esplanade could be increasingly frequently flooded, and at risk of loss to coastal erosion, should be considered. Any proposals to safeguard the access route will be contrary to the NAI policy and the impacts should therefore be fully considered before making a decision on any such proposals."*
- 7.220** As the alternative access referenced is New Barn Road, which would not be acceptable to serve the whole development, officers have concerns over the proposed access, as it may not be usable for the lifetime of the development.
- 7.221** The applicant's revised Flood Risk Assessment says that *"There is no known history of flooding across the Site."* This summary is not correct, as the Esplanade part of the site does have known occurrences of sea flooding. The FRA continues *"Parts of the Esplanade in the north-western corner of the Site are also located within Flood Zone 3, equating to land flooding from the sea at least once every 200 years. The tidal floodplain is based on an assessment which ignores the presence of flood defences, such as the existing coastal wall adjacent to the Esplanade. Practically the sea wall would need to either fail or be overtopped prior to flooding of the Esplanade occurring."* That assessment is also not correct, as sea flooding of the Esplanade already occurs during high tide events. This issue is also not raised in the conclusions of the FRA. Furthermore, in Appendix J of the FRA (Coastal Flood Risk Assessment) the mapping does not appear to cover the East Cowes Esplanade area of flood risk. In the Flood Emergency Plan, the flood risk to the Esplanade area is visible within Figure 2, but this plan also incorrectly assumes that *"The Esplanade, which is located to the north-west of the site is the primary access route for the Norris Castle development. Currently there is a sea wall adjacent to the*

Esplanade which has an identified level of protection approximately equal to the present day 1 in 1000-year event. However, this level of protection will decrease over the development lifespan as climate change impacts raise the estimated peak sea level elevations." This perceived protection is not correct and the intermittent sea flood risk occurring in this area from the current day onwards on the proposed principal access road is not further addressed in the Flood Emergency Plan.

- 7.222** The Geomorphologist recommends that if the developer wishes to use this esplanade road access route, which is expected to be lost, it is recommended that they should pay the full cost of (and undertake) the seawall refurbishment/improvement required to provide an adequate design life and standard of protection for the seawall, protecting the lengths of the esplanade road they wish to use (not just the sections within the current red line), and for the full lifetime of the development (addressing both erosion and sea flood risks to the road). This should also include works to any additional lengths of seawall required to defend the proposed properties in the Springhill area for the lifetime of those developments (including the proposed Springhill Senior Living, which would become perched on an actively retreating cliff top/coastal slope without any intervention, and vulnerably located). This would all be subject to seeking and securing the required approvals. The adopted coastal policies in the West Wight Coastal Flood and Erosion Risk Management Strategy (2017) and Isle of Wight Shoreline Management Plan (2011) are clear that this ageing seawall replacement/upgrade is not due to occur at public expense, and that coastal change is therefore expected and has to be factored into decision-making. As context, the first version of the Shoreline Management Plan published in 1997, 25 years ago, also stated that there was insufficient development to warrant coastal defence throughout this unit.
- 7.223** Such works would simply not be economically viable, when the scheme already results in such a significant conservation deficit. This therefore raises substantial issues in respect of the principle of the acceptability of the proposed access road.

Springhill – Outline

- 7.224** The Springhill Estate would provide an access road into the site from the Esplanade and the Outline element of the scheme for approximately 105 units together with sustainable drainage features, such as swales and landscaping.
- 7.225** The proposed access road into the site from the Esplanade would enhance an existing entrance to a Southern Water pumping station. The road would continue past the entrance to the pumping station and would travel through the site, with smaller entrance points into the proposed housing parcels. The road has been designed as a single track with passing places as it is said in the supporting information that it would follow and tuck into the contours of the landform.
- 7.226** Springhill is a locally listed park and garden, and is highly visible from the seascape and Cowes, due to the topography of the land and the foreground views available across Cowes Harbour.
- 7.227** The parkland is locally listed and the Trust outline that the aesthetic interest of

the Springhill landscape is of group value because of its juxtaposition to Norris Castle which in turn lies to the east of Osborne (Grade II* RPG) and Barton Manor (locally listed parkland). The four estates make up a block of undeveloped parkland close to the Solent coast, all except Springhill being within the Isle of Wight AONB. The Norris Castle and Springhill estates were both carved out from pre-existing agricultural holdings in the 1790s. The landscape at Springhill may have been similar to that of Norris Castle in combining ornamental qualities with an emphasis on cattle farming.

- 7.228** Together with the works to the road the outline elements of the scheme for housing would be incorporated within the Springhill Estate. These are split into four parcels:
- P1 - 55 senior living units
 - P2 - up to 25 dwellings (21 houses and 4 apartments) and 25 space overflow car park
 - P3 - 17 dwellings (13 detached and 4 apartments)
 - P4 - 8 dwellings (6 new, 2 conversions).
- 7.229** The planning statement sets out that parcels 1 and 2 are sited to connect to East Cowes' built-up area, parcel 3 is to the immediate south of the Southern Water pumping station and parcel 4 lies within the curtilage of the Springhill Farm's existing buildings.
- 7.230** P1 is located close to the entrance of the site, off the Esplanade and would provide a senior living scheme (C2) providing up to 55 units, together with supporting facilities. The buildings would have a total GEA of 8,129m², comprising a mix of three blocks of 2-3 storeys with height parameters of 12 metres, with landscaping and dedicated parking. No elevations have been submitted, but the scale of the units is indicated by the wireframes, submitted as part of the verified views and visibility study, which shows, at year one, that the roof of these buildings to be visible between the tree belt, when viewing the site from Cowes. By year 15 and the establishment of the landscaping, the assessment suggests that a few roofs may just be visible above the trees. Due to levels this would appear from the visuals to sit significantly above the height of Shore Cottage, which fronts the Esplanade.
- 7.231** Existing development along the Esplanade, including Shore Cottage and the Grade II listed Coastguard Cottages and Solent View are all small scale two storey buildings. There are larger properties on Cambridge Road, which sit side on to the Esplanade, and large industrial buildings on Columbine Road, the character of the area notably changes as you travel along Albany Road and the Esplanade.
- 7.232** Officers consider that the visual presence of a building above the tree belt in this location would be harmful to the East Cowes Conservation Area and the setting of the Springhill Park. The visuals consider the impact from the other side of the river, but not from the Esplanade itself, when the observer would be closer. Although there is a tree belt between the proposed blocks and the Esplanade, the main trees within this are macrocarpa which due to their form do not provide much screening. The landscaping behind these trees would also not screen the trees in the winter months and therefore the building would be highly visible and

dominant from the Esplanade. Furthermore, it is noted that the proposal would seek to thin areas of this tree line, which would potentially increase the visual prominence further.

- 7.233** The Esplanade at this point is undeveloped and characterised by the tree line. The presence of buildings behind this would be harmful to the character of the Conservation Area.
- 7.234** The Council's Geomorphologist highlights that the application has indicated that they wish to protect some sections of the Norris Castle Estate from risks of coastal erosion and slope failure behind a failed sea wall. However, similar risks will be faced to the west of Old Castle Point in the area of the Springhill Estate, where the applicant proposes to locate new buildings, including the proposed Springhill Senior Living development, at the top of what is expected to become an actively eroding and retreating cliff line/coastal slope. There does not appear to be any consideration of this risk, which would be essential to consider for the full lifetime of all the developments in the Springhill area (and the access and infrastructure routes).
- 7.235** In a response to concerns raised by the Geomorphologist during the originally consultation period the Planning Agent responded stating that *"We accept that we had not paid adequate attention to coastal flooding in the Esplanade and the fact that this stretch too will be a "no active intervention" area from 2025."* Although a revised Flood Risk Assessment has been submitted the risks identified have not been addressed or upgrade or build coastal defences in this area and to maintain them for the lifetime of the development. In the absence of a suitable Sequential Test or Exceptions Test, the proposals are considered to fail to comply with the requirements of the NPPF, or policy DM14 of the Island Plan.
- 7.236** P2 would run along the eastern boundary, adjacent to the Waverly Caravan Park. This area would include a 55-space overflow carpark and up to 25 dwellings, comprising an indicative mix of 21 houses and four flats. The planning statement suggest that these would be of 2/3 storeys, with the parameters plan stating a maximum height of nine metres. Again, no elevations have been provided, but wireframes show indicative scale within the visual assessment. The wireframes and supporting assessment indicate that at year one housing may be partially visible through gaps in the existing tree belt and along the site boundary, which would be supplemented with new planting. The 15-year assessment suggests that this housing would be "largely screened" by existing and new planting.
- 7.237** The proposed car parking spaces would run around the edge of a curved road, which would be screened by a tree belt, following the curved shape. The need to provide such a substantial level of screening is considered to be an indicator that the car park would be harmful.
- 7.238** The proposed housing would sit behind the car park. The proposed layout would result in quite a dense form of development for a parkland setting and its visibility from the Esplanade and the opposite side of the river would harm the character of the area.
- 7.239** P3 is located adjacent to the Southern Water pumping station, along the

boundary with the Norris Estate. The proposal seeks up to 17 dwellings comprising an indicative mix of 13 detached houses and four flats, occupying a GEA of 929m² and of a maximum height of 12 metres.

- 7.240** Due to the proximity to the Norris Castle these units would be visible from the Norris Estate wall and would be visible behind the northern cattle shelter, with the larger units within the layout being proposed closest to the boundary.
- 7.241** The proposed units in this area would impact on both the setting of the Springhill locally listed park and the Norris registered park and gardens.
- 7.242** P4 includes Springhill Farm and would provide up to eight dwellings, six new builds and two conversions. Springhill Farm is currently a small group of buildings which provided a practical purpose when Springhill was used as a farm. The proposal would seek to remove inappropriate extension to existing buildings, convert the former agricultural buildings, such as the stable block and insert new buildings within a similar built area, following the pattern of development. As well as the built form, the orchard and kitchen garden would be restored.
- 7.243** Officers consider that these units would sit comfortably within the context of the existing building and subject to design would enhance the existing setting of this part of the site. Although the southern cattle shelter would sit close to these buildings, there is an existing relationship with the farm complex and the small-scale development of this part of the site is not considered to be harmful.
- 7.244** With the exception of those houses proposed in parcel four the proposed residential units and access road would result in dramatic change in the parkland setting of the estate, eroding its verdant character, and harming its significance. Whilst the trees and hedgerows are unlikely to represent a conscious design, they provide an attractive parkland setting for the house and farm at Springhill and this would be compromised by the extent of development proposed. This would also affect the collective quality of the Springhill and Norris Estate immediately behind.
- 7.245** Together with the buildings proposed, the application documentation indicates that the proposals for Springhill would also include the designation of between two and four hectares of open access amenity land, under the Countryside and Rights of Way Act. The submitted documentation suggests that this matter can be dealt with through the Section 106 Agreement which would be required should the application be approved. Although this is correct, officers consider it would be necessary for the area of land and the actual size of it to be specified.
- 7.246** The Heritage Impact Assessment acknowledges that residential development, with associated infrastructure, and a new car park “*will change the character of the Springhill Estate as a historically simple, agricultural landscape*”. It concludes that the proposal “*would therefore represent a moderate degree of harm to the Springhill Estate as a non-designated heritage asset.*” Officers consider this harm to be unacceptable.
- 7.247** Although not nationally protected Historic England have commented on this

element of the development stating that *“The proposals would entail placing a large amount of housing on Springhill. This would fundamentally change its character from a small park around a country house to a suburban housing development. It would no longer be recognisable as a historic landscape and consequently its historical interest, aesthetic qualities, and thus its significance as a locally listed heritage asset, would be entirely lost.”* They further outlined that *“As development on the Springfield estate would not generate sufficient capital to address the conservation deficit at Norris there are no public benefits to weigh against the effective loss of the locally listed heritage asset as required by paragraph 209 of the Framework.”*

7.248 Paragraph 209 of the NFFP states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.249 The scheme would also include the landscaping of the parkland, and the incorporation of swales to help manage surface water drainage throughout the site. These works would visually change the appearance of the locally listed park and garden when viewed from the opposite site of the river, where the site currently appears as open fields. It is considered that this would be harmful to the character of the area.

Conclusions

7.250 Development on the scale envisaged would have a profoundly harmful impact on the Norris estate and the character of the area. The level of change would be extensive, with almost all areas of the park undergoing dramatic alterations. In several cases, particularly the west and south-west fields the alterations proposed would mean that these areas would be unrecognisable as part of the historic landscape. Elsewhere, particularly around the castle itself and in views from seaward, the creation of the sentinel houses, coastal cottages and a terrace of rooms in front of the castle would have a major impact on the way in which the castle and the landscape in which it sits is perceived. Its unaltered, tranquil character would be completely lost.

7.251 Many of the interior features that help make the castle so special would be lost and the farm and walled garden would lose much of their agricultural and horticultural character.

7.252 This means that the proposals would cause substantial harm to the registered park and a high degree of harm to the Grade I listed castle and farm. The significance of all the Grade II buildings would also be harmed to varying degrees. The scale of development proposed on the Springhill estate would lead to the loss of almost all of its significance. Historic England outline in their comments that *“Even if the harm to the park were less than substantial we would remain opposed to the scheme. It would cause a very high level of harm to all of the designated heritage assets that make up the ensemble but would not secure their future given that the scheme is unlikely to be viable.”*

7.253 In Historic England's appreciation of the significance of the Norris Estate outline that *"The architecture of the castle and landscaping of the park combine to create an ensemble which together is of greater value than the sum of its individual parts."* As well as having impacts on the individual components, the proposals would result in cumulative impacts. Historic England have outlined that *"When all of the different aspects of the scheme are considered together it is the cumulative impact of so much development all over the park, rather than a single aspect which leads us to conclude that the harm to this grade I registered landscape would be substantial. Development would touch nearly all parts of this very compact landscape, spreading across the west field, around the house, the approach from the south-east and lining the waterside. Elements, particularly the west field and south-west field, would effectively cease to be part of a historic landscape."*

7.254 *The whole character of the place would change: the sense of privacy and seclusion would be lost. The place as a whole would feel much more institutional: in addition to the new apartments there would need to be much more signage, lighting and roads cut through much of the landscape to give access to the new development. The scale of development as a whole is such it would transform the park to a point where would be barely recognisable."*

7.255 Having regard to the above, officers consider that there would be substantial harm to the Registered Park and Garden and a very high degree of harm to the other assets within the site. Given the official listing for all of the assets acknowledges the importance of the group value of the assets, officers consider that the buildings and structures form an important part of the embedded character of the registered Park and Garden. As the site is considered to be more than the sum of its individual elements, officers consider that the impact of the overall scheme would result in substantial harm.

Viability, and optimum viable use

7.256 The National Planning Practice Guidance sets out that viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium and developer return.

7.257 The application has been submitted with a viability assessment and the supporting information sets out that the application has been submitted in two parts to reflect the applicant's intended purpose. The Full element of the scheme seeking to achieve its Optimum Viable Use (OVU) and the extent that the value of the OVU does not cover the costs of creating it, and the Outline element for further development that is needed to meet the gap while, they consider, contributing to the local shortfall between the need for housing in East Cowes. The submitted details state that the development in its entirety is required to ensure that the resort has adequate facilities to ensure it would be viable and attractive to visitors, and to retain all of the assets in one ownership, as well as allowing them to be renovated. The council has appointed an independent viability consultant to review the submitted details.

7.258 It should be noted at this stage that the applicants are suggesting that the

Springhill Estate element of the development and the works in the south-west field are not enabling development but, consider this to be “cross-funded development”. They state that *“the rationale for providing this development on the Springhill Estate and the South-West Field is because it is within the control of the Applicant. If these two parcels of land were not made available to another investor/developer, then enabling development would have to be carried out wholly within the Registered Parks and Gardens, leading to a greater degree of harm to the significance of the Grade I listed buildings”*.

- 7.259** It is officers’ understanding that the developer is taking this position based on the Historic England Good Practice Advice in Planning Note 4: Enabling Development as Heritage Assets (GPA4) which sets out that *“‘Enabling development’ has a specific meaning within the NPPF, and neither the term nor the policy applies to other circumstances in which funding may be directed towards the conservation of heritage assets, such as cross-subsidy”*.
- 7.260** The developer’s consultant states that *“the development proposed in the South-West Field and the Springhill Estate are the optimum quantum to meet the conservation deficit, after alternative funding options have been considered”*. Officers consider that development which seeks to address the conservation deficit but would otherwise be unacceptable is enabling development. Should the applicant not consider that the Springhill and the South-west Field development is enabling, this would raise questions over its justification as, set out above, officers consider such development to have a significant impact on the setting of the registered park and garden, the locally listed park and garden, the conservation area and the wider character of the area and the registered park and garden. The report therefore references the development in these areas as enabling development.
- 7.261** GPA4 sets out that the case for enabling development rests on there being a conservation deficit. Simply put, this is the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.
- 7.262** When considering this application, it is necessary to establish whether the case for enabling development has been justified (i.e. does a conservation deficit exist), if so, whether the proposed development offsets the conservation deficit and finally, if so, whether the proposed development constitutes the minimum amount required to address the conservation deficit in full.
- 7.263** Paragraph 81 of GPA4 states that *“a proven conservation deficit may not automatically lead to a grant of consent, where the disbenefits of failing to comply with other planning policies are considered to outweigh the benefits of conserving the asset.”*
- 7.264** In summary, the council’s viability consultants have confirmed that they are satisfied that a conservation deficit exists. However, this is considered by them to be significantly larger than the stipulated in the applicant’s assessment. Enabling development can therefore be justified in principle. Regardless of this, and as will be explained below, the proposed development is not considered to offset the conservation deficit.

7.265 In respect of the conservation deficit this figure is established by understanding the amount of the cost of repairs and conversion to optimum viable use of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.

7.266 In this instance there is some dispute between the council’s consultants and the applicant’s consultants as to the costs associated with various elements of the proposed works. The below table shows these differences:

Element	Urba	AspinallVerdi
Market Value on completion or repair and conversion	£96,191,242	£107,755,635
Cost of repairs	£16,547,000	£16,293,000
Cost of conversion to OVU (total development costs minus cost of repairs)	£90,744,089	£113,237,517
Conservation Deficit	-£11,099,847	-£22,801,177

Source: Urba, 2022 and AspinallVerdi, 2023

7.267 Regardless of which of the above figures are utilised, it is clear that there would be a substantial conservation deficit.

7.268 If the Springhill and South-west Field development is considered to be enabling development, the next stage of the assessment is to establish whether this would offset the deficit.

7.269 The submitted documents confirm that the Springhill and South-west Field elements of the scheme (which are referred to as the “cross-funding development”) is proposed to provide zero affordable housing, to minimise the quantum of development. The submitted viability assessment sets the costings to demonstrate that it would not be viable for the development on the Springhill and south-west field to provide affordable housing. These costings together with the council’s consultant assessment are shown in the following table.

Element	Urba	AspinallVerdi	
	Surplus / Deficit (100% Private)	Surplus / Deficit (100% Private)	Surplus / Deficit (Policy Compliant)
Conservation Deficit of OVU			
Norris Castle Resort	-£11,099,847	-£22,801,177	-£22,801,177
Springhill Estate Enabling Development			
Senior Living Parcel 1	£2,821,435	£1,092,116	-£1,555,752
Housing Parcel 2	£2,268,716	£1,686,637	£998,266
Housing Parcel 3	£3,512,701	-£1,262,701	-£2,685,690
Housing Parcel 4	£272,422	£329,125	£329,125
South West Field	£2,087,268	£1,158,907	-£507,643
TOTAL	£10,962,541	£3,004,084	-£3,421,694

Source: Urba, 2022 & AspinallVerdi, 2023.

- 7.270** As can be seen in the above table, there is disagreement over the cost of the works, which is resulting in significant differences in the viability of these elements of the of the scheme. The greatest difference in respect of parcel 3 and the South-west Field.
- 7.271** This difference is due to a variation in the construction cost assessment, the finance and the percentage of profit. In respect of finance the applicant's consultants have included for 6.5% finance rate within their appraisals, which equates to approximately £4,000,000. However, it is not clear how this has been calculated but would reflect interest on the new-build element only, assuming that the repair costs to the designated heritage assets would be funded by the enabling development.
- 7.272** Our consultants have therefore assumed 100% debt finance at 8.5% (6.5% is not achievable in today's debt market) to fund the total cost of development, including all repair works to the designated heritage assets. It is not clear from the applicant's assessment that the enabling/cross-funding development parcels would be undertaken first thereby enabling funding of the repair work and reducing the overall interest payments. The nature of the applications and this enabling/cross-funded development being outline, officers considered this extremely unlikely. Furthermore, should the intention be to sell these parcels with outline consent to generate the finance, this is not representative of the cost which have been provided within the viability assessment.
- 7.273** The finance issue is a critical aspect of a scheme whereby the works to the designated heritage assets would be prioritised over the enabling development taking place. Reliance on a residential scheme which would itself need significant upfront capital expenditure on site costs and infrastructure would mean that any developer would have significant capital lock-up. The figures presented indicate a substantial conservation deficit which indicate a significant

risk in terms of deliverability of the scheme.

7.274 In respect of developer profit there is a dispute as to whether the developer profit should be taken as 15% (proposed by the applicant for the hotel element) or 20% (considered to be more reasonable by the council due to the level of risk and uncertainty for the scheme given the lack of information on many issues). The Planning Practice Guidance sets out that for the purposes of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types. Having regard to the risks associated with this project the Council's consultants have recommended a figure of 20% or higher would be more appropriate.

7.275 For sake of argument, the below table shows the figures associated with a 15% developer profit.

Element	Urba (October 2023 Addendum)	AspinallVerdi
	Surplus / Deficit	Surplus / Deficit
Optimum Viable Use		
Norris Castle Resort	-£8,721,442	-£22,801,177
Springhill Estate		
Senior Living Parcel 1	£2,114,547	£2,207,661
Housing Parcel 2	£1,612,008	£2,112,332
Housing Parcel 3	£2,330,010	-£680,829
Housing Parcel 4	£134,415	£469,786
South West Field	£1,674,541	£1,812,136
TOTAL	£7,895,521	£5,921,086
Overall Scheme Balance	-£825,921	-£16,880,091
Master Appraisal	£72,089	-£17,056,343

7.276 There would remain a sizeable deficit being produced by the scheme, and the profit generated by the Springhill Estate development is not sufficient to fund the overall conservation deficit being produced by the Norris Castle development.

7.277 The council's consultants have outlined that their appraisals show that the viability of development on these land parcels is extremely challenging due to high build costs, an increased cost of finance, relatively modest local sales values and a national housing market which is hampered by stubbornly high interest rates.

7.278 Historic England have commented that *"The proposed resort increases the scale and costs of the development and increases the developer's profit, while causing substantial harm to the registered park, but does not actually reduce the conservation deficit."*

- 7.279** As the development, which is intended to fund the conservation deficit, would not be sufficient to cover the shortfall the council's consultants have advised that *"Our appraisals show that a policy compliant scheme of 35% affordable housing provision is not viable within the South-West Field and the Springhill Estate element of the proposed development and produces a deficit of -£3,421,694. Equally, delivering a 100% private scheme within the South-West Field and the Springhill Estate is viable and does produce a surplus of £3,004,084, however, this is insufficient in funding the overall conservation deficit of -£22,801,177 produced by the Norris Castle Resort development. We are therefore of the opinion that development on the South-West Field and the Springhill Estate element of the site does not provide any benefit.... We would also note that in our Master Appraisal scenario, we have assumed the Springhill Estate element to be delivered as 100% private in order to help demonstrate viability. Our appraisals show that the inclusion of Springhill Estate reduces the overall conservation deficit marginally, however it still remains significant at - £20,271,931"*.
- 7.280** Considering the development of Springhill Estate and the South-west Field is considered to result in significant harm, officers do not consider that the small level of benefit to the viability justifies the harm when the deficit remains so significant.
- 7.281** In assessing the viability of the scheme reference has been made above a number of times to the Optimum Viable Use (OVU). The English Heritage guidance defines OVU as *"if there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes."*
- 7.282** The application documentation contends that the OVU for the site is as a luxury spa hotel complex. This is considered to be most appropriate as it would ensure that all of the assets remain in one ownership and that income could be generated to maintain these in the long term. The submitted viability assessment has considered alternative uses for the Castle as a single residence, as flats and as an alternative hotel scheme. None of these alternatives were considered by the applicant's consultants to be viable, with the hotel complex being considered by them as the OVU, as it would find long term solution for all of the designated assets, address ground stability issues, cause less harm to the Grade 1 Castle and Farmstead compared to other options and provides scope for ongoing management and maintenance.
- 7.283** The council's consultants have not disputed that the alternative uses would not be viable, but they consider other possible uses have not been considered. They have confirmed that they consider that they would need to undertake more work in order to assess whether alternative approaches could be adopted in terms of grant funding and types of enabling development which would provide a lesser impact in the listed setting and to the Designated Heritage Assets. In this instance the proposed use of the site as a high-end hotel complex is considered to be resulting in a significant conservation deficit, resulting in the need to for extensive development. When considering the substantial level of harm being caused, as outlined above, by the elements which are required to bring the site

into the proposed OVU officers are concerned that it is simply not viable.

- 7.284** The resort would compromise a luxury hotel and branded residences, together with associated facilities such as the spa, wellbeing centre and restaurants. Historic England have commented that *“... it is not clear that the level of harm caused is necessary to deliver a workable hotel scheme. At 74 bedrooms the hotel would be larger than most luxury hotels in the south-east of England. The additional branded residences are therefore not needed to create the critical mass of rooms needed for a luxury hotel to operate. While they add value to the final scheme the costs of development are only slightly less than the end value. This means that they cause a great deal of harm while doing little to close the conservation deficit.”*
- 7.285** The submitted information includes a Market Report, by consultants WATG which outlines that *“Branded residences are traditionally defined as residential units which are set within, or adjacent to, a hotel (although standalone projects are a growing trend). These residences are sold under the hotel operator’s brand and typically benefit from the hotel’s range of services. They are normally sold at a premium to other comparable for-sale residential real estate products, though it should be noted that, due to hotel brand standards, development costs are typically higher too.”*
- 7.286** The Market Report provides a commentary on branded residences and officers note that it outlines that North America is home to most branded residence developments. Favoured North American urban locations include New York, Los Angeles, San Francisco and Boston. Popular resort locations have included upscale ski resorts in the Rocky Mountains, as well as beach destinations in Florida and the Caribbean. The report sets out that *“The resort and spa residences are conceived and priced to attract non-island purchasers – investors attracted by the prospect of rental income and capital appreciation and buyers whose primary motive is the purchase of a second or third home.”*
- 7.287** In order to establish the potential market for such a product in East Cowes, to ensure that such a use would be viable the council’s viability consultants appointed Colliers International, specialists in the hotel, resort and branded residence market to provide comment on the Market Report.
- 7.288** Colliers have agreed with the WATG report that a hotel of only 18 rooms in just the castle would not be viable and would be unlikely to make an operating profit, let alone any return on the substantial capital investment required for its renovation. They therefore concur that additional rooms would be required to support the viability of the project.
- 7.289** However, within their recommendations they have stated that *“While the concept is proven we have some nervousness over the operating model proposed which appears to be that of selling branded residences to individuals third parties with some free choice over if/when they are returned to the rental pool as inventory of the hotel. This approach could lead to the hotel being starved of inventory and becoming unviable and the on-site population being diminished with absentee owners who visit infrequently. For the operation to be sustainable, income generated from the maximum number of rooms will be needed. This will also enable the amenities to be sustained such as a spa and dining. This problem is*

possibly exacerbated by the fact that the property has been divided into smaller parcels enabling owners to walk away from unviable elements and reducing the potential for cross-subsidisation.”

- 7.290** WATG have rebutted these concerns by suggesting that *“The availability of properties to investors will be based on the preferred operating model and one that maximises value. Therefore, Colliers’ concerns are unsubstantiated. As acknowledged in the Colliers’ report a solution is to give the owners defined rights of use, and such a solution has never been discounted.”*
- 7.291** However, the WATG report also sets out that *“All branded residences enjoy access to the hotel’s amenities and facilities. Branded residence developments which are located in separate parcels to the hotel will often have some of their own dedicated amenities, possibly including a gym, spa, club room, restaurant and bar. This factor helps to create an exclusive ‘club’ atmosphere. However, we note that two of the operators we interviewed alluded to the challenge of making dedicated amenities viable. Operating losses need to be met by increases in the homeowners’ annual dues, which is never popular and especially unpopular with European buyers.”* This comment appears to support Colliers concerns.
- 7.292** This also links to other concerns of officers and Colliers, that there is no operator currently secured for the hotel. Although this does not impact on the land use considerations of the planning application, which are not in dispute, it does impact on the proposed layouts and projections. Colliers have set out that *“hotel drawings need to be further developed, ideally with operator input, before certainty on projections could be achieved. There appear to be a few design issues such as, duplicated spa facilities, general managers office in a prime ground floor location, potentially ineffective room layouts and dispersed F&B [food and beverage] outlets creating inefficiencies. Operators input would help solve this.”*
- 7.293** Officers are also conscious that should an operator not be found, but some of the housing constructed, the harm of the development undertaken would not be outweighed. This has not been given significant weight but is considered by officers to be a material consideration.
- 7.294** Paragraph 207 of the NPPF sets out that:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, 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 apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

7.295 Officers do not consider that all of the above have been established by the applicant to justify the level of harm that would be caused. Paragraph 19 of GPA4 states that:

“Ideally enabling development would not harm the heritage asset it is intended to conserve. In some circumstances it may be necessary to accept some harm if there are no reasonable alternative means of delivering or designing the scheme with less or no harm. As stated in paragraph 202 of the NPPF [now paragraph 207], local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Clearly there could be a tipping point at which the harm to the heritage asset’s significance is so great as to make the exercise of securing its future self-defeating. It might then be better to accept the risk of further decay or loss until circumstances change.”

7.296 As outlined within the above section of this report, although the scheme as a whole is considered to result in substantial harm, works to individual elements would result in a high degree of harm but this would amount to less than substantial. Paragraph 208 of the NPPF outlines that *“Where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.”*

7.297 In this instance officers consider that the harm caused by the elements of the scheme required to bring the site to the applicants considered OVU would cause such harm to what they are trying to conserve, while still failing to be viable, that it would be self-defeating.

7.298 Historic England have commented that *“The inefficiency of the proposals as means of raising the money necessary to repair the buildings is striking. The applicant’s estimated costs of converting the castle, forming the resort, and building the market housing, are vast: around £135 million (this excludes repair and restoration costs, but including a developer’s profit of around £22 million). This is out of all proportion to the estimated repair costs of £16.55 million.”*

7.299 Paragraph 18 of GPA4 continues by outlining that *“...some assets may not have an economically viable use. In such scenarios, another means of ensuring long-term maintenance needs to be found. For example, the asset could be passed to a charitable trust capable of maintaining it, or of maintaining a secure and predictable income from the development.”*

7.300 The applicant’s viability report has considered charitable grants, but has discounted this option, *“because none would cover any more than a small fraction of the current and rising repair costs and none would provide a long-term solution for conserving or maintaining the fabric of the Estate.”* Officers consider that as grants are between £3,000 and £5m these cannot be discounted, as they could assist to reduce the level of development proposed and slow the deterioration.

7.301 Paragraph 22 of GPA4 outlines that *“In certain circumstances there may be a collection of connected heritage assets at risk, such as you might find on a*

historic country estate. Securing the conservation future of all of them may require an enabling development scheme of such a size that it cannot be justified given the impact. In such exceptional cases, it may be appropriate to consider if a scheme with less impact might secure the conservation of a core of the more important heritage assets, thereby striking the right balance between harm and benefit. Such an approach will require careful justification. The other heritage assets will then be left at risk of further decay and loss until a change in circumstances. A conservation management plan is likely to provide the information and assessment of significance that will help guide the decision."

7.302 Officers consider that the harm caused by the proposed development is so significant, and by seeking first to prioritise the core assets, rather than trying to develop a scheme to find use for all of the buildings and renovate them, the harm caused to the whole could be significantly less.

7.303 The proposed development would result in substantial harm to a Grade I Registered Park and Garden and a high degree of harm to two Grade I listed buildings and their settings together with and eight Grade II listed buildings and would therefore be contrary to policy DM12 and the paragraph 207 and 208 of the NPPF.

Highway considerations

7.304 The proposed development would be served by two access points. The first would be located off East Cowes Esplanade. To facilitate this access route, the applicant is also proposing to carry out off-site highway improvement works at the junction of Old Road and Cambridge Road. The second access would be via New Barn Road, with off-site highway improvement works proposed within this road, and its junction with Old Road. The development would include a network of internal access roads and parking areas and these elements will be assessed below.

Offsite highway works

7.305 The proposed Esplanade access would be sited immediately west of Shore Cottage and provide access to internal estate roads for the majority of the site, including the proposed hotel resort, retirement village and market housing at Springhill, the Bathing House, sentinel houses and coastal cottages, the castle and housing within the West Field. This access would form a simple two-lane junction onto the southern side of the Esplanade carriageway. The plans show that the initial section of the access would be designed as a shared pedestrian/vehicle access that would measure 5.5 metres in width and comprise speed reducing features. These would include a traffic calming speed table, traffic calming build-outs that would reduce the width of the highway to 2.5 metres and a rumble strip to demarcate the end of the shared use area. The road would then reduce to 3.8 metres in width but include 5m wide sections to allow vehicles to pass. The plans show that tactile paving would be used at the entrance to the retirement village.

7.306 The Island Roads Highway Engineer has advised that the tactile paving at the access to the retirement village should not be used, given that no such paving would be provided on the opposing side of the highway. Nonetheless, the

Highway Engineer has advised that this situation could be accommodated in further designs. The Highway Engineer has also advised that the proposed speed table that would be close to the junction with the Esplanade, would impinge upon a statutory undertaker's cover and be close to cabinets which would be in conflict with vehicles. In addition, the Engineer has noted that the table would be close to Shore Cottage and be likely to cause noise and vibration. As a result, the Highway Engineer has advised that it would be beneficial for the speed table to be relocated to the proposed pedestrian crossing adjacent to the Esplanade, and therefore have the benefit of providing a level crossing surface for pedestrians.

- 7.307** Finally, The Highway Engineer has advised that the gradient of sections of the access would be too steep for people with protected characteristics and that as a result, engineering works would be required to provide a compliant gradient. However, the Highway Engineer has advised that the proposed access would be within land either owned by the applicant, or within land controlled by the Highway Authority, and that no objection is raised in respect of the access, because they could be resolved at the detailed design stage. Therefore, officers consider that these changes could be controlled by conditions.
- 7.308** Cambridge Road provides access to the Esplanade and at its southern end, leads to Old Road via a priority junction. The submitted plans show that the junction would be altered through the provision of a widened pavement either side of the junction, reducing the carriageway width of Old Road to 4.8 metres. The Highway Engineer has confirmed that the proposed works to the junction would ensure that the junction would include the required visibility splays measuring 2.4 x 43 metres. In addition, an informal crossing point would be provided on the eastern side of the junction, allowing pedestrians to cross to the junction of Hefford Road (south west of the junction of Old Road and Cambridge Road). The Hefford Road junction would be remodelled to provide a reduced corner radii.
- 7.309** The Highway Engineer has advised that these works would introduce a new hazard for oncoming vehicles but notes that the new arrangement for the highway would greatly reduce vehicle speeds, resulting in an overall betterment due to the increased visibility provided for vehicles exiting Cambridge Road. The Highway Engineer has advised that subject to design detailing being secured by condition, no objection is raised in respect of these works.
- 7.310** The access to New Barn Road would use the existing access point into the site located at the southern point of the site but would require significant alterations to the highway. This would provide vehicular access to serve the housing proposed for the South-west Field and provide emergency and service access for the wider site. This access would also serve the wider site for cyclists and pedestrians.
- 7.311** The New Barn Road is currently a single lane limited to 30mph, edged on the southern side by woodland and a timber fence and on the northern side, by low density house, with deep front gardens, giving a rural feel. The road does not include pavements. The submitted plans show that the lane would be upgraded to include traffic calming measures, such as build outs in the carriageway, formalised parking spaces and traffic signage giving priority to oncoming traffic.

In addition, a new junction would be formed at the junction of Old Road and New Barn Road, which forms a right-angle bend. The plans show that the junction would be restricted by a highway build-out finished with tactile paving and aligned by bollards, with a raised table provided in the centre of bend.

7.312 The Island Roads Highway Engineer has advised that the highway is straight and therefore, allows for good forward visibility but that the lack of pavements would require pedestrians and vehicles to share the highway. The Engineer has advised that the road lacks adequate conventional kerbs, posing problems for blind or partially sighted people. As a result, it is advised that the scheme provides alternative means for visually impaired people to navigate the shared surface.

7.313 The Highway Engineer has listed a range of issues that would need to be resolved through the detailed design stage, for the works to New Barn Road its junction with Old Road. The issues to be addressed are:

- Traffic calming measures within Old Road should be justified on the basis of a known speeding problem or to reduce vehicle speeds to a certain design speed, such as 20mph. These would need to be evidenced through speed data, which has not been provided.
- The proposed raised table for the junction would require the raising of the adjacent footway, against third party land.
- Data used to justify the proposed ten formalised parking spaces within New Barn Road is based on a survey for a single day and therefore may not portray a consistent picture. A Traffic Regulation Order (TRO) would be required to restrict parking within remaining areas of the road.
- The proposed builds would be a hinderance to all pedestrians and particularly for those with protected characteristics, unless the designs would provide an unimpeded route for all pedestrians (it currently would not).
- The forward visibility onto Old Road (west to north) should measure 59m but would only measure 28 to 29m from the western traffic calming feature.

7.314 The Highway Engineer has commented that these issues could be resolved through further detailed designs secured by a planning condition. The planning condition process can be used to secure final design detailing for access arrangements that have been agreed through the planning application process. However, officers note that some of the changes required to make the means of access suitable for all users, may significantly alter the current proposals through removing or altering the proposed build outs, provision of additional parking areas and improved pedestrian facilities. Moreover, the design changes to the junction between the two roads has not been justified and may require significant changes to the designs currently provided.

7.315 Officers note that local residents have provided detailed comments in relation to the proposed means of access for the development and it is considered that it would not be suitable for materially different access arrangements to be agreed without public consultation. Therefore, it is considered that the changes required to bring about a compliant means of access could not be agreed through the condition discharge process, and that as a result, the current alterations for New

Barn Road and its junction with Old Road are not in accordance with highway guidance, or the requirements of policy DM2 of the Island Plan.

- 7.316** The applicant's Transport Assessment (TA) advises that during the construction process all traffic would be directed to the site via the Esplanade. The Highway Engineer has advised that to prevent HGVs from causing congestion, a one-way system should be operated utilising Columbine Road and Maresfield Road. It is considered that a construction route could be secured via planning conditions. Moreover, the Engineer has commented that measures to prevent material from being deposited on the highway and for space to be provided on site for parking, unloading and turning of construction vehicles in a phased manner. Officers consider that these matters could be set out within a Construction Environmental Management Plan, secured via condition prior to the commencement of the development.

Onsite highway works

- 7.317** The full planning application proposes a network of internal estate roads, with those leading from the Esplanade access serving the majority of the development site. The Island Roads Highway Engineer has advised that the current drawings for the internal highway network are not detailed enough to meet highway design standards because they are essentially architectural sketches. Nonetheless, the Engineer notes that the site is large, and as a result there would be adequate land to ensure a compliant layout. The Engineer has listed a range of issues that would need to be addressed to ensure that a highway design compliant internal network would be provided.
- 7.318** Firstly, the plans show that the first 45 metres of the access from New Barn Road to the south-west field would range between 3.3 to 4.3 metres in width, however the Highway Engineer has advised that to ensure vehicles could safely pass, the width should be 4.8 or 4.1 metres with passing bays to accommodate two way pedestrian, cycle and motorised vehicle flows, and could be secured by conditions. The Highway Engineer has advised that there is a lack of information to show how this internal road would connect with New Barn Road, and the road should include a footway for pedestrians, especially for people who are visually impaired.
- 7.319** The proposed internal layout serving the dwellings within the south-west field implies a one-way system, with carriageways to vary between 2.2 and 3.4 metres and footways to be circa 1.5 metres in width. However, the Highway Engineer has advised that road widths should be wider, to avoid motorists squeezing past cyclists, and that footways should be 2 metres wide with these to be secured by condition. Given the extent of the site, officers consider that conditions could be imposed to ensure that the internal access roads and footways would measure a minimum of 4.1 metres and 2 metres in width respectively.
- 7.320** In addition, the Highway Engineer has advised that there would be inadequate space for vehicles to access and exit garages or driveways for some of the houses proposed in the south-west field, or for fire appliances or refuse vehicles to access the onsite road without overrunning the adjacent landscaped areas. However, the Highway Engineer has advised that these issues could be

addressed by condition should the local planning authority (LPA) consider such an approach to be acceptable.

- 7.321** Regarding the northern section of the site, the Highway Engineer has advised that the proposed access roads would need be widened to meet highway design standards. The initial section of the access road from the Esplanade would measure 5.5 metres wide with a 2-metre wide footway on one side, up until the access road to the proposed senior living accommodation. Beyond this, the spine road would be a shared surface, forming a looped access and measure 3.8 metres wide with 5-metre wide vehicle passing bays. Sentinels 1 & 4, the coastal cottages and the Bathing House Restaurant would be served by a 2.5-metre wide access tracks, with 0.6 metre overrun areas giving a useable width of 3.7 metres. Sentinels 2 and 3 would be would only be accessible by golf buggy. This network of internal access roads would also provide pedestrian, cycle and emergency service access through to New Barn Road.
- 7.322** The Highway Engineer has advised that the access to serve Sentinel 1, the Eastern and Western Lodges and the Bathing House Restaurant would fail to provide two-way traffic movements at the junction with the main spine road, or space for the turning of vehicles. Moreover, the alignment of the spine road west of the modern barns and then immediately north would require vehicles to pass through an almost 90 degree turn, with swept path analysis showing that such a turn would be unachievable without significant encroachment on the adjacent landscaped areas.
- 7.323** In addition, the Highway Engineer has noted that drawing number 04104-TR009-P8 refers to an automated security gate allowing access to local residents only from Millfield Avenue, and yet no other reference is made to this proposal throughout the submission. The Engineer has advised that access to Millfield Avenue would be unsupported due to its substandard junction with Old Road and lack of pedestrian facilities.
- 7.324** The Highway Engineer has advised that the highway layout within the vicinity of the castle would provide a suitable highway access, servicing and parking arrangement. However, the Engineer has commented that the highway layout in vicinity of the Coastal Cottage and Sentinel 4 would not comply with highway standards, because parking spaces south of the boatshed would not meet standard dimensions (2.4 x 4.8 metres) with the adjoining access road failing to provide adequate space for these bays to be accessed and exited when adjacent bays were occupied. Moreover, the width of the road would restrict fire service access, as discussed earlier in this report. In addition, the Highway Engineer has raised concerns that service vehicles may not be able to access the proposed highway network to serve Modern Barn residences and Farmworkers Cottages. Moreover, the Engineer has advised that a number of parking spaces would fail to comply with design standards. Therefore, this element of the scheme would not provide an adequate parking layout, or suitable access width and alignment when running westbound.
- 7.325** The Island Roads Highway Engineer has advised that the principal of the proposed access route is acceptable, but listed a range of concerns that would need to be addressed by condition should the LPA be satisfied that there is available land to accommodate a compliant layout to be provided. Officers raise

concerns regarding this approach, because increasing the width and alignment of access roads and parking areas could result in unacceptable impacts to the Registered Park and Garden and to trees on site. Without detailed information relating to a design compliant access scheme at this stage, it is considered that an adequate judgement could not be made in relation to the overall determination of the planning application.

- 7.326** The Outline element of the application relates to land parcels P1, P2, P3 and P4 within the eastern side of the application site, around the Springhill Estate. These are proposed to be used for the senior living units, open market dwellings provided through new build and conversion of existing buildings and associated parking areas. As these elements are in outline, so too are the plans relating to the proposed access arrangements.
- 7.327** Parcel 1 would include the senior living units and be served by two vehicle access points and include a car parking area. The Highway Engineer has advised that the proposed access and parking areas would meet design standards for this element of the scheme. Parcel 2 shows up to 25 dwellings and a 55 space car park. Again, the Engineer has advised that based on the outline plans, the means of access and parking area could meet design standards, although as currently shown, some of the parking spaces would not meet design standards. The submitted information also refers to this area providing a servicing area for deliveries to the hotel, spa and restaurant. However, this is not shown on the plans and the Highway Engineer has advised that there would not be adequate space for service vehicles to access or unload at the site.
- 7.328** The Highway Engineer has advised that whilst the one way residential access road for parcel P2 would allow cars to circulate, concern has been raised that at its junction with the spine road, there would be inadequate space for two cars to pass or to allow service vehicles to use the access road. In addition, the plans fail to show the parking areas to serve the dwellings and given that the access road would measure only 3-metres in width, the Engineer has raised concern that the parking spaces could be design compliant. In addition, the proposed access here would not provide pedestrian access to the spine road or the local highway network beyond.
- 7.329** Land parcel 3 would include up to 17 dwellings and be accessed through parcel 4. The Highway Engineer has commented that based on the plans, the layout of the highway here would fail to provide for two-way vehicle flows to enable adequate private and service access, or suitable turning space for service vehicles. Parcel 4 would provide up to eight dwellings at Springhill Farm with its access road to connect direct to the proposed spine road. Again, the Highway Engineer has advised that the junction with the spine road and the onsite layout would fail to provide for two-way vehicle flows to enable adequate private and service access, or service vehicle turning provision.
- 7.330** These elements of the scheme are made as an outline planning application however, the access arrangements are made as part of the full planning application. Again, officers consider that the proposals would not provide a design compliant access and parking arrangement, with required revisions potentially resulting in impacts to the locally listed Springhill estate and the trees within it.

7.331 As a result of the issues listed above, officers consider that the proposed onsite access and parking arrangements would not meet highway design standards or comply with the requirements of policy DM2 of the Island Plan.

Highway capacity

7.332 The planning application is supported by a Transport Assessment (TA), that considers the impact that the proposed development would have on the capacity of the highway network. This takes account of committed developments for the local area, including proposals to signalise the junction of Maresfield Road/ York Avenue junction and a signalised junction on Castle Street to serve the Red Funnel Marshalling Yard. However, it is officer’s understanding that these works are no longer likely to be undertaken, with a planning application expected to be submitted to vary the development that these changes related to. However, proposals to stop up Dover Road are still likely to come forward.

7.333 The TA includes anticipated traffic movements from the development, based on the proposed uses. The total trips during the AM and PM peak is set out within the table below, with the total AM trips being 122 and PM trips being 125:

Use Class	Arrivals (Trips)		Departures (Trips)		Two-Way (Trips)	
	AM	PM	AM	PM	AM	PM
Hotel	17	16	9	7	26	23
C3 dwellings including for resort and spa residences (174 units)	19	63	66	29	86	92
Senior Living (55 Units)	6	3	3	7	10	10
Total	42	82	78	43	122	125

7.334 The TA divides these trips between the two proposed access points, at the Esplanade and New Barn Road. The development is predicted to result in 8 AM and 9 PM two-way trips onto New Barn Road. The TA predicts that the development would result in 114 AM and 117 PM two-way trips via the proposed Esplanade access. This would equate to two two-way trips every minute during peak hours via the Esplanade access and eight additional movements on New Barn Road.

7.335 The TA considers whether the additional traffic movements would result in capacity issues for four junctions close to the site. These include the junction that serves Castle Street, Waitrose and the Red Funnel terminal, Dover Road mini-roundabout, the junction between Well Road and York Avenue and the junction between New Barn Road and York Avenue. The Island Roads Highway Engineer has confirmed that based on the submitted information, the proposals would not bring about highway capacity issues for Dover Road mini-roundabout or the New Barn Road, York Avenue junction. The Engineer has advised that without mitigation, the proposals could impact on the remaining junctions during the PM peak hour.

7.336 However, the applicant has provided a Travel Plan that sets out measures to mitigate highway movements. This would include an on-site car club for guests, a shuttle bus service for employees and a pick-up/ drop-off service for guests to and from all ferry ports on the Island. The Highway Engineer has recommended that it would be essential for the Travel Plan to be secured, and officers consider that this could be achieved through a legal agreement.

On site parking provision

7.337 The applicant's information sets out the level of on-site parking provision for the various uses to be provided. Based on the mix of use types, in order to comply with the level of on-site parking required by the Council's Parking Provision SPD, the site should provide a total of 365 parking spaces, whereas the information confirms that a total of 241 parking would be provided, resulting in a deficiency of 124 parking spaces.

7.338 The measures within the proposed Travel Plan could, to an extent, mitigate this issue. However, the Island Roads Highway Engineer has advised that this lack of parking could result in displacement of vehicles to the public highway and therefore, result in a highway safety issue. The applicant's information does not assess the availability of parking spaces within the local highway network and officers consider that given the distance between the site and parking areas within the adjacent town, residents or visitors would be likely to attempt to park on site. The Transport Assessment explains that the deficiency of parking provision on site is in recognition of the sensitivity of the Grade I listed parkland as well as the setting of listed buildings.

7.339 This is noted, however officers are concerned that the significant deficiency of on-site parking could lead to residents or visitors choosing to park throughout the application site, leading to harm to the setting of the parkland and the setting of listed buildings. It is therefore considered that the lack of onsite parking has not been adequately justified and that, as a result, the proposals fail to comply with the requirements of policy DM2 of the Island Plan and the guidance contained within the Parking Provision SPD.

Conclusion on highway considerations

7.340 Based on the submitted information, officers are concerned that the proposed off and on-site access arrangements would not meet highway design standards. The proposed access works related to the Esplanade, and offsite highway junction works related to Cambridge Road/ Old Road/ Hefford Road would be acceptable in highway terms, subject to final details being secured via planning conditions. However, the proposed means of access and off-site highway works associated with New Barn Road and Old Road are not considered to be acceptable or adequately justified. The traffic calming measures proposed within the corner of Old Road adjacent to New Barn Road have not been justified on the basis of a known speeding problem or to reduce vehicle speeds to a certain design speed. In addition, there is a lack of data to justify the ten parking spaces within the New Barn Road. The New Barn Road access is proposed to be shared between vehicles, pedestrians and cyclist and yet the proposed traffic calming build-outs would hinder pedestrians. Moreover, there would be a lack of suitable forward visibility onto Old Road.

7.341 The proposed onsite access arrangements would fail to comply with highway design standards, due to the lack of suitable width to allow vehicles to safely pass in various locations, lack of suitable space for vehicles to navigate corners and due some parking spaces not meeting standard design dimensions. While these issues could be addressed, officers consider that this could not be achieved through planning conditions, given the potential for widened or realigned roads or altered parking areas to impact on the grade I registered park of Norris, the locally listed park of Springhill and the trees within these protected landscapes.

7.342 In addition, the site would lack the required level of on-site parking, with inadequate information provided to justify such a deficiency or information to demonstrate that existing parking capacity exists within the local area to make up for such a shortfall. As a result, it is considered that the means of access and parking for the site would fail to comply with highway design standards, the requirements of policy DM2 of the Island Plan or the guidance contained within the Parking Provision SPD.

Ecological considerations

7.343 The application has the potential to have significant effect on the following designated sites:

- Solent and Dorset Coast Special Protection Area (SPA)
- Portsmouth Harbour SPA and Ramsar Site
- Solent Maritime Special Area of Conservation (SAC)
- Briddlesford SAC
- Solent and Southampton Water SPA

7.344 The application when originally submitted was missing a number of key surveys relating to the impact on ecology. Further information was submitted which has sought to address issues raised and appended the following supporting documents:

- Briefing Note: Bird Survey Report (Ecology Solutions, 2022)
- Biodiversity Mitigation Plans ECO3a and ECO3b
- Biodiversity Enhancement Plans ECO2a and ECO2b
- Norris Landscape Restoration Plans
- Springhill Landscape Restoration Plan

7.345 As requested by the Ecology Officer, survey reports for the most recent wintering and breeding bird surveys (2021 and 2022) have now been submitted. A high number of birds were recorded on the adjacent foreshore and offshore areas, mainly limited to the Esplanade by the proposed main access. This is adjacent to Solent Wader and Brent Goose Strategy Site IOW31. The results of the surveys have informed the iHRA, which concluded that the site does not serve as functionally linked land for any of the qualifying features of the nearby designated sites. To avoid an adverse effect on the integrity of the Solent & Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) and “make the development acceptable” measures including a CEMP, contributions to the SRMP and a lighting strategy would be required.

7.346 However, Natural England have advised that, based on the information submitted and the measures proposed to mitigate for any adverse effects *“it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We therefore disagree with the conclusions of the Information for Appropriate Assessment submitted within the Environmental Statement Technical Annex E.”*

7.347 The loss of ancient woodland has been explored extensively within the Senior Planning Arboricultural Officer’s response and the Ecology Officer concurs with the points raised. The LPA needs to consider the applicant’s justification of wholly exceptional reasons (as detailed in the Planning Statement) for the loss of ancient woodland very carefully. Any compensation strategy for loss/degradation of ancient woodland should be entirely separate from any proposed mitigation or additional enhancement. Documents relating to ancient woodland compensation are contradictory, with the majority of woodland creation being classed as enhancement (rather than compensation or mitigation) For example:

- *“The ecological enhancement strategy is summarised as follows: new native woodland and understorey planting will be provided to compensate for any losses of woodland”* (HLEMP: Paragraph 3.4.18)
- Planning statement: paragraph 7.77 (re. ancient woodland) states *“A suitable compensation strategy also exists...the recovery from the area of loss the soils with their rich habitat and seed banks and the reuse of these soils in the improvement; and the management of the woodlands elsewhere on the Estate and in the creation of the Proposal’s 5 ha of new woodland (a net gain of 2.5 ha) as set out in the HLEMP”*.
- Plans ECO2a and ECO2b (Biodiversity enhancement strategy) indicate that the laying of seedbank and topsoil from ancient woodland is considered “enhancement”.

7.348 None of the documents have separated out which woodland habitat creation is i) compensation for loss/degradation of ancient woodland; ii) mitigation for loss of other woodland and trees; or iii) enhancement planting to give the site a biodiversity net gain. Only a completed BNG metric would be able to measurably demonstrate this, however the applicant does not see such a submission as necessary. How the 2.5ha net gain referred to above has been calculated is unclear. The most recent Landscape Restoration Plans do give some clarity as to what habitat is proposed where, however do not help define what is included in the compensation strategy.

7.349 Planning permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless there are wholly exceptional reasons and there’s a suitable compensation strategy in place. It is clear that loss and deterioration would occur, and, from an ecological perspective, officers do not consider that suitable compensation strategy exists (for the reasons detailed above).

7.350 Natural England have raised concerns with regards to the loss of the area of Ancient Semi Natural Woodland. They have identified that *“Justification and new native woodland has been put forward to compensate for the loss of the ancient woodland however this is not in line with national or local planning policy....It is*

recommended that the mitigation hierarchy in line with the National Planning Policy Framework (NPPF) paragraph 180A is followed to avoid significant harm to biodiversity across the Norris Castle site.”

- 7.351** Further comments from Natural England have highlighted that *“The proposed loss of ancient woodland across the site, could result in adverse effects to the bat populations associated with the Bridleford Copse SAC.”*
- 7.352** The response letter from the agent also stated that *“It is understood the applicant is in current discussion with the Woodland Trust to have the two area of ancient woodland (W1 and W7) fully fenced to prevent any direct access this is to both assist with the preservation of the ancient woodland’s but also assist with habitat provision and reduction of disturbance for White-tailed Eagle”*. Fencing is considered sensible and can contribute towards mitigation measures. Further details are needed in relation to this statement though, as impacts on White-tailed Eagles have not been previously assessed/mentioned, which are classified in the UK as Amber under the Birds of Conservation Concern 5: the Red List for Birds (2021) and protected under the Wildlife and Countryside Act, 1981.
- 7.353** The ecology officer previously recommended that ecological surveys were updated to reflect current site conditions and, if identified, further species surveys should be completed. It has been confirmed that a walk-over survey and an updated Badger survey were completed in April 2023. The walk-over survey found the site and habitats to be in a similar state to previous surveys and it was therefore not considered necessary to complete any further update surveys in respect of protected species prior to determination. It is accepted by the applicant that there may be further updated surveys required prior to any licensing. Should the application progress, it may also be necessary to undertake updated ecological surveys in order to comply with conditions (e.g. in relation to nesting birds).
- 7.354** Reptile surveys have been carried out around the Norris part of the site and the Springhill farm complex in the centre of the site. It is considered that that reptile surveys may be necessary within the wider Springhill site. The applicant recognises that updated surveys shall be required to finalise the overall mitigation strategy, but this is considered feasible through an appropriately worded planning condition. It is, however, suggested by the ecology officer that further assessment and reptile mitigation detail is required prior to any positive determination rather than at the condition stage.
- 7.355** The abandoned buildings have become very important for bats. The recent surveys recorded a Common Pipistrelle maternity roost in the wooden ceiling within the stone archway on the northwest side of the farm complex, up to three Common Pipistrelle day roosts in the south-west turret of Norris Castle (building B5), a Soprano Pipistrelle day roost and a male mating Common Pipistrelle roost in the wooden ceiling of the porch above the front door of Norris Castle. Bat lofts/roof voids are proposed within the buildings for bats however specific design plans for how this would be achieved have not been put forward. More detail is likely to be needed prior to any positive determination as they would impact the design of the listed buildings. A number of the trees within the site are considered to provide suitable roosting opportunities for bats – however it is not

obvious from the ecology information submitted whether any of the trees identified are subject to removal or tree works as a part of the proposal. This needs to be clarified.

- 7.356** Barn owls were recorded in cow sheds within Norris Castle Farm and the small barn on the boundary between the east and west parts of the site. Survey reports indicated that on-site breeding was likely. Swallows were found to be nesting in buildings too. The ecology officer recommends that a mitigation strategy should be agreed to avoid adverse impacts on these species (i.e. installation of suitable nesting boxes/cups on/within significant buildings prior to works).
- 7.357** Further details have been provided in relation to mitigation strategies for protected species (via enhancement and mitigation plans and the ecology response letter of 28 April 2023). These are numerous and mainly acceptable (except those relating to bats, birds and reptiles, as discussed above) and provide confidence to the LPA that NE would issue licences. Detail relating to a number of mitigation measures is draft/indicative at this stage and would need to be secured via appropriate conditions.
- 7.358** Features of the site such as abandoned buildings and unmanaged hedgerows, grassland and scrub has offered an ideal opportunity for wildlife to reclaim the area and reside undisturbed for a number of years, as evidenced by the comprehensive surveying. Substantial populations of breeding dormice, birds, bats and other protected species have been recorded using the site. It is therefore imperative that development of the site's habitats and buildings are undertaken in the presence of robust mitigation and compensation strategies to ensure that these populations are not adversely harmed and that suitable habitats are retained, enhanced and managed correctly. However, detailed mitigation is still required in relation to some species prior to determination. Questions remain as to whether the proposed wholly exceptional reasons relating to the loss and potential degradation of ancient woodland are acceptable. In any case, a suitable compensation strategy does not currently exist as the proposal contains contradictions, lacks detail and evidence.
- 7.359** The Bird Aware Solent Strategy has updated the mitigation for impacts on the Solent Special Protection Area, as a result of increased recreational pressure from certain types of residential development that are located within 5.6km of the designated Solent Special Protection Areas. The site is within this area. The submitted heads of terms for the legal agreement outlines that relevant monetary contribution to mitigate the impact of the development on the Solent Special Protection Area would be made however, for reasons discussed within this justification, it is not a requirement for the legal document to be completed prior to a decision being made in this instance given that, permission would not be recommended for approval. However, if the applicant appealed the Council's decision, it would be necessary for the applicant to provide a planning obligation to cover this matter. As such, a reason for refusal on this has been raised.

Socio-economic considerations

- 7.360** The application would result in socio-economic benefits. The submitted documents set out that consideration has been given to employment and

workforce, tourism, local market housing, social infrastructure (healthcare) and the Island economy.

- 7.361** In respect of employment the application documentation suggests that the proposed development would result in 1,112 jobs during the construction phase and 180 full time equivalent (FTE) jobs during the operational phase (including indirect and induced employment). A further 36.9 FTE jobs are suggested to have been created by the housing sales and elderly care facility (again including indirect and induced employment), (figures are based on a multiplier of one direct construction job to 1.51 indirect and induced jobs, NHF 2013). Indirect jobs being those created by the supply chain and induced employment being that stemming from the additional spending locally of those who will take the jobs.
- 7.362** The socio-economic chapter of the Environmental Statement (ES) states that, *“due to the relative difficulty in getting to the Island, it is reasonable to assume that a proportion of the construction workers will take up temporary residence on the Island for the duration of the project [predicted to be around 4 years], which will stimulate demand for goods and services. The majority, however, will be native to the area if not from Cowes locality, then elsewhere on the Island”*.
- 7.363** Officers consider that this statement acknowledges the challenges with a lack of labour on the Island. However, it is not considered reasonable to suggest that there is a relative difficulty in getting to the Island, especially considering the sites walking distance from the floating bridge and the car ferry. There is very limited temporary accommodation on the Island and the likelihood of a proportion of the suggested construction workforce is considered by officers to be less than suggested. The statement also raises questions over the proportion of the proposed jobs that would be for Island residents.
- 7.364** The submitted information outlines that the applicant’s ambition is to construct the site over a four-year period, however they propose the housing element would be constructed over a shorter two-year period. They propose to bring the housing forward in phases to add “gradual additions to the population of the ward”. This is discussed in a little more detail below, in respect of housing delivery.
- 7.365** The application information acknowledges the challenges of finding a workforce, of the scale and experience required on the island, to achieve the ambitious timescales. They therefore propose a range of training and vocational opportunities. The ES outlines that the precise number of training and vocational opportunities cannot be accurately forecast at the development stage and would be the prerogative of the hotel and spa operators and the Norris Estate management company. They do however suggest that it would be likely that between 25-30% of employees would be in some form of training and development, either formal or informal. There would however be an aim to partner with the Isle of Wight College to optimise the scope for an apprenticeship, placement and recruitment from construction through to operation.
- 7.366** It is also stated that the management company would seek partnerships with other key organisations, such as Historic England’s Conservation Apprenticeship

scheme and the NFU, local food producers and arts and heritage groups.

- 7.367** The ES has concluded that the impact on employment and training and vocational employment would be major beneficial effect. Officers agree that the proposed development would have the potential to generate significant employment, whether this be temporary through the construction process or permanent during the operation of the resort.
- 7.368** In respect of tourism the proposal seeks to deliver a destination. The ES sets out that the proposal combines a range of products and services that minimise the risk and maximise appeal across a range of consumer segments, led by leisure, but also corporate, business and small meetings market, as well as a range of services and products to the residential and day-trip market.
- 7.369** The submitted documents set out that the intension is to extend the Island's visitor markets, reduce seasonality and raise the quality and range of visitor accommodation. It is noted by officers however, that it is the intension to sell the accommodation as second and third homes, and although these could be leased back to the hotel portfolio when owners are not visiting.
- 7.370** It is suggested that the hotel guests would vary, but would primarily be from the affluent leisure market in southern England, around to the following groups:
- Short breaks – affluent UK domestic travellers, owing to the good catchment area, with a good access to London. Average stays of 2.5 nights, with the majority being couples
 - Family market – supplementing the couples market, affluent family stay demand lending itself more towards longer length of stay
 - Special interest individuals/groups – including spa and wellness breaks
 - Weddings and events
 - Smaller upscales corporate retreat and away day events
- 7.371** Colliers have outlined that the Average Daily Rate (ADR) in the luxury hotel market has experienced extremely strong performance since the Covid-19 pandemic, which various economic factors contributing to higher prices. 2021 was a record high but has since stabilised at c.40% higher than pre-pandemic levels. Suggesting both high levels of demand for these types of properties as well as strong resistance to downturns in the overall economic outlook.
- 7.372** The sales projection figures outlined by Colliers have been set out as indicative estimates, as they were conscious of the low transactional volumes on the Island, particularly with upscale residential properties.
- 7.373** Although it cannot be disputed that the application would provide a new offer for visitors to the Island, and attract a range of groups, as set out above, and would benefit the tourism market, officers are concerned that there would not be the scale of demand for the size of the proposed estate. The ES has concluded that the effect on tourism would be major beneficial and, despite the concerns raised above officers would agree with this.
- 7.374** The ES considers that the delivering of market housing would have a moderate beneficial effect. Although the proposal would, if approved, deliver market

housing, officers have some concerns as to the mix proposed, especially in relation to the Full element, with the proposed 15 units all being 4 bedroom.

7.375 The application states that these would meet the Island’s aspirational need. Policy DM3 of the Core Strategy states that *‘the council will support development proposals that provide an appropriate mix of housing type and size, in all new development, in order to create inclusive and sustainable communities.’* The proposed housing in the south-west field would provide no mix of housing size, with all 15 units being 4-bedrooms. The policy also explicitly refers to development proposals being expected to reflect the most up to date Strategic Housing Market Assessment. The council has recently commissioned two Housing Needs Assessments (HNAs) - firstly in 2018 and then an update in 2022. Both of these HNAs provide commentary on what an appropriate mix of both affordable and market homes would be, with that mix considering changes in the balance of types of households and the ageing population on the island.

7.376 Table 75 on page 219 of the 2022 HNA sets out the following suggested mix for market housing, as is being proposed in the south-west field:

	1-bedroom	2-bedrooms	3-bedrooms	4+bedrooms
Market	5%	35%	40%	20%

Paragraph 11.43 of the same HNA notes that *‘based on the evidence, it is expected that the focus of new market housing provision will be on 2 and 3 bedroom properties.’* Paragraph 11.45 states *‘the council should expect justification for a housing mix on such sites which significantly differs from the one recommended.’*

7.377 The Planning Statement provides no detailed analysis of the evidence contained within either of the HNA documents and provides no detailed justification for the lack of housing size mix in this part of the scheme that is seeking full permission, aside from the need to achieve maximum values. The Planning Statement simply relies on the statement in paragraph 4.69 that *‘the Spring Hill housing (like that in the south west field) targets the need for ‘aspirational’ housing, both because there is a need for such housing (explained in Section 3, paragraph 3.35) and because the market value of each need to be as high as can be achieved in the local market so as to minimise the quantum of new development within the locally listed landscape.’*

7.378 The explanation in Section 3, paragraph 3.35 of the Planning Statement that there is a need for this ‘aspirational’ housing solely refers to a supporting paragraph (2.37) in the 2021 Regulation 18 consultation version of the Draft Island Planning Strategy. This paragraph refers to a need for the supply of aspirational housing to be improved to help encourage residents to move to and stay on the island. Notwithstanding the context of the paragraph as a supporting paragraph in the introduction to a draft local plan that is helping to explain some of the issues the island faces rather than provide a detailed, evidence based needs assessment, given the stage of plan making that a Regulation 18 consultation draft represents, no weight is given to the content of that document in decision making and therefore cannot be relied upon as a justification for providing 15 four-bedroom properties.

- 7.379** The justification provided that market values need to be as high as possible to minimise the level of development suggests that the scale of the scheme (and therefore the lack of housing size mix) is being artificially constrained by both the landscape within which it sits and the necessity to drive as much value from the site to help offset the conservation deficit – neither of these issues have anything to do with delivering a mix of units to help meet an island wide or local need.
- 7.380** Officers consider that the proposed mix of housing in the south-west field is in direct conflict with paragraph 60 of the NPPF and policy DM3 of the Core Strategy and given the current housing situation on the island, which is evidenced within the HNAs, place great weight on this.
- 7.381** The housing within the Springhill Estate is only in outline and therefore a mix has not been presented at this stage. Outline permission is sought for approximately 90 units consisting of up to 55 senior living apartments (use class C2) on Parcel 1, up to 25 homes on Parcel 2, 17 homes on Parcel 3 and up to 8 homes on Parcel 4.
- 7.382** The Planning Statement sets out that the housing in this location is proposed as a means of meeting the remainder of the conservation deficit and would also contribute to the island wide and local housing need. Whilst the housing subject of the outline element is again described as ‘aspirational’, the design and access statement indicates that the dwellings on Parcel 2 would be ‘to loWCs dwelling mix’ suggesting that a policy compliant mix, in line with the HNA, could come forward.
- 7.383** As the proposed housing across these parcels is only in outline form, there is no definitive mix provided and Officers view is that any subsequent reserved matters application would need to demonstrate that an appropriate mix, in line with paragraph 60 of the NPPF and Policy DM3, would be provided.
- 7.384** The ES also sets out the economic benefits to the Island economy associated with the potential of New Homes Bonus, and the additional council tax and business rates associated with the proposed development. These benefits are noted, but do not form a material consideration to the application.
- 7.385** It is also noted that the application does not seek to provide any affordable housing, due to the need to maximise finance to minimise the amount of development sort. Officers therefore consider that the scheme would deliver a level of housing, but this would not meet the need or mix that is needed most on the Island and therefore consider the benefits to be minor beneficial.
- 7.386** The scheme proposes elderly care facility/housing, which they consider would fulfil a particular need relating to housing for the elderly. In addition, it is outlined that the increase in the supply of older person’s accommodation may free-up family housing. The effect on housing supply for the elderly is considered to be moderate beneficial within the ES. Officers consider that the scheme would contribute towards this need, but do have concerns over affordability, with the proposed units all being private and ‘high-end’ to extract the greatest value. This is not where the greater need is within the older persons housing market, most of the units being likely to be outside of an affordability bracket for Island residents.

7.387 Having regard to the above it is considered by officers that the proposed development would have a beneficial effect on the island economy by providing a range of employment opportunities, a varied tourism offer and housing. This is given moderate beneficial weight.

Other matters

Coastal path

7.388 The Outline element of the application proposes to provide between 2 and 4 hectares of publicly assessable open space, in accordance with the (Countryside and Rights of Way (CROW) Act. Although this would provide an area of accessible open space, concerns are raised by third parties that the scheme has not sought to incorporate a coastal path. The Council's Rights of Way Service has commented that the Parish of East Cowes is almost completely devoid of public rights of way recorded on the Definitive Map for the Isle of Wight. Just one short (less than 100m) path exists within the legal parish boundary, such path being very much urban in nature due to it being in the town centre.

7.389 The proposed development provides an opportunity, by way of mitigation, to provide East Cowes with a meaningful public right of way. This is crucial in order for the public to benefit from an amenity away from the town centre to enjoy in a sustainable manner, promoting health and wellbeing. Such a provision would also boost the local and tourism economies. Due to the lack of public rights of way in East Cowes and the Esplanade being a dead end, the current promoted Coastal Path route is forced inland and along the entire length of York Avenue, which for obvious reasons is not coastal in nature and requires the public to walk alongside a very busy road. The Isle of Wight is included in Natural England's England Coast Path Scheme pursuant to Part 9 of the Marine and Coastal Access Act 2009. This statute aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot. It allows existing coastal access to be secured and improved and new access to be created in coastal places where it did not already exist.

7.390 The Service considers that planning approval in this matter must not be granted unless a public route through the development is dedicated for public use, such route connecting East Cowes Esplanade and New Barn Road (which should, as far as is practicable, be along or in the vicinity of the coastline). This would provide the following benefits:

- greatly assist in overcoming the lack of public rights of way in the Parish
 - provide the public with an outdoor and free to use amenity in compliance with sustainable transport policies and promoting health and wellbeing
 - boost the local economy (resulting from the increase in users/visitors)
 - resolve the Esplanade "dead end" situation
 - resolve the unsatisfactory situation of the current coastal path route following York Avenue
 - support the implementation of coastal access rights by Natural England by allowing the England Coast Path to align with a dedicated public right of way
- The above representations are supported by the Rights of Way

Improvement Plan 2018-2018, in particular policies B8 and C3.

- 7.391** The proposal does not currently propose to provide a public right of way through the site to contribute to the English Coastal Path scheme. This is a huge, missed opportunity to provide public benefits from the scheme to the local community.
- 7.392** The Isle of Wight Gardens Trust have highlighted their disappointment that public access to the site would be restricted and there is limited public benefit in what would be essentially a private, gated, exclusive estate. The Planning Statement refers to the provision of a small 2-4ha public amenity space within Springhill (Norris and Springhill cover around 80ha) but there are no further details of this, and it is not protected within the Parameters Plan, the information suggesting simply that this could be covered by the Section 106 Agreement, as discussed above. Reference is made in the same document, that 'event days' would be set up to allow occasional, controlled access.

Dark skies

- 7.393** Concerns have been raised by third parties, including the National Landscape (AONB) officer and the Isle of Wight Gardens Trust, in respect of light pollution from the resultant development and the impacts on this on dark skies. The Design and Access Statement submitted with the application has considered this matter, acknowledging that the Norris Estate falls within the National Landscape (AONB) and sensitive to light pollution. However, it also outlines that "*...equally this will be a resort and the Castle for example will be illuminated internally as it would have been in historic times. Notwithstanding this, the architectural design of buildings close to the shore minimises the potential for light spill through the design of their facades and their fenestration. At a later stage light fittings will be selected which contribute to this sensitivity.*" As outlined above these designs, which seek to mitigate light pollution, have impacts on the character of the area. Although the design of the lodges in the west field and the sentinels has sort to address direct light spillage, it would not change the impact of the glow from these areas, that are currently devoid of development. Furthermore, the Castle Terrace and Crescent are shown to have significant areas of roof lights, to get light deep into the structures, due to their sunken design. This would result in direct upward light spillage, alongside and directly in front of the Castle. This would not only harm the character of the National Landscape but also the setting of the Grade I listed Castle.
- 7.394** The coastal cottages would also result in light spillage along a currently undeveloped coastline, having a significant impact on the tranquillity of the area and the character of the shoreline, impacting directly on the seascape, contrary to policy DM12.

Mineral Safeguarding

- 7.395** The application site is designated as a Mineral Safeguarding Area. However, given the protected status of the landscape it is considered extremely unlikely that this would ever been extracted. This is therefore not considered to be a limitation to development.

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.

8.3 As outlined within the socio-economic section above, the application would result in a number of employment opportunities, through both the construction process and once operational. There would also be wider economic advantages through tourism and housing delivery. This has been given moderate positive weight in the determination of the application.

Social

8.4 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.

8.5 The proposed development would deliver market housing, including older persons accommodation, which would provide social benefits. However, this housing is not shown to represent a mix considered appropriate to meet the local need, and due to the requirement to extract as much value out of the development as possible, minimising the level of development, the majority of units would not be affordable for Island residents. The majority of the development is designed to attract second and third homeowners and no affordable housing is proposed. Overall, minor positive weight is afforded to the social benefits.

Environmental

8.6 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.

8.7 The proposed development would result in substantial harm to a Grade I Registered Park and Garden and a high degree of harm to two Grade I listed buildings their settings and three Grade II listed buildings and their settings. The

application has failed to demonstrate that the proposal would represent the OVU of the site, due to the substantial conservation deficit which would be created and the harm caused.

- 8.8** The proposals would result in the loss of areas of Ancient Semi-Natural Woodland (ASNW) as well as placing development within the buffer area of ASNW and a significant loss of trees and ecological habitat.
- 8.9** The works proposed to overcome land stability issues would be contrary to the Shoreline Management Plan, having significant impacts on natural processes and ecology, while also impacting significantly on the character of the area, due to proposal to increase the height of defences, as well as include railings. The proposed development would also place residential accommodation in a coastline designated for no active intervention, increasing the pressure on coastal defences, where there does not currently exist one.
- 8.10** An engineering solution to the concerns raised in respect of the highway network could be found, but officers are concerned that the changes which would be required result in a greater impact on the setting of the listed buildings, the registered park and garden, the locally listed park and garden and trees. Off-site works would need to be significantly different from those shown in the plans, to be compliant with Island Roads requirements, which officers consider would need to be subject to amended plans and public consultation.
- 8.11** The level of development proposed in an otherwise undeveloped and rural area, would have a significant impact on the character of the area, the East Cowes Conservation Area, the National Landscape and the Seascape. This would result in a substantial level of harm.

Conclusion

- 8.12** Officers consider that the proposed development would result in socio-economic benefits through jobs, tourism and some housing. However, the scale of the development would result in substantial harm to a Grade I Registered Park and Gardens and a high degree of harm to a number of designated heritage assets, including two Grade I listed buildings and three Grade II listed buildings. The proposed development would not provide a viable scheme and the proposed OVU would result in such harm that it would impact too dramatically on the asset it is seeking to protect.
- 8.13** The works proposed would impact directly on ASNW and their buffer zones and the scheme is not considered to represent the 'wholly exceptional reasons' to justify this level of harm.
- 8.14** Officers have therefore concluded that there would be a substantial level of harm to heritage assets in its entirety and the unjustified loss of and harm to an ancient semi natural woodland arising from the proposal, which would outweigh the socio-economic benefits, and that the application would be contrary to policies SP1, SP4, DM2, DM3, DM11, DM12 and DM14, together with section 16 of the NPPF.

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 extensive pre-application discussions took place, but concerns could not be overcome.

10. Reasons for refusal

21/02437/FUL

1. The proposed development would result in substantial harm to a Grade I Registered Park and Garden. The submitted details have failed to adequately demonstrate that the level of harm is necessary to achieve substantial public benefits that outweigh the harm or that the requirement of paragraph 207 of the National Planning Policy Framework have been met. The application would therefore be contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 207 of the NPPF.
2. A very high degree of harm would be caused to two Grade I listed buildings and three Grade II listed buildings and their setting. The application has failed to demonstrate that the public benefits and the proposal is not considered to represent the Optimum Viable Use as the scheme would be unviable. The scheme would therefore be contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 208 of the NPPF.
3. Insufficient information has been submitted to assess the impact of the proposed development on the fabric and features of interest of one of the cattle shelters, watering ponds and the pumphouse, all of which are Grade II listed buildings. In the absence of this information, it is considered that a high degree of harm could be caused to these designed historic assets contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 208 of the NPPF.
4. The proposal, being located within an area of 'No Active Intervention', would not be a sustainable form of coastal development and would be contrary to the preferred

coastal management approach for this stretch of the Island's coastline set out within the Isle of Wight Shoreline Management Plan 2 (SMP2) contrary to the aims of the SMP2 and policy DM15 (Coastal Management) of the Island Plan Core Strategy and the National Planning Policy Framework.

5. The proposals, by reason of their position, size, design and appearance, would be a visually intrusive development that would fail to preserve or enhance the character and appearance of the area, which is part of the National Landscape (former AONB), and would have a serious adverse impact on the character of this part of the Island's landscape and seascape contrary to the aims of policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM15 (Coastal Management) of the Island Plan Core Strategy, the National Planning Policy Framework and the aims of policies P1 and P45 of the Isle of Wight Area of Outstanding Natural Beauty Management Plan 2014-2019.
6. The proposed development would result in the unacceptable loss of an area of Ancient Semi Natural Woodland, development within the buffer zone and the loss of protected trees within the site contrary to policies DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 186 of the NPPF.
7. The proposed development, due to the location of the proposed buildings, their design and appearance and the level of access roads and car parking, together with the level of lighting and light pollution associated with this, would result in an unacceptable impact on the landscape character, scenic beauty and tranquillity of the designating National Landscape (former AONB) contrary to 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.
8. The proposed development would result in an impact on archaeological remains of significance within the registered park and the walled garden and through the restoration and conversion of the Grade I and II listed buildings on site. Whilst insufficient information has been submitted to assess the impact of development upon areas of unknown archaeological potential, including development along and adjacent to the foreshore (sentinels, coastal cottages, boat house, slipway at the harbourside), within the Norris Estate (dwellings in the south-west field and associated infrastructure and lodges in the west field), and residential development within Springhill Estate. The proposals would therefore be contrary to policy DM11 (Historic and Built Environment) of the Island Plan Core Strategy and Section 16 of the NPPF.
9. Insufficient information has been submitted to determine the impact on designated sites specially the impact from the proposed seawall works on the qualifying habitats of the Solent Maritime SAC and the impact the proposals would have on the qualifying features of Briddlesford SAC and the functionally linked habitat contrary to policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and the National Planning Policy Framework.

10. Insufficient information has been submitted to demonstrate how mitigation strategies relating to the impact on bats, birds and reptiles would be achieved and the application could therefore result in unacceptable impact on protected species contrary to policies SP5 (Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.
11. The proposed onsite access and parking arrangements shown for the full and outline elements of the scheme would be unsatisfactory to serve the proposed development by virtue of inadequate carriageway width, lack of suitable parking provision, turning areas and visibility splays thus constituting a hazard to highway users contrary to policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the guidelines set out within the Council's Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document.
12. The proposed means of access to serve the south-west field via New Barn Road would be unsatisfactory to serve the proposed development by virtue of a lack sufficient forward visibility onto Old Road, the absence of a safe means of pedestrian access between the site and Old Road and a lack of adequate data to justify the proposed level of parking provision within New Barn Road. As a result, the development would be contrary to Policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy and the guidelines set out within the Council's Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document.
13. The application lacks sufficient justification for the proposed traffic calming measures within Old Road and adjacent to its junction with New Barn Road and is therefore contrary to Policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.
14. The application site is located within the Solent Special Protection Area (SPA) buffer zone and the proposal has the potential to result in increased recreational disturbance to the interest features of the Solent SPA alone and in combination with other development projects. To mitigate for these potential impacts to the Solent SPA, the applicant is required to enter into a planning obligation to secure a contribution from the development towards the Solent Recreation Mitigation Strategy. In the absence of such an obligation or any other proposed measures to mitigate for these potential impacts, it is considered that the proposal would be contrary to the aims of policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, the National Planning Policy Framework, and the requirements of the requirements the Conservation of Species and Habitats Regulations 2017 (as amended).
15. The application has not been supported by an adequate sequential test to demonstrate that it is not possible to place development in areas of lower risk of flooding and as such the application would be contrary to policy DM14 (Flood Risk) of the Island Plan Core Strategy and section 14 of the National Planning Policy Framework.
16. The proposed outline housing development would cause substantial harm to a locally listed park and garden, impacting on its significance contrary to policies DM2 (Design Quality for New Development) and DM11 (Historic and Built Environment)

of the Island Plan Core Strategy and paragraph 209 of the National Planning Policy Framework.

17. The proposed outline housing development and access road would have a significant impact on the character of area, including the East Cowes Conservation Area and views of the site from Cowes and the Solent contrary to DM2 (Design Quality for New Development), DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and the National Planning Policy Framework.

21/02438/LBC

1. The proposed development would result in substantial harm to a Grade I Registered Park and Garden. The submitted details have failed to adequately demonstrate that the level of harm is necessary to achieve substantial public benefits that outweigh the harm or that the requirement of paragraph 207 of the National Planning Policy Framework have been met. The application would therefore be contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 207 of the NPPF.
2. A very high degree of harm would be caused to two Grade I listed buildings and three Grade II listed buildings and their setting. The application has failed to demonstrate that the public benefits and the proposal is not considered to represent the Optimum Viable Use as the scheme would be unviable. The scheme would therefore be contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 208 of the NPPF.
3. Insufficient information has been submitted to assess the impact of the proposed development on the fabric and features of interest of one of the cattle shelters, watering ponds and the pumphouse, all of which are Grade II listed buildings. In the absence of this information, it is considered that a high degree of harm could be cause to these designed historic assets contrary to policies DM11 (Historic and Built Environment) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy and paragraph 208 of the NPPF.



Purpose: For Noting/Discussion

Committee Report

ISLE OF WIGHT COUNCIL

Meeting	PLANNING COMMITTEE
Date	16 APRIL 2024
Title	2023/24 DECISION REVIEW AND MONITORING AND APPEALS PERFORMANCE REPORT
Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY

Executive Summary

1. The Code of Practice for Members and Officers Dealing with Planning Matters requires a report to the Planning Committee providing an analysis of statistics relating to decisions which depart from policy and decisions which are against officers' recommendation for 2023/24. This paper also reports on the Isle of Wight Council's performance on planning appeals, which are an indicator of the quality of its decisions.
2. Within the reporting period there was one decision that departed from policy, and of the 13 applications considered by the Planning Committee 12 were determined in line with the Officer recommendation (or with additional conditions required by the Committee) and one was determined against Officer recommendation.
3. A total of 49 appeals were received in 2023/24 and the Planning Inspectorate issued 58 decisions in the same period. Of the 58 decisions, 57 related to the refusal of planning permission by officers under delegated authority, with one appeal being against a decision made at Planning Committee in line with officer recommendation. The overall percentage of planning appeals (against the refusal of planning permission and listed building consent) allowed was 34.9 per cent. This represents an increase against the previous years' figures, although it is noted that due to the relatively low number of decisions issued, the outcome of a small number of decisions can notably affect the overall average.
4. There were 24 allowed appeals in 2023/24, which represents 41.4 per cent of the 58 decisions issued by the Planning Inspectorate. This percentage is significantly higher than the performance of previous years but can be explained by a reasonably high number of finely balanced decisions where the character and appearance of a development in relation to the local area and the impact on the

living conditions of neighbouring occupiers were key considerations and the Inspectors simply took a different view to the LPA.

5. There were also 8 successful appeals relating to the refusal of prior approval on one site, which has significantly impacted the final totals and percentages.
6. Notwithstanding this, benchmarking the Council's performance it is noticeably better than the national average for quality of decisions for major applications and the same as the national average for non-majors. Therefore, the Council's performance on the quality of its decisions remains well clear of the national threshold of 10 per cent for under-performing.
7. This report is for noting and discussion as appropriate.

Background

8. The Review and Monitoring section of the Code of Practice for Members and Officers Dealing with Planning Matters requires a report to the Planning Committee providing an analysis of statistics relating to decisions which depart from policy and decision which are against officers' recommendation for 2023/24. This paper also reports on the Isle of Wight Council's performance on planning appeals, which are an indicator of the quality of its decisions.
9. There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement.
10. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.
11. If an application for planning permission is refused by the local planning authority, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions, under section 78 of the Town and Country Planning Act 1990.
12. Most planning appeals must be received within six months of the date on the decision notice. Where the appeal relates to an application for householder planning consent and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal (see Annex C of the [Planning Inspectorate Procedural Guide](#)). There are different deadlines by which to submit an appeal under the Commercial Appeals Service:
 - Appeals related to shop fronts must be submitted within 12 weeks
 - Advertisement consent appeals must be submitted within 8 weeks.
13. Monitoring performance at appeal is an important tool in understanding the quality of the local planning authority's decision making.

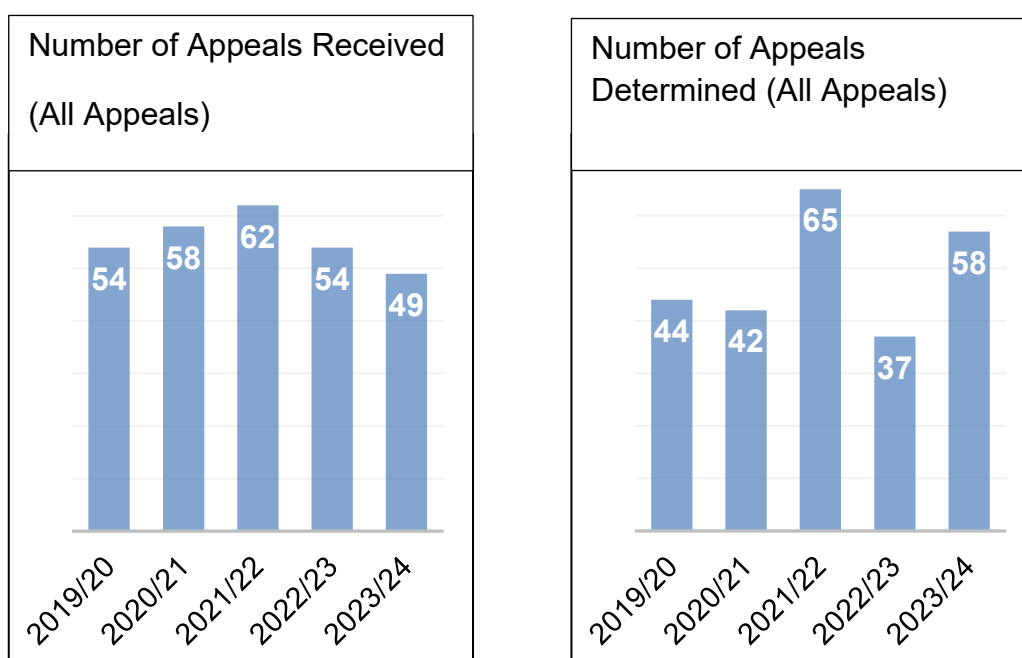
Decision Review and Monitoring

14. Within the reporting period there was one decision that departed from policy and of the 13 applications considered by the Planning Committee twelve were determined in line with the Officer recommendation (or with additional conditions required by the Committee) and one was determined against Officer recommendation.

Local Level Monitoring

Appeals received and determined

15. During 2023/24 there were 49 appeals lodged. This is slightly below the numbers received in the previous four years, as seen in the graph below.

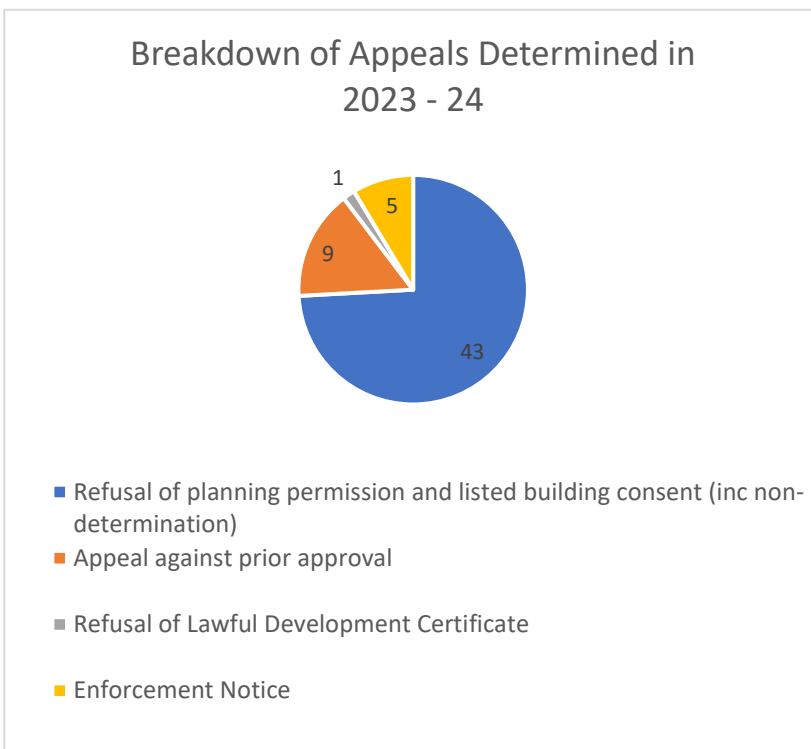


16. During 2023/24, 58 appeal decisions were issued by the Planning Inspectorate. This is notably higher than 2022/23 (37) but less than the number of appeal decisions issued in 2021/22 (65). However, 2021/22 stands out as having an unusually high number of appeal decisions issued, with an average of 49 decisions issued annually over a five-year period.
17. There were slightly more appeal decisions issued than cases received during 2023/24, with 49 cases received and 58 determined. This suggests that the delay in the Planning Inspectorate determining cases that was present throughout and after the pandemic may be reducing. However, the Inspectorate's monthly statistics on the time taken to issue decisions indicate that written representations cases issued during January 2024 (the latest available figures) took an average of 34 weeks to determine¹ for full appeals and 21 weeks for cases following the householder

¹ Measured from confirmation of a valid appeal to issuing of decision.

appeal process. This is comparable with the same time last year (February 2023), in which cases took 35 weeks and 21 weeks to determine respectively.

18. The appeals determined in 2023/24 are broken down on the following graph and table.
19. The majority of appeal decisions issued in 2023/24 relate to refusal of planning permission (including appeals against non-determination) and listed building consent. Whilst there was an unusually high number of appeal decisions issued relating to appeals against the refusal of prior-approval (nine cases), the majority of these (eight out of nine) related to separate telecommunications infrastructure at the same site². Other decisions issued related to appeals against Enforcement Notices (five cases) and one appeal against the refusal of an application for a Lawful Development Certificate.



Appeal Type	Number and %
Refusal of planning permission and listed building consent (inc non-determination)	43 (74.1%)
Appeal against prior approval	9 (15.5%)
Refusal of Lawful Development Certificate	1 (1.7%)
Enforcement Notice	5 (8.6%)
Total	58 (100%)

20. The three procedures for determining appeals are:
 - (i) written representations;
 - (ii) hearing; and
 - (iii) public inquiry
21. There is also a facility for the Planning Inspectorate to implement a hybrid procedure, in which some elements of an appeal are considered under written representations but others, such as that requiring evidence under oath, are determined through a public inquiry. All of the appeals determined during 2023/24 followed the written representations procedure.

² Thorness Bay Holiday Park, Cowes

22. There were no decisions relating to appeals determined via hearing and public inquiry in 2023/24.
23. The fast-track Householder Appeal Service, which falls under the written representation procedure, is intended to simplify and speed up the decision-making process for cases concerning the extension and alteration of existing dwellings. There was a total of nine householder appeal decisions issued in 2023/24, which is lower than 2022/23 (13) and notably lower than 2021/22 (28). However, 2021/22 stands out as having an exceptionally high number of householder appeal decisions issued, compared to a five-year average (from 2019-24) of 12.6 decisions issued annually.
24. The expedited written representation procedure includes appeals against refusal of express consent to display an advertisement and appeals against refusal of planning permission for minor commercial (shop front) development. No such appeals were received or determined in 2023/24.
25. The success rate for each type of appeal, for decisions issued during 2023/24 is shown on the following page.
26. The Council's performance is measured as the percentage of appeals allowed against refusal of planning permission (including non-determination of applications) and listed building consent. Other appeals such as those relating to enforcement notices, advert consent, lawful development certificate, prior notification etc are excluded from this performance figure.
27. In 2023/24 there were 43 decisions issued relating to appeals against the refusal of planning permission (including householder and non-determination appeals) and listed building consent (see column C of the table above). Of these, 15 were allowed, which equates to 34.9 per cent.

	A	B	C	D	E	F	G
	Refusal of Planning Permission (Householder Appeals only)	Refusal of Planning Permission (excluding)	Refusal of Planning Permission (A+B)	Appeals against Prior Notification	Appeals Against an Enforcement Notice	Refusal of Lawful Development	Total (C+D+E+F)
Total Number	9	34	43	9	5	1	58
Number (and %) <u>Dismissed</u>⁴	4 (44.5%)	24 (70.6%)	28 (65.1%)	1 (11.1%)	4 (80%)	1 (100%)	34 (58.6%)
Number (and %) <u>Allowed</u>	5 (55.6%)	10 (29.4%)	15 (34.9%)	8 (89.9%)	1 (20%)	0 (0%)	24 (41.4%)

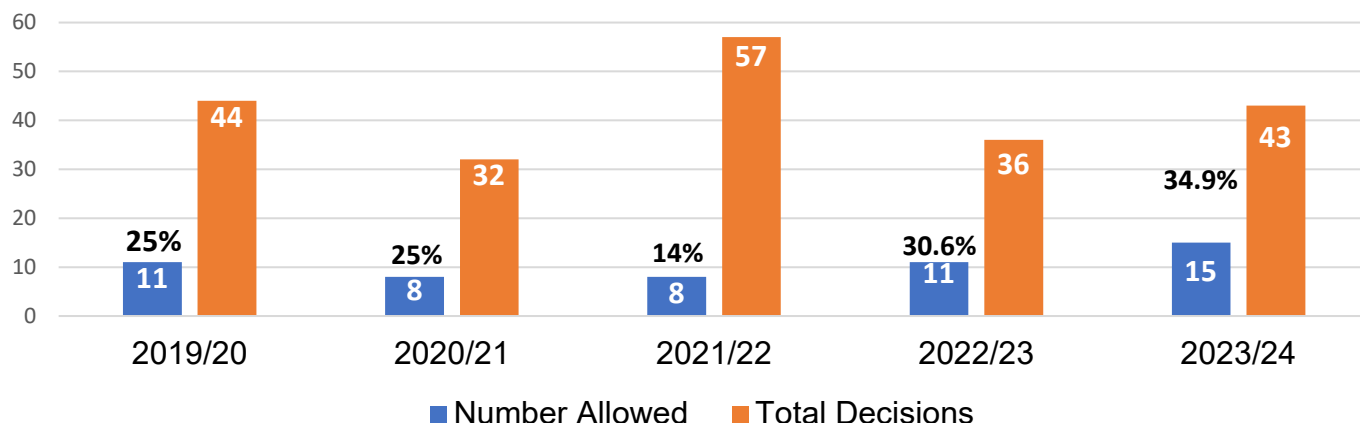
³ (including appeals against non-determination)

⁴ Figures include 1 split decision which, in line with National criteria detailed in paragraph 32, is treated as if the local planning authority's decision has not been overturned

28. It is notable that five of the allowed appeals relate to cases following the householder process, in which 55.6 per cent of cases (five out of nine) were allowed. In previous years, there has been the luxury of ‘testing’ some refusals at appeal due to the Council’s figures being well above the Government targets (and accompanying sanctions). However, the Council’s performance over the last two years (30.6 per cent in 2022/23 and 34.9 per cent in 2023/24) will start to impact on its figures over the Government’s two-year reporting cycle. The consequences of this approach need to be considered going forward as it is clear that when taking into account the relatively low number of decisions issued, the outcome of a small number of cases relating to development of a relatively minor nature can notably affect the overall average and increase the risk of Government sanctions.
29. Officers have reviewed the allowed appeals for common themes and found that the majority (13 out of 15) concern small developments of a single dwelling, householder extensions and alterations and minor alterations to commercial properties. A common theme (10 out of 15) within the allowed appeals is the issue of character and appearance of a development in relation to the local area and/or host property. The impact on the living conditions of neighbouring occupiers was also a main issue for four of the allowed appeals.
30. The character and appearance of new development, along with the impacts on neighbours are highly important considerations due to the impacts on an area and the existing residents. These matters are, however, also subjective and officers have consistently applied a higher bar than the Planning Inspectorate have. In light of the national thresholds and sanctions, the LPA will need to factor the appeal performance position into its decision-making for such applications in 24/25.
31. There were also nine appeals against decisions relating to Prior Notifications, of which eight were overturned. All eight were for electronic communication infrastructure (metal poles of six to eight metres high for Wi-Fi provision) at a holiday camp located within the National Landscape (formerly the AONB) and the Heritage Coast. The Inspector considered that the potential harm identified would be outweighed by the need for the installations to be sited as proposed, taking into account that no suitable alternatives existed.
32. The majority (97.7 per cent) of the appeal decisions relating to the refusal of planning permission and listed building consent issued during 2023/24 concerned applications determined under the delegated procedure (or applications which were not determined and appealed against non-determination). The one remaining decision issued related to the refusal of permission by the planning committee⁵ which was refused in line with the officer recommendation.
33. The number and percentage of appeals against the refusal of planning permission (including appeals against non-determination) and listed building consent which were allowed over the past five years are detailed in the graph below.

⁵ P/00670/18 – Guildford Park, Guildford Road, St Helens, PO33 1UH – Outline for proposed construction of 57 dwellings. This appeal was received in April 2020 but held in a prolonged period of abeyance whilst the Courts considered whether or not Guildford Road was a ‘road’ for the purposes of the Road Traffic Regulation Act 1984 (RTA).

Performance - Number and Percentage of Appeals Allowed
(refusal of planning permission, listed building & conservation area consent)



Enforcement Appeals

34. There were five Enforcement Appeal decisions issued during 2023/24, relating to three separate sites. Enforcement decisions are reported as ‘upheld’, ‘varied’ or ‘quashed’, which equates to ‘dismissed’, ‘part-allowed’ and ‘allowed’ respectively. There were two allowed cases (relating to the same site), two part-allowed cases (relating to the same site) and one allowed case. Details of the individual cases can be provided if required.

Costs

35. There were no applications for costs made against or by the Council during 2023/24.

Conclusions

36. The number of appeals received during 2023/24 was lower than the previous two years (49 in total compared to 54 in 2022/23 and 62 in 2021/22) but was slightly below the five-year average of 55.4 annually. The number of decisions issued (58) was notably higher than the previous year (37) but lower than the year prior to that in which 65 decisions were issued. The total number of decisions issued during 2023/24 (58) was slightly above the 5-year average (from 2019-24) of 49 decisions issued annually.

37. There were fewer householder appeal decisions issued during 2023/24 than in the previous two years (nine compared to 13 in 2022/23 and 28 in 2021/22). As a proportion of all appeal decisions issued, householder cases fell from 13 out of 37 decisions issued in 2022/23 (36.1 per cent) to nine out of 58 decisions issued in 2023/24 (15.8 per cent).

38. The overall percentage of planning appeals that were allowed during 2023/24 (against the refusal and non-determination of applications for planning permission and listed building consent – those upon which the LPA’s performance is

monitored) was 15 out of 43 (which equates to 34.9 per cent). This percentage is higher than the previous year (2022/23), in which 30.6 per cent of such cases were allowed. In the three years prior to 2022/23 the percentage of appeals against refusal and non-determination of planning permission and listed building consent was significantly lower, ranging from 14 per cent to 25 per cent. It is clear that in the context of a relatively modest number of appeal decisions issued, one or two allowed cases can notably affect the overall percentage.

39. There were five appeals against Enforcement Notices determined in 2023/24 with the notices being upheld or varied in four out of the cases.

National Level Monitoring

40. The performance of local planning authorities in determining major and non-major development is assessed by the Government on two measures: speed and quality. Further information on the criteria can be found at [Improving planning performance: Criteria for designation \(updated 2022\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/103122/improving-planning-performance-criteria-for-designation-updated-2022.pdf).
41. The quality of decision making is measured by the proportion of major and non-major decisions on applications that are subsequently overturned at appeal. This is measured quarterly over a rolling two-year period. The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal. Should a local planning authority fall below the expected thresholds on either measure they can be designated as 'under-performing', then applicants would be able to submit planning applications direct to the Planning Inspectorate.
42. The current two-year period covers the 24 months to the end of March 2023, set out in [Live tables on planning application statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/live-tables-on-planning-application-statistics).
43. In the reporting period the council determined 61 major applications, three of which were appealed and of these only one was overturned at appeal. This equates to 1.6 per cent of the council's major decisions in the reporting period being overturned. Whilst this represents an increase on the previous year (where there were no decisions overturned), it is still well below the national average of 2.4 per cent.
44. There were two 'county matters' (those relating to minerals and waste, as defined by Schedule 1 of the Town and Country Planning Act 1990 and: Town and Country Planning (Prescription of County Matters) (England) Regulations 2003) applications or appeals in the reporting period. Neither of these were overturned at appeal.
45. For non-major applications in the reporting period of 24 months to end of September 2022, the council issued 2,098 decisions and of these 70 were appealed. Of these 70 appeals, 20 of the council's decisions were overturned. The percentage of decisions overturned at appeal is therefore 1 per cent, which is exactly the same as the national average of 1 per cent.
46. The council's performance at appeal is comfortably below the Government's 10 per cent designation threshold for the quality of decisions on both major and non-major applications.

Evaluation

47. The statistics show that the quality of the Council's decision-making is of a very good standard for non-major and major development, is above the national average and comfortably clear of the thresholds for assessing under-performance under section 62B of the Town and Country Planning Act 1990.
48. Benchmarking the Council's performance, it is noticeably better than the national average for quality of decisions for major applications and the same as the national average for non-majors. Therefore, the Council's performance on the quality of its decisions remains well clear of the national threshold of 10 per cent for under-performing.
49. It is considered that in the light of these statistics there should be a great level of confidence in the quality of the decision-making of the local planning authority.

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