



# Minutes

Name of meeting	<b>PLANNING COMMITTEE</b>
Date and Time	<b>TUESDAY 16 NOVEMBER 2021 COMMENCING AT 4.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs M Lilley (Chairman), G Brodie (Vice-Chairman), D Adams, M Beston, P Brading, C Critchison, R Downer, W Drew, C Jarman, M Oliver, M Price and C Quirk
Also Present (Non voting)	S Smart (IWALC)
Officers Present	Marie Bartlett, Oliver Boulter, Russell Chick, Ben Gard, Alan White (on behalf of Island Roads) and Sarah Wilkinson

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**32. Minutes**

THAT the minutes of the meeting held on 19 October 2021 be approved.

**33. Declarations of Interest**

There were no declarations at this stage

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

There were no Public Questions

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

Consideration was given to items 1 and 2 of the report of the Strategic Manager for Planning and Infrastructure Delivery.

RESOLVED:

THAT the application be determined as detailed below:

The reasons for the resolutions made in accordance with Officer recommendation were given in the planning report. Where resolutions are made contrary to Officer recommendation the reasons for doing so are contained in the minutes.

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 Members when considering the application.

**Application:**

21/00357/FUL

**Details:**

Residential development comprising of 44 dwellings with access from Birch Close; access roads, parking and landscaping (revised drawings and corrected labels) (readvertised application)

Land to the East of Birch Close and North of, Solent Gardens, Freshwater.

**Site Visits:**

The site visit was carried out on Wednesday, 10 November 2021

**Public Participants:**

Huw Jenkins (Objector)

Mrs Frances Turan (Objector)

George Cameron (on behalf of Freshwater Parish Council)

Andrew White (Agent)

**Additional Representations:**

The Environment Act had become law since the report had been published which required environmental net gain to ensure developers leave the environment in a better state compared to the pre-development base line. The requirement was for developers to deliver a 10% increase in biodiversity. It was believed that planning conditions and associated legal agreement could include requirements of the Environment Act to achieve biodiversity net gain.

**Comment:**

Councillor Chris Jarman spoke as Local Member on this item.

Concern was raised regarding the foul and surface drainage within the area and if there was capacity for further housing, the Planning Officers advised that Southern Water had been consulted on the application as a statutory consultee and had raised no objection to the scheme.

The Committee asked questions relating to an access/footpath into the town centre from the site, Officers informed the Committee that if they believed it was required a condition could be attached to the planning permission.

Affordability of the proposed houses was raised with concern that they were not always affordable to everyone.

Concern was raised from Councillors regarding the Local Member's role at the meeting, the Council's Constitution Part 5 (Code of practice for Members and Officers dealing with Planning Matters (Local Councillors)) states that local members who sit on the planning committee by local convention may speak but will not vote on the issue, the Chairman advised that this was a local convention and not the law, therefore the Councillor concerned was entitled to take part in the debate and vote on the item being considered. Advice had been provided and it was the decision of the local councillor how they wished to

take part.

The Committee questioned the biodiversity of the site and how the net gains were to be achieved, they were advised that the harm would be mitigated by retaining vegetation to encourage nesting birds and mammals to move to another location.

The Committee noted the level of development in the area with no additional infrastructure improvements, the site had become a habitat for small wildlife, the proposed plans had not identified landscaping and the committee asked if more could be conditioned to ensure landscaping was incorporated. Officers advised that a condition was in place for landscaping however this could be tightened to ensure adequate landscaping was included.

A proposal to accept the officers' recommendation was proposed and duly seconded.

An amendment to include a condition for a formal walkway into the town centre was proposed, the proposer and seconder accepted the amendment. A vote was taken.

The vote was tied, therefore in accordance with the Council's Constitution the Chairman gets a casting vote, the Chairman voted against the motion which duly fell.

A proposal to refuse the application was then proposed due to the loss of greenfield site, the ecological impact and the application fell outside the development boundary was made and duly seconded.

The Chairman took an adjournment to allow officers time to consider concerns and formulate a sustainable reason for refusal of the application based on the comments made.

Following the adjournment officers read out the proposed reason for refusal and in accordance with the Council Constitution a named vote was taken the result follows:

For (4)

Cllrs David Adams, Claire Critchison, Chris Jarman, Michael Lilley

Against (8)

Cllrs Michael Beston, Paul Brading, Geoff Brodie, Rodney Downer, Warren Drew, Martin Oliver, Matthew Price, Chris Quirk

The motion fell.

A proposal was made to grant the application subject to amending the affordable housing to all 14 units being affordable rented accommodation, strengthening the landscaping condition and inclusion of a condition to create a footpath to create links between the application site and the town centre, was

made and duly seconded.

A vote was taken and the result was:

**Decision:**

RESOLVED:

THAT the application be approved to amending the affordable housing to all 14 units being affordable rented accommodation, strengthening the landscaping condition and inclusion of a condition to create a footpath to create links between the application site and the town centre

**Conditions:**

Prior to the three hour point in the meeting, a proposal to extend the meeting by an hour under Part 4B paragraph 6 (Duration of meetings) and paragraph 10 (Voting) of the Council's Constitution was put to the meeting by the Chairman.

RESOLVED:

THAT the meeting be extended by up to an hour.

**Application:**

19/01544/OUT

**Details:**

Demolition of workshops and yard; outline for proposed residential development and the means of access (additional information)(readadvertised application)

Land To The Rear of 162 To 182, Gunville Road, Carisbrooke.

**Site Visits:**

The site visit was carried out on Wednesday, 10 November 2021

**Public Participants:**

Jo Smith (Objector)

David Long (Agent)

**Additional Representations:**

The Environment Act had become law since the report had been published which required environmental net gain to ensure developers leave the environment in a better state compared to the pre-development base line. The requirement was for developers to deliver a 10% increase in biodiversity. Officers advised that they were satisfied that as an outline application, sufficient space was available on site to ensure net gain was achieved.

Newport and Carisbrooke Community Council had clarified their comments on the application given the length of time since they made their initial comments, two additional letters of representation had been received by the Local Planning Authority.

**Comment:**

Concern was raised regarding the removal of the pinch point and replacing it with a zebra crossing, they asked if an alternative could be considered, a signal-controlled crossing with raised plateau was suggested, officers advised that without costings of alternative highway improvements they were unable to assess the level of reasonableness with the request.

Island Roads also clarified that they would need to establish whether a combination of the signals and a plateau would be safe in isolation of any other highway measures.

It was noted that previous applications in this area had been refused by the Planning Committee due to highway infrastructure and likely traffic in the area and asked if it would be reasonable to secure highway improvement contributions from a number of developments in the area, opening of Taylor Road was suggested. Officers advised that they needed to establish if opening Taylor Road would help the situation and then a cost would need to be attributed to individual developments.

The Strategic Manager for Planning and Infrastructure advised that he believed there were a number of concerns being raised by the Committee which would need further investigation, deferral was suggested to enable staff to investigate and provide the information to the Committee, however when the application returned to the Committee for consideration it would be reasonable for the applicant to assume that the only issues for consideration would be the reasons for the deferral.

The Committee also asked if investigation into cycling provision on Gunville Road could be included in the development and a reduction in the speed limit investigated.

Concern was raised regarding the length of the meeting and the pressure to reach a decision.

A proposal to defer the application to allow the Local Planning Authority to investigate pedestrian safety, cycle links, speed restrictions and the reopening of Taylor Road.

In accordance with the Council Constitution a named vote was taken the result follows:

For (11)

Cllrs David Adams, Michael Beston, Geoff Brodie, Claire Critchison, Rodney Downer, Warren Drew, Chris Jarman, Martin Oliver, Matthew Price, Chris Quirk, Michael Lilley.

Against (1)

Cllr Paul Brading

**Decision:**

THAT the application be deferred to allow the Local Planning Authority to investigate the best way to ensure pedestrian safety, cycle links, speed restrictions and the re-opening of Taylor Road.

36. **Members' Question Time**

There were no Members questions

CHAIRMAN

**UPDATE FOLLOWING THE PUBLICATION OF A REPORT TO THE PLANNING COMMITTEE  
– TUESDAY 16<sup>th</sup> NOVEMBER 2021**

1. 21/00357/FUL Residential development comprising of 44 dwellings with access from Birch Close; access roads, parking and landscaping at Land to the east of Birch Close and north of Solent Gardens, Freshwater

**Nature of Representation**

Since the completion of the officer report, the Environment Bill has become law. The Environment Act includes a requirement for environmental net gain, a concept that aims to ensure that developers leave the environment in a measurably better state compared to the pre-development baseline. The requirement is for developers to deliver a 10% increase in biodiversity, known as Biodiversity Net Gain.

In relation to this planning application, it should be noted that it must be determined in accordance with adopted policy guidance and the law. The NPPF refers to net gain and advises that when determining planning applications, opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The planning application was submitted prior to the Environment Act 2021 becoming law. However, it is considered that planning conditions related to the proposed development and the associated legal agreement could include requirements for the development to meet Biodiversity Net Gain. This would be agreed via the condition discharge process, which would require the submission of a biodiversity gain plan, that would need to be undertaken in accordance with Natural England guidance and include a biodiversity metric, which would compare the baseline for the site with the need for 10% Biodiversity Net Gain. This is possible because the site was surveyed by a qualified ecologist in May 2021, with the findings recorded within the ecology survey that supports this planning application.

Biodiversity Net Gain can be delivered in a variety of ways. This can include onsite enhancement of existing habitat, habitat creation or delivery of habitat enhancement in alternative areas, through contributions or works secured via a planning obligation. The Environment Act requires habitats to be secured for a minimum of 30 years, a requirement that would be secured through a planning obligation.

As a result, officers propose that draft condition 18 is updated to include a requirement for Biodiversity Net Gain, as drafted below:

No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall set out measures to protect wildlife during both construction and operational phases of the development, based on the principles of the Preliminary Ecology Appraisal and include detailed ecology surveys that build upon the Appraisal as well

as measures to achieve Biodiversity Net Gain. The EMP shall include the following additional information:

- The methods of construction and works for clearing vegetation on a precautionary basis (by hand or using light machinery to be agreed as part of this condition) to prevent harm to protected species
- Measures to prevent open trenches from infilling with water, to prevent trapping of wildlife
- Details of working methods to prevent harm to protected species recorded through the additional species surveys
- Details of the location and number of bird and bat boxes to be installed at the site
- Methods of ensuring wildlife connectivity throughout the site
- Details of additional planting and habitat creation (in combination with condition 19) to ensure ecological enhancement and Biodiversity Net Gain
- If during any stage of development of the site protected species are identified, an ecologist should be contacted to ensure compliance with wildlife regulations, including periods when works should cease due to nesting and hibernation seasons.

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

**Reason:** To avoid impacts to, and to ensure the favorable conservation status of protected species and habitats, in the interests of the ecological value and visual amenity of the area and to comply with the requirements of policy FNP 12 – Natural Environment of the Freshwater Neighbourhood Plan, policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy, section 15 of the NPPF and the Environment Act 2021. This is a pre commencement condition due to the requirement to protect ecology at all stages of site works.

In addition, officers propose that an additional requirement for Biodiversity Net Gain is added to the heads of terms for the legal agreement, as set out within section 8 of the committee report.

### **Officer conclusion**

For Councillors to note the requirements for Biodiversity Net Gain and the above revised condition and additional requirement for the legal agreement. No change to recommendation.

2. 19/01544/OUT Demolition of workshops and yard; outline for proposed residential development and the means of access at Land to the rear of 162 to 182 Gunville Road, Carisbrooke, Isle of Wight

### **Nature of Representation**

Since the completion of the officer report, the Environment Bill has become law. The Environment Act includes a requirement for environmental net gain, a concept that aims to ensure that developers leave the environment in a measurably better state compared to the pre-development baseline. The requirement is for developers to deliver a 10% increase in biodiversity, known as Biodiversity Net Gain.

In relation to this planning application, it should be noted that it must be determined in accordance with adopted policy guidance and the law. The NPPF refers to net gain and advises that when determining planning applications, opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Biodiversity Net Gain can be delivered in a variety of ways. This can include onsite enhancement of existing habitat, habitat creation or delivery of habitat enhancement in alternative areas, through contributions or works secured via a planning obligation. The Environment Act requires habitats to be secured for a minimum of 30 years, a requirement that would be secured through a planning obligation.

### **Officer conclusion**

The planning application was submitted prior to the Environment Act 2021 becoming law. However, officers are satisfied that, as an outline, sufficient space is available on site to ensure the that required net gain is achieved.

No change to recommendation

### **Nature of Representation**

Newport and Carisbrooke Community Council have clarified that their objection to the application was made nearly two years ago, since which time a new community council has been elected and in its response to the allocation of this site just over a month ago, made the following comment:

"Members were in agreement that this site is an appropriate site for this level of proposed housing, but there needs to be significant highway infrastructure improvements to facilitate for the increase in traffic that is inevitable with the construction of between 150/175 homes."

## **Officer conclusion**

The allocated site is larger than that being considered within this application, accounting for the difference in indicative unit numbers.

No change to recommendation.

## **Nature of Representation**

Since the publication of the report two additional letters of representation have been received objecting to the application. Issues raised can be summarised as follows:

- Removal of pinch point will increase speed
- Road entrance would destroy roman remains
- No provision for children's play area
- Foul drainage is at capacity
- Loss of greenfield area would increase run off speed to Gunville Stream
- What is being done to ensure these won't be second homes or for rental
- Island Roads and Community Council have objected
- No contamination report submitted
- Ecology information is not good enough
- Over-development of village
- No sequential test
- Fumes from congestion
- Need for housing is a misnomer
- Monetary contributions should not play any part in environmental considerations

## **Officer conclusion**

Officers consider that these matters are already considered within the published report

No change to officer recommendation.

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Ollie Boulter – Strategic Manager for Planning and Infrastructure Delivery  
Sarah Wilkinson – Planning Team Leader  
Russell Chick – Planning Team Leader

16/11/2021