

# Public Document Pack



Monitoring Officer  
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## Agenda

Name of meeting	<b>PLANNING COMMITTEE</b>
Date	<b>TUESDAY 29 MARCH 2022</b>
Time	<b>4.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the Committee	<p>Cllrs M Lilley (Chairman), G Brodie (Vice-Chairman), P Brading, D Adams, V Churchman, C Critchison, W Drew, C Jarman, K Lucioni, J Medland, M Oliver, M Price, C Quirk, P Spink</p> <p>S Smart (IWALC representative) P Fuller Cabinet Member for Planning and Community Engagement</p> <p>Democratic Services Officer: Marie Bartlett democratic.services@iow.gov.uk</p>

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

To confirm as a true record the Minutes of the meeting held on 1 March 2022.

2. **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.

3. **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](mailto: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, 24 March 2022.

4. **Motion Submitted by Councillor Chris Jarman**

That, in respect of planning application 20/01061/FUL concerning 'West Acre Park', the Strategic Manager for Planning and Infrastructure shall refrain from exercising his delegated authority to issue the formal planning decision in pursuance of the Planning Committee's resolution at its July 2021 meeting and that the Strategic Manager for Planning and Infrastructure shall prepare and present a further report to the Planning Committee to update members on up-to-date matters to be identified by the Planning Protocols Working Group (including on the section 106 obligations) and for the Planning Committee to reconsider that planning application at a meeting (the format of which shall be determined by the Strategic Manager for Planning and Infrastructure and the Planning Protocols Working Group) as soon as is practicable.

To be revised to read:

That, in respect of planning application 20/01061/FUL concerning 'West Acre Park', the Strategic Manager for Planning and Infrastructure shall refrain from exercising his delegated authority to issue the formal planning decision in pursuance of the Planning Committee's resolution at its July 2021 meeting and that the Strategic Manager for Planning and Infrastructure shall prepare and present a further report to the Planning Committee to update members and the Planning Committee shall due to an abundance of caution reconsider that planning application at a future meeting as soon as is practicable.

5. **Report of the Strategic Manager for Planning and Infrastructure** (Pages 11 - 50)

Planning applications and related matters.

6. **Report of the Chief Executive**

(a) Planning Application 20/01061/FUL - Westacre Park (Pages 51 - 58)

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](mailto:democratic.services@iow.gov.uk) no later than 4.00pm on Friday, 25 March 2022. 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, 21 March 2022

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## Minutes

Name of meeting	<b>PLANNING COMMITTEE</b>
Date and Time	<b>TUESDAY 1 MARCH 2022 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, V Churchman, C Critchison, W Drew, C Jarman, M Oliver, M Price, C Quirk and P Spink
Also Present (Non voting)	Cllr P Fuller (Cabinet Member)
Officers Present	Oliver Boulter, Russell Chick, Ben Gard, Jodie Gibson, John Metcalfe, Wendy Perera, Stuart Van-Cuylenburg, Justin Thorne and Alan White (on behalf of Island Roads)
Apologies	Cllrs K Lucioni and S Smart

### 49. Minutes

RESOLVED:

THAT the minutes of the meeting held on 25 January 2022 be approved.

### 50. Declarations of Interest

Councillor Quirk and Matthew Price declared a non pecuniary interest in minute number 52 (Ryde Pier Café and adjoining public toilets, Esplanade, Ryde) as they knew business owners in the area.

Councillor Brodie declared a non pecuniary interest in minute number 52 (Land at Lee Farm, Main Road, Wellow) as he was a member of Cycle Wight who he believed had commented on the application.

Councillor Spink declared an interest in minute number 52 (Land at Lee Farm, Main Road, Wellow) as he believed he was predetermined, he would speak as local Councillor and then leave the room

Councillors Churchman, Drew and Quirk advised that they had not attended the arranged site visit, and would not take part in the application for Lee Farm, Wellow,

however they felt they knew the Ryde site well enough to take part in the debate and vote.

Councillor Brodie advised that he had not attended the arranged site visit, he had undertaken his own visit of the site at Lee Farm, Wellow and was satisfied he understood the application site, he was also satisfied that he knew the Ryde site well enough to take part in the debate and vote.

Councillor Lilley declared an interest in minute number 52 (Ryde Pier Café and adjoining public toilets, Esplanade, Ryde) as he knew the previous owner/lease holder of the café.

Councillor Paul Fuller declared an interest in minute number 52 (Land at Lee Farm, Main Road, Wellow) as he was the independent chair of the IW local access forum.

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

There were no public questions submitted.

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

Consideration was given to items 1 -2 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 Members when considering the application. A note is made to that effect in the minutes.

**Application:**

21/00684/FUL

**Details:**

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

Land at Lee Farm, Main Road, Wellow

**Site Visit:**

The site visit was carried out on Friday, 25 February 2022.

**Public Participants:**

Mr Steve Cowley (Applicant)

**Additional Representations:**

It was noted that the calculation relating to housing delivery within section 6.9 of the report was incorrect, the figures should read 501 and 364 respectively.

Since publication of the report officers had completed an appropriate assessment of the development proposals on Solent Marine sites and foul drainage systems, they concluded that there would be no adverse effect on Solent Marine Sites. Consultation with Natural England had been completed and they agreed with the conclusion.

**Comment:**

Councillor Peter Spink spoke as Local Councillor for the site, once he had completed his speech, he then left the Council Chamber.

Officers advised Councillors against giving weight to the emerging Island Planning Strategy policies in their decision-making, as it had not been sufficiently progressed through the adoption process.

Concerns were raised regarding the lack of affordable housing on the site and understood that was due to the land being offered by the applicant for the proposed West Wight greenway. Officers advised that the land for the greenway would be dedicated at no cost to the Council, and also advised that the Rights of Way manager had provided a cost summary for the works to bring the land up to the standard required for the Greenway which would be included in the legal agreement if the application was approved. They went on to advise that this part of the greenway would connect other parts already available, and those agreed to be used for the remainder of the route.

A proposal was made to approve the application subject to a condition being added to ensure the construction of the greenway and for any excess money to be spent in the parishes of Yarmouth and Shalfleet on affordable homes.

A short adjournment was taken to allow officers to consider the proposal and suggest additional conditions.

Following the adjournment officers advised that any excess money would be spent within the local vicinity and believed it would be unreasonable to ask the greenway to be completed prior to any occupation and believed a trigger point of between 50 – 75 % would allow for negotiation.

The proposer also requested that the Greenway route should be dedicated as a bridleway upon the commencement of the approved development.

The proposer and seconder agreed with the suggested changes and a vote was taken the result of which was:

**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 subject to the following:

- Commencement of work on the greenway would begin around 50% of occupation of dwellings and full delivery by 75% of occupation
  - In the meantime, the entire route would be dedicated by the Local Authority for use as a bridleway
  - Affordable housing contributions would be used within the local parish
- 

Councillor Spink returned to the Council Chamber

**Application:**

21/02431/FUL

**Details:**

Proposed demolition of building

Ryde Pier Café and adjoining public toilets, Esplanade, Ryde

**Site Visits:**

The site visit was carried out on Friday, 25 February 2022.

**Public Participants:**

Mr David Newton (Applicant)

**Comment:**

Councillor Jordan spoke as Local Councillor

Concern was raised regarding the length of time the temporary toilets would remain and if new toilets would be incorporated into the design of the new station, the Chairman agreed to allow the Cabinet Member for Highways PFI and transport Infrastructure to advise the committee that the development had to be delivered by March 2023, due to the pandemic there had been an agreement that the date may be pushed back between 3-6 months, the scheme had always included toilets and facilities within the new station and the Isle of Wight Council would be designing and ensuring delivery of the new station.

The committee asked why they were only considering this part of the development, officers advised that this site fell within a Conservation Area and therefore required consent to demolish, that the majority of the other works could be undertaken by the Council as Highways Authority under permitted development rights and that the other parts of the scheme that would require planning permission would be applied for at the appropriate time.

**Decision:**

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

THAT the application be approved.



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.

**53. Review of the Code of Practice for members and officers dealing with Planning matters**

Councillor Jarman introduced the report, advising that following a meeting in November 2021 it had been agreed to set up a working group and the report was to formally ratify that decision.

Concern was raised by Councillors regarding the proposed membership of the working group, as substitute members of the Planning Committee were included and had voting rights, it was felt the control was being removed from planning officers.

The Committee were supportive to the Planning Officers and believed that they should be involved in the working group meetings along with the Cabinet Member for Planning and Community Engagement.

The vote was taken the result of which was

RESOLVED:

ii. THAT the decision taken at the informal meeting of the Planning Committee on 22<sup>nd</sup> November 2021 to establish a cross-party working group of Councillors to provide recommendations for revision of the Code of Practice for Members and Officers dealing with Planning Matters for review by the Planning Committee. The working group will fall under the oversight of the Cabinet Member for Planning and Community Engagement be Ratified and endorsed.

iii. THAT the corporate intention to undertake a peer review later this year to help the council identify future needs of the planning service and the resources required to meet those needs. To agree the committee should have a role, alongside the Cabinet Member for Planning and Community Engagement in agreeing the scope of and contributing to the peer review of needs be Recognised.

iv. THAT Once agreed an amended Code of Practice for Members and Officers Dealing with Planning Matters will be recommended for adoption by Full Council at the earliest opportunity.

**54. Members' Question Time**

Councillor Drew asked a question relating to the recent sale of land in Sandown and asked where the Local Authority stood in maintaining public ownership, the Strategic Manager for Planning and Infrastructure delivery advised that he had been asked

the same question by the local ward councillor and he would send the advice he gave to Councillor Drew.

**55. Motion Submitted by Councillor Chris Jarman**

Councillor Brodie raised a point of order requesting the chairman to explain why he had decided to Chair the meeting for the item, he understood that legal advice was that he should not remain in the Council Chamber for the item of business, he believed that by doing so it would jeopardise the decision made at the meeting. The Chairman advised that following advice he had decided to remain in the Chair for the item however he would not take part in the vote, if the vote was tied then he would adjourn.

Councillor Brodie then raised another point of order questioning if the motion should have been included on the agenda for the meeting, the Chairman advised that he wanted Councillor Jarman to move his motion before he took questions on the matter.

An adjournment was called.

On returning Councillor Brodie continued with his questions regarding the procedure taken to add the motion to the agenda and who the Planning Protocols Working Group were as there was no mention of this group in the Council's Constitution.

The Chairman proposed a motion for the member not to be heard which was duly seconded.

A proposal to end the meeting was then proposed and seconded a vote was taken.

RESOLVED:

THAT the meeting ended.

CHAIRMAN

## ISLE OF WIGHT COUNCIL PLANNING COMMITTEE - TUESDAY, 29 MARCH 2022

### 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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## INDEX

1 21/01796/OUT

Land At And Rear Of 69 And Part  
OS 8361, Station Road, Wootton.

Parish: Wootton Bridge

**Conditional  
Permission**

Ward: Wootton

Outline for residential development  
with new access, internal road  
layout and parking

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**Reference Number:** 21/01796/OUT

**Description of application:** Outline for residential development with new access, internal road layout and parking

**Site Address:** Land at and Rear of 69 and Part OS 8361 Station Road Wootton Isle of Wight PO33

**Applicant:** Maritime & Provincial Ltd

**This application is recommended for:** Conditional approval subject to the prior execution of a Legal Agreement

### **REASON FOR COMMITTEE CONSIDERATION**

The application is considered to raise marginal and difficult policy issues and therefore in accordance with the Council's Constitution has been referred to the Planning Committee for consideration.

### **MAIN CONSIDERATIONS**

- Principle of the development
- Impact upon the character of the surrounding area
- Impact upon the amenity of nearby residential occupiers
- Highway considerations
- Rights of Way
- Trees
- Ecology
- Surface water drainage and flood risk
- Foul water drainage, nutrients and effects on the Southampton and Solent Waters Special Protection Area (SPA)

#### **1. Location and Site Characteristics**

- 1.1** The site comprises an undeveloped field with dwellings fronting Station Road to the west and north-west (the rear gardens back onto the site with a mix of close boarded fences, hedges and other enclosures along the common boundaries), and Packsfield Lane to the east. The land slopes gently down from east to west.
- 1.2** To the south are open fields. The southern boundary comprises some mature trees, hedge/vegetation. The Wootton Station and railway line of the Havenstreet Steam Railway is further south, approximately 250m away from the site with field boundaries comprising trees/vegetation in between and noting that this part of this railway is set down at a lower level.

- 1.3** The surrounding dwellings are of various styles, design and appearance such that there is no clear identifiable or uniform style of dwelling. However, the majority of the dwellings in the area appear to date from the post war era, with examples of more modern infill. The housing in the area is generally two-storey in nature, with housing following the alignment of Station Road. Further north is the housing estate that is accessed via Mary Rose Avenue, which has a more dense character.
- 1.4** Part of the field forming the applicaiton site is currently used for keeping horses and there are small stables to the east of the site (outside of the application site).

## **2 Details of Application**

- 2.1** Outline planning consent is sought for residential development with new access, internal road layout and parking. The application forms show that only access is the matter put forward for full consideration as part of this application, with matters relating to appearance, landscaping, layout and scale set aside for a future reserved matters application.
- 2.2** However, the submitted indicative plans and supporting information show 29 dwellings with 10 on-site affordable houses and an indicative mix of residential types:
- x8 70sqm bungalows
  - x4 90sqm bungalows
  - x3 95sqm detached dwellings
  - x10 70sqm terraced dwellings
  - x4 115sqm detached dwellings
- 2.3** The indicative layout plan shows the access from Station Rd replacing an existing dwelling, number 69 Station Road, and leading into the open land with dwellings either side, then a 90 degree turn northwards to further dwellings and two spur roads east leading to parking spaces either side of a row of terraced houses, with links from the site to Packsfield Lane.

## **3 Relevant History**

- 3.1** There is no relevant/recent planning history.

## **4 Development Plan Policy**

### National Planning Policy

- 4.1** The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. It refers to three interdependent social, environmental and economic objectives, which need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across all of these different objectives.



**4.2** Paragraphs 10 and 11 of the NPPF set out a presumption in favour of sustainable development, so that this is pursued in a positive way. Paragraph 11 explains that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i). the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**4.3** Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It adds that where an application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations indicate otherwise.

**4.4** Section 4 of the NPPF states that local planning authorities should approach decisions in a positive and creative way, referring to the use of pre-application discussions, brownfield registers and the provision of the right information to allow good decision making.

**4.5** Section 5 of the NPPF outlines the Government's objective of significantly boosting the supply of homes, setting out requirements for planning authorities to identify land for required housing within their area, the delivery of the size, type and tenure of homes needed and the importance of small and medium sized housing and windfall sites. Section 5 refers to rural housing, and the need to respond to local circumstances and needs.

**4.6** Section 8 of the NPPF refers to the need for healthy, safe, accessible and inclusive places to live, with access to high quality open spaces and opportunities for sport and physical activity.

**4.7** Section 12 of the NPPF refers to the need for high quality and sustainable buildings. This section reasons that good design is a key aspect of sustainable development, creating better places in which to live and work.

#### Local Planning Policy

**4.8** SP1 - Spatial Strategy  
SP5 - Environment  
SP7 - Travel  
DM2 - Design Quality for New Development  
DM3 - Balanced Mix of Housing  
DM4 - Locally Affordable Housing

DM10 - Rural Service Centres and the Wider Rural Area  
DM12 - Landscape, Seascape, Biodiversity and Geodiversity  
DM14 - Flood Risk  
DM17 - Sustainable Travel  
DM22 – Developer Contributions

#### Supplementary Planning Documents and other guidance

- 4.9 The Affordable Housing Contributions Supplementary Planning Document (SPD).
- 4.10 The Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (SPD).
- 4.11 The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD).
- 4.12 LPAs Position Statement on Nitrogen neutral housing development.
- 4.13 The Isle of Wight Council Housing Strategy 2020 – 2025.
- 4.14 The Bird Aware Solent Strategy sets out 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.
- 4.15 The Wootton Bridge Housing Needs Survey 2018.
- 4.16 Wootton Bridge & Whippingham Walking & Cycling Environment Report June 2018.

## **5 Consultee and Third Party Comments**

### Internal Consultees

- 5.1 The Island Roads Highway Engineer has raised no objections, subject to the imposition of conditions including:
  - Construction Management Plan
  - Drainage details of access and space within the site (parking/manoeuvring etc
  - visibility/splay lines to be provided
  - Details of parking (based on the indicative drawings)
  - Shared use link between the site and Packsfield Lane
  - Off-site highway improvements (uncontrolled tactile crossings, Traffic Regulation Order around the junction)
  - Relocation of street lighting column
- 5.2 The Council's Rights of Way Manager has raised no objections subject to a financial contribution being secured to carry out improvement works to the adjacent Bridleway (including a cycling provision – see Rights of Way section

below).

- 5.3** The Council's Ecology Officer has raised no objections noting that an Ecological Impact Assessment and supporting Preliminary Ecological Appraisal and species specific studies have been submitted but that mitigation and biodiversity enhancements must be achieved, and raises some concerns whether the landscaping ecological connectivity can be achieved [Officer Note - layout and landscaping form reserved matters – this is discussed further in the Ecology Section below]. Conditions are suggested.
- 5.4** The Council's Tree Officer has raised no objections stating with the imposition of a condition requiring an Arboreal Method Statement.

#### External Consultees

- 5.5** Natural England has not raised any objections but refers to the need for further information relating to nutrients and recreational disturbance on the Special Protection Area (SPA). This has been provided and is discussed within the relevant sections below, with confirmation that foul water would go to Sandown WWTP and an agreement to pay the appropriate financial contribution for SPA mitigation.
- 5.6** Southern Water has raised no objections. They state that a formal application is required for a connection to the public sewer and that a sewer now deemed to be public could be crossing the development site. With reference to the SUDS, the applicant would need to ensure that arrangements for the long-term maintenance of the SUDS facilities are provided. Appropriate conditions and informatives are suggested.

#### Parish/Town Council Comments

- 5.7** Wootton Parish Council raise an objection on the following grounds:
1. Outside development area - this is a green field site and was not even identified as a suitable development plot on the strategic housing land availability assessment. (SHLAA)
  2. Access - limited visibility for access and exit from the site. This is near a bend where there are already issues with visibility. Any vehicles currently parked at this point slow the traffic down, making it safer. If yellow lines are installed there will be no such deterrent, thereby making it more dangerous, and the traffic report was done in March 2020 as we went into lockdown. The traffic report was undertaken in March 2020 as we went into lockdown, which obviously significantly reduced the number of vehicles using station road. This, ideally, needs to be redone, ideally between April and October, when we have peak traffic flow.
  3. Ecology report - this area is known for bats, glow worms and red squirrels which are all endangered species yet there is no ecology report.
  4. Concerns on the pathway connecting to Packsfield Lane as they will result in extra numbers using this lane and could possibly be increased in size to accommodate cars.

5. Infrastructure is not in place to support this application. There are no available NHS dentists and limited capacity at the local school, surgery and hospital. Station road is already difficult to negotiate, with buses, lorries and other vehicles using this as a main route, and cars parked on one side of the road from the junction with gravel pit road to the junction with Fernside Way.
6. The housing needs survey has not been taken into consideration when looking at the potential size of the homes. The village needs 1-2 bedroom properties.
7. The water main running along Packsfield Lane as broken 3 times in the last year and this is the responsibility of the local residents. Therefore, no water should be directed into Packsfield Lane.
8. Concerns with regards to flooding and drainage in Packsfield Lane. The land in and around Packsfield Lane is stable at present even though it does suffer with water runoff. There are worries that should this development go ahead it will affect the equilibrium, leading to either not enough water in the ground or too much water in the ground.

### Third Party Representations

**5.8** 71 letters of objection have been received the content of which can be summarised as follows:

- Outside the village settlement so should be resisted
- Site not identified in the village plan and no identified need for extra housing in the village
- Not included in Island Planning Strategy (Jul-21 revision)
- Should use brownfield land instead
- Increased urbanisation of Wootton
- Over development of the village
- Considers the reserved matters would be more than the 29 indicated, noting previous discussion and the desire for 40 or 50 units (Officer note – a reserved matters application must comply with an outline consent)
- Would not be affordable housing
- Unlikely to help alleviate the housing need on the Island
- Refers to their nearby site and a negative response to their proposal for more social housing and which had the backing of the steam railway – and need for the Council to be consistent
- Concerns that the adjacent stable site and surrounding fields could then be developed
- Inappropriate development in green belt land registered as agricultural grazing [Officer note: the site is not designated green belt land]
- Highway safety – access on blind bend and steep incline with parked cars
- Already issues of speeding on this road
- Access would be opposite the junction for The Acorns
- Station Rd is a busy road, and this would add more vehicles to this already congested route which is used to access the ferry
- Lots of HGVs use it as well as buses, coaches and tractors
- Notes the 2 pubs at either end and the steam train attraction and 2

churches which add to traffic

- Needs a controlled pedestrian crossing not uncontrolled
- The pedestrian/cycle route through from Packsfield Lane would result in users joining Station Rd in a dangerous location
- Most of the pavements leading to bus stops, the station and cycle path are narrow or non-existent
- Questions transport statement and vehicle count just before lockdown (March 2020) and no seasonable traffic
- Refers to their previous correspondence with Isle of Wight Council Highways Department regarding excess speeding here and also refers to police using speed cameras here and 2 nearby accidents in 2005/6
- States there have been several accidents here
- Existing roadside parking currently acts as an informal (but effective) traffic calming measure and potential loss/reduction of this
- Increase in use of Packsfield Lane and impacts including potentially damage to the water mains which run under the lane
- Concerns of a link to Packsfield Lane and vehicle access
- Impact on privacy of neighbouring properties
- Impact on neighbours on Station Road – knocking down a house to build an access would create a different environment for them
- Loss of peace and also view [Officer Note: loss of view is not a material planning consideration]
- Not in keeping with the area
- Notes the mixture of dwellings in the area but over-riding character is largely one of spacious plots with a verdant character – this would squash even the larger detached dwellings into small plots with little room or potential for any private space
- Doesn't appear as a cohesive development with the prevailing pattern or character of the area
- Would create a separate effectively gated community
- Steam railway would be robbed of its rural view
- Further destruction of trees and vegetation and existing fields
- Loss of green space
- Ecology survey must be carried out and states red squirrels and bats frequent the site with other comments referring to rabbits and badgers, foxes, mice, insects, glow worms and birds
- In the last six months they have recorded over 30 species of birds with at least ten different animals/mammals
- Site located between SSSI and SINC and function as part of the green corridor in-between linking these wildlife sites
- Concerns raised of the ecology survey and that this was not carried out in the optimum period
- Considers that an Environmental Impact Assessment should be demanded given the proximity to open countryside.
- The grassland existing is of a nature possibly protected by European Directives which requires closer investigation.
- No Sequential Test has been employed and refers to an area of agricultural land in Station Road between number 99 and 115 which could be considered for development and which has more road frontage and

- possibly better access.
- Natural England has sought further information before deciding to object I reserve the right to comment upon their conclusions.
- To the east of the site is the Old Mill Pond which could be a home for great crested newts and other amphibians protected by statute. Such creatures are able to travel in their search for food and shelter.
- Increase in light pollution and impact on dark skies
- Water run-off and notes their observations of this from the site onto Packsfield Lane in Winter
- States the drainage on the field is poor
- Increase in flooding risk
- Increased pressures on main sewer
- Infrastructure completely inadequate to support large number of new builds being carried out or planned for Wootton
- States that permission is not sought for the demolition of any property which is believed to be the case to provide an access road into the site and that any demolition of any property of substantial construction is a major exercise necessitating close attention to detail – they reserve the right to make further comment on this.

## 6 Evaluation

### Principle

#### *Housing need*

- 6.1** Policy SP1 of the Island Plan outlines that unless a specific local need is identified, development proposals outside of, or not immediately adjacent to the Key Regeneration Areas, Smaller Regeneration Areas or Rural Service Centres will not be supported. The site is defined as being located immediately adjacent to the settlement boundary (the boundary runs along the rear of the dwellings along Station Rd and encompasses the dwellings to the north part of Packsfield Lane), and thus in a sustainable location for new housing. However, this policy position should be taken in the context of the most recent housing needs assessment, Strategic Housing Land Availability Assessment (SHLAA) and the Council's Five-Year Land Supply Update 2018. The latter of these documents outlines at paragraph 7.18 that "the Isle of Wight Council considers that it cannot demonstrate a five-year land supply as at 1 April 2018."
- 6.2** Further to this, the Housing Delivery Test (published 14<sup>th</sup> January 2022) shows that 58% of the housing need (when using the Government's Standard Method Calculation) has been delivered on the Isle of Wight over the three-year period to 31 March 2021. This means the Council has failed to meet the 75% delivery threshold expected by national policy and, due to the level of housing delivery, is required to operate under the NPPF's presumption in favour of sustainable development.
- 6.3** Paragraph 11 of the NPPF outlines that plans, and decisions should apply a presumption in favour of sustainable development which for decision-taking means:
- "(c) approving development proposals that accord with an up-to-date development

plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 6.4** The importance of the above paragraph relates to the footnote attributed to ‘out-of-date’ associated with section (d) which states: “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”
- 6.5** The Council’s annual monitoring reports and the Housing Delivery Test demonstrate that delivery over the last three years has been 58% and we therefore fall within both categories. In light of this it is considered that it is not necessary for the applicant to demonstrate a need for housing, as this element of policy SP1 is considered to be out of date.
- 6.6** In addition, the requirements of policy SP2 in terms of the number of houses to be delivered in specific areas of the Island is considered to be out of date, due to the advice contained within the NPPF regarding housing delivery. This policy is therefore not currently considered to be relevant to the determination of housing proposals, meaning that the settlement boundaries set out within the Island Plan are not currently relevant in terms of the distribution of housing.
- 6.7** While policy SP1 is a strategic policy in terms of housing, it does give important locational guidance in terms of focussing housing in the most sustainable areas and settlements, the use of brownfield land and economic led regeneration. Thus, while currently no longer relevant in terms of local need, the overall approach advocated within the policy in terms of focussing development in the most sustainable locations is considered to be relevant in terms of the NPPF and its requirement to apply a presumption in favour of sustainable development.
- 6.8** The Council’s Annual Monitoring reports show that housing delivery is significantly below required levels (only 54% of required housing delivered in 2020). The table below demonstrates the delivery issues that the Council has faced in recent years:

**Table 1: Homes required vs Homes delivered on the Isle of Wight, 2015/16 to 2020/21**

Monitoring year	homes required	Source	homes delivered	
2015/16	523	2012 Household projections	417	
2016/17	523	2012 Household projections	324	
2017/18	531	2014 Household projections	371	
2018/19	675	Standard method	354	
2019/20	616*	Standard method	253	*Reduced by 1 month due to impact of Covid
2020/21	458*	Standard method	411**	*Reduced by 4 months due to impact of Covid

Data Source: [Housing Delivery Test - GOV.UK \(www.gov.uk\)](https://www.gov.uk/housing-delivery-test)

\*\*IWC AMR for 20/21 shows 445 homes delivered due to historic under reporting of 34 – no material impact on HDT result (60% instead of reported 58%)

Between 2018 and 2020, delivery on the Island has decreased, with the percentage of housing delivered representing 71% in 2018, 61% in 2019, 54% in 2020 and a slight increase for 2021 of 58%. Every year that the Council fails to achieve required housing numbers, this results in the number of housing required for the following year to be increased, hence the increases seen for the last four years within the table. Because of the lack of delivery, the Council has three sanctions imposed. Firstly, the Council must produce a Housing Delivery Action Plan, secondly it must add a 20% buffer to its Five-Year Land Supply for sites and finally, as set out above, must apply the presumption in favour of sustainable development.

**6.9** To achieve the required housing delivery levels and relinquish itself from the presumption in favour of sustainable development, the Council must deliver a greater level of housing (75% of planned housing numbers) and/ or adopt an up-to-date development plan and still deliver 75% of its new yearly target. While the Council is currently in the process of delivering the Island Planning Strategy (IPS), this is not yet at a stage at which material weight can be applied to it. However, for example, in 2022 to deliver Government targets for housing, the Council would be required to deliver 668 homes, and the Council would need to deliver 75% of this target, which would be 501 homes. Should the IPS meet the test of soundness and therefore be adopted in 2023, then there would be a requirement to deliver 486 homes per year, with 75% of this equating to 364. It is therefore readily apparent that the lack of housing delivery across the Island, must result in a requirement to cast the net further for suitable and available sites to deliver the housing that is required.

**6.10** But this lack of delivery does not simply result in statistical issues for the Council. This also impacts on the ability for local people to purchase or rent the home of their choice. The Council's Housing Strategy advises that 'housing affordability and housing supply are and are set to remain the most challenging issues that the Island needs to address during the lifetime of this strategy and beyond. These fundamental issues are more important than ever to tackle against the backdrop of the current pandemic, the predicted economic recession to come, and the negative or positive



impacts of Brexit which will inevitably result in continuing uncertainties in the housing market generally.'

- 6.11** The Strategy goes on to state that 'Currently, we envisage there will be further significant negative housing and wellbeing impacts for older, vulnerable, low income, and homeless households unless we intervene and prevent the housing situation becoming worse for these groups, whilst ensuring the delivery of high-quality homes that are genuinely 'affordable' for Island people across all tenures to increase their housing options and choice in the market.'
- 6.12** The Strategy also advises that 'We know there is a particular need to recruit and retain skilled people to work in essential public services and local industries including construction for the longer-term recovery and economic sustainability of the Island. The lack of suitable housing to meet this aspiration has long been identified as a barrier to this and needs to be addressed urgently.' The Strategy also advises that around 15,000 Island households, about 25% of all Island households, struggle to accommodate themselves in the local housing market. Therefore, there is clearly a need for housing, both for local residents and to attract skilled people to the Island and prevent those already here, from leaving.
- 6.13** Paragraph 60 of the NPPF states that it is a Government objective to significantly boost the supply of housing. In addition, paragraph 69 of the NPPF reasons that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, because these are often built-out relatively quickly. The paragraph goes on to confirm that planning authorities should support the development of windfall sites through their policies and decisions. Paragraphs 77 and 78 of the NPPF explain that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It adds that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.14** The Council's Housing Needs Assessment (HNA) undertaken in 2018 indicates the following figures for housing for the Medina Valley East sub-area (within which the site is located) are relevant to this proposal:
- 8% 1-bed
  - 40% 2-bed
  - 37% 3-bed
  - 15% 4-bed

And there is an annual requirement within the Medina Valley East sub-area of **77** new homes.

- 6.15** However, the Council's statistics show that delivery within the area has been lower than required, with the following number of yearly completions:

2020/21: 5  
2019/20: 1

2018/19: 2  
2017/18: 11  
2016/17: 3

Total: 22 units

For the 5 years prior to this, the totals are:

2015/16: 4  
2014/15: 0  
2013/14: 0  
2012/13: 5  
2011/12: 1

Total: 10 units

As a result, there is a clear need for the housing proposed, given the lack of delivery within the area over the last decade.

- 6.16** Wootton Bridge Parish Council have undertaken a Housing Needs Survey (HNS), which was published in 2018. This explains that across the Parish housing is dominated by generally 2 or 3-bedroom properties (40.3% are 3-bedroom, 30.7% are 2-bedroom and 8.7% are 1-bedroom. The HNS was underpinned by housing survey, sent to properties within the Parish, with a return rate of 17.2%. The HNS found that the main broad house type that was considered a priority was small family homes, with 77% of households seeking to move within the parish, with 62% of newly forming households preferring this option.
- 6.17** The HNS estimated a net need of 81 additional homes to meet local requirements, with a shortage of 132 dwellings (see section 5 of the HNS [here](#)). Therefore, it is considered that there is a clear need for housing. However, the surveys related to the HNS were related to the parish, and therefore would not have captured those wishing the move into the parish from other areas. When considering the under-delivery of housing outlined above and the fact that the Council is subject to the presumption in favour of sustainable development, it is considered that there is a clear need for the housing proposed.

*Use of brownfield land and sustainability*

- 6.18** It should be noted that there are not considered to be sufficient brownfield sites available to accommodate the level of development required to deliver the housing needs for the Island and therefore, in many cases new housing development will take place on undeveloped land.
- 6.19** In terms of sustainability, the site is considered a sustainable location for new dwellings. There would be good pedestrian access to the 'centre' of Wootton and its local services, school and facilities via existing pavements along Station Road and via a proposed footpath link via Packsfield Lane and there is a good bus service from/to Ryde/Newport (number 9) which runs along Station Rd and there is a cycle path nearby (former rail line) which provides a cycle route to Newport.

- 6.20** Therefore, the proposed housing would be considered sustainable in terms of proximity to existing services and the routes would be served by existing pedestrian links as well as bus services. On balance, given the surrounding facilities available, in an area predominately made up of residential units, this proposed development would help to support existing local infrastructure and amenities, with the ability to walk and use public transport to access facilities within the town of Newport and further in the West Wight area in this instance.
- 6.21** Furthermore, reference is also made that the proposal would include a pedestrian/cycle link between Packsfield Lane and Station Road, relatively close to the former railway cycle path from Wootton to Newport (see Rights of Way section below), noting that Paragraph 105 of the NPPF advises that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF advises that this can help to reduce congestion and emissions and improve air quality and public health. But the NPPF also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in both plan-making and decision-making.
- 6.22** In addition, Section 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. Section 8 advises that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for health and wellbeing of communities and can deliver wider benefits for nature and support efforts to address climate change. Section 8 reasons that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

#### *Mix of housing*

- 6.23** Policy DM3 of the Island Plan states that the Council will support proposals that deliver an appropriate mix of housing types and size. The Wootton Bridge Housing Needs Survey (HSN) 2018 identifies a need within the Wootton Bridge locality of an additional 81 new homes for the next five years. The HNS confirms that its response rate was 17.2%% and therefore advises that outputs within it should be considered as minimum estimates.
- 6.24** Of these 81 dwellings the types identified as required are as follows and should be considered in housing proposals for Wootton Bridge:
- 1 and 2-bedroom houses: 49;
  - 3-bedroom houses: 5;
  - 1 and 2-bedroom bungalows: 32; and
  - 1 or 2-bedroom flats: 46.
- 6.25** The findings indicate that a design and scale of future properties should be focused upon the delivery of smaller and more affordable housing units, primarily 1 and 2 bedroomed properties. The indicative proposal and layout indicate a mix of smaller and larger houses/bungalows with an indicative floorspace given and the layout showing a mix of terrace, semi-detached and detached, although bedroom numbers

have not been specified, reiterating this is an outline application with layout, scale and appearance reserved matters to be assessed under a follow-up reserved matters application. However, on review of the above housing needs survey, it is considered this proposal would provide a contribution to this, and could, with such details to be assessed, reflect the housing mix set out in the housing needs survey. Therefore, officers consider that the indicative plans show that this site would deliver a substantial proportion of these sizes of property and therefore comply with the requirements of Policy DM3.

- 6.26** Further to this though, reference must be had to relatively recent appeal decisions for Blanchards in Brighstone and Hazely Combe in Arreton where Inspectors have considered that residential development within or immediately adjacent to Rural Service Centres is acceptable in principle, that development in such areas would be sustainable, and development may provide for more units than any identified local need. They also reaffirm that Rural Service Centres are expected to accommodate a significant number of new houses over the Island Plan period. Whilst it is accepted that the application proposal is materially different to these Appeal schemes, the Appeal outcomes must be afforded weight in the planning balance as there are similar circumstances and the policy context is very similar.

#### *Affordable Housing*

- 6.27** With reference to Policy DM4 (Affordable Housing), the applicant has set out that they would provide up to 35% of the housing for affordable housing, reiterating this is an outline application with an indicative layout showing 29 dwellings, and therefore the final number of affordable homes to be delivered by the scheme would be finalised by the reserved matters application. The applicant has indicated they would enter into a legal agreement to provide the on-site affordable housing provision, and therefore it is considered that the legal agreement and reserved matters would ensure this provision would be met.

#### *Conclusion on principle*

- 6.28** On balance, the proposed housing (indicative at 29 units) would be located in a sustainable area, with supporting transport routes and amenities of Wootton nearby. The housing mix is broadly reflective of the housing required for this area and across the Isle of Wight, reiterating this is only outline at this stage. The NPPF states that it is a Government objective to significantly boost the supply of housing and the application site would provide an opportunity for a medium sized development. Having due regard to the above, the application is considered to be acceptable in principle.

#### The impact of the development on the character of the surrounding area

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

- 6.30** Policy DM2 (Design Quality for New Development) states that the Council will support proposals for high quality and inclusive design to protect, conserve and enhance the Island's existing environment while allowing change to take place. The policy states that development proposals will be expected to provide an attractive built environment, be appropriately landscaped and compliment the character of the surrounding area.
- 6.31** The site is an undeveloped field with a hedge/trees along much of the boundaries. The northern, narrower section has housing to the north, west and some of the east. The southern part of the site – the larger part – is bounded by houses to the west but there is open countryside to the south and east, with trees and hedgerows at the boundaries. Thus, the application proposes development of non-previously developed land and as a result it is accepted that there would be a change to the visual appearance of the area.
- 6.32** In order to consider the impact of this change, it is necessary to also consider the quality of the existing area. The site is a relatively flat grassed field with housing around some of its boundaries as stated above should there be more here?. The site does not benefit from being in a conservation area, nor does the field have any formal public rights of way across the land which currently connects housing or provides usable outdoor amenity space for local residents (notwithstanding some horse riding takes place but not understood to be open to the public). As highlighted previously, the site is not located within or in immediate proximity to any designated landscapes (the AONB is some distance to the east, and the site is only partially visible from some of Packsfield Lane and from curtilages of existing residential properties, namely those along Station Road and Packsfield Lane, and only partial, distant and obscured views from Station Road to the south-west
- 6.33** Officers do not consider there to be a strong pattern of development, within the area, as there is a mix of styles and age of properties, and several cul-de-sac developments nearby, including Glendale Close and Acorns off Station Rd on the opposite side of the road from the proposed site access. Officers do not consider there to be a strong architectural merit to the surrounding streetscapes.
- 6.34** As such, officers consider the site would be appropriate for such a housing development, immediately adjacent to Station Road on the edge of the built form of Wootton and acknowledging the site circumstances ensuring the development would not dominate in the public realm, with housing to the west and north and partly to the east, and would be in context with the surrounding area, effectively squaring off this part of Wootton.
- 6.35** Some concerns have been raised over impacts on the steam railway, which is located further to the south. The steam railway is approximately 250m away with a large field between, with field boundaries comprising trees/vegetation which offer good screening and with the railway set at a lower level, it is not considered the development would result in an adverse impact on its setting, noting also that any views from the south would be seen with the backdrop of the built form of Wootton beyond.

- 6.36** Officers therefore consider the development of this site for housing would not cause detrimental harm on the landscape and street scene – with the full assessment of the layout, scale and appearance still to be determined via Reserved Matters.
- 6.37** In terms of the indicative layout and dwellings, it is considered the proposed dwellings would provide a mix of dwellings and with space around and in-between which would represent an appropriate layout and mix of housing for this location. The design approach would be varied, but not overly dominant nor jarring in its formation with space and density appropriate for this edge of settlement development. The row of detached dwellings proposed alongside the southern boundary are within relatively large plots with gaps between, and it is considered important for this part of the site to have such a spacious layout given the open fields beyond, and also having sufficient space so as not to impact on the trees/vegetation here. The dwellings have been set in from the common boundaries with the existing dwellings with sufficient space to allow an appropriate relationship between.
- 6.38** Again, whilst this planning application is made in outline with detailed matters to be reserved, it is acknowledged the applicant has evolved the scheme through several different layouts within pre-application discussions with the LPA. Whilst the current proposals show an indicative layout, officers consider this layout to be acceptable and that subject to the matters such as details of scale and appearance, materials and landscaping being appropriate, the layout itself and the mix of dwellings indicated would be acceptable. Therefore, with appropriate conditions officers consider this scheme would not be overly prominent, would not be out of keeping in the street scene or out of character with the surrounding properties nor would have a significant impact on the wider landscape and thus would be in accordance with Policies SP5, DM2 and DM12 of the Island Plan Core Strategy.

#### Impact on neighbouring properties

- 6.39** The submitted plans shows an indicative layout with the dwellings well-spaced around the access road which extends through the centre of the site. In terms of the layout shown, the plot to the rear/east of number 71 Station Road would be approximately 33m away with the dwelling to the rear of number 65 Station Rd approximately 25m. Officers consider this separation distance is appropriate.
- 6.40** The reserved matters application would fully assess this layout. However, Officers consider it appropriate to recommend a condition that ties in the reserved matters to this indicative layout plan. The reserved matters application would also consider the placement of fenestration and internal layouts of each dwelling where such an assessment can then be made on this element to ensure there would be no loss of privacy to the surrounding dwellings. From the submitted layout no significant concerns are raised that this could not be achieved through appropriate design and it is considered that the site could accommodate the quantum of development proposed,
- 6.41** With regards the access road, this would pass between two dwellings (with number 69 demolished). Number 71 to the south is a two-storey dwelling with a conservatory to the rear with an upper floor window (appear to be to a bathroom).

The access road would curve slightly away from the conservatory. Number 67 to the north is a bungalow set on a slightly higher ground level, with some windows to its flank elevation and with wall/fence at the common boundary. Officers consider with appropriate boundary treatment/landscaping that there would be sufficient space to ensure the access road would not adversely impact on these neighbours.

- 6.42** Officers consider therefore considered that the proposed development at this outline stage is considered to be acceptable in terms of impact on neighbours in accordance with Policy DM2 of the Core Strategy.

#### Highway Consideration

- 6.43** The site is proposed to be served via a single point of vehicle access taking the form of a conventional priority junction based on the layout. This junction is shown to be formed onto Station Road just north of its junction with The Acorns. In order to form the proposed junction, there would be a need to demolish No. 69 Station Road and remodel its existing roadside boundary along with that of No. 67 Station Road. The development submission also comprises of an indicative plot and internal network layout as detailed which includes for a pedestrian link onto Packsfield Lane. Packsfield Lane is a unadopted access road that also carries public bridleway N8. It is acknowledged that at this stage the outline nature of the proposal only seeks consent in respect to access with all other matters being reserved.
- 6.44** Station Road is a 'C' classified public highway governed by a 30mph speed limit at the point in question and the Highway Engineer states that although this part of the highway network is deemed to form a strategic link, due to the speed limit, the level of existing network daily traffic movements and the scale and nature of the proposed development, the highway design standards as set out in Manual for Streets / Manual for Streets 2 and the Local Authority 'Parking' and 'Recycling and Refuse Storage in New Development' are deemed to be applicable. The Highway Engineer states that when considering the existing and potential daily vehicle flows attributable to the site along with those on the existing network that a simple priority junction is seen to be appropriate in this instance to serve 29 dwellings.
- 6.45** The proposed junction shown to serve the site from Station Road would provide for a width of circa 15.5m at the point at which it meets Station Road reducing down to an initial carriageway width of 5.0m over a distance of circa 37.0m at which point the associated access road reduces down to single carriageway with an associated onsite priority flow system allowing for an appropriate level of forward / inter-visibility so approaching vehicles can clearly see one another. The access road is shown to be bordered by 1.8m wide footways on either side to provide safe and direct access to the local footway network, with an uncontrolled pedestrian crossing facility to aid those walking along Station Road.
- 6.46** The Highway Engineer confirms that the required visibility splays (43m) are achievable in both directions taking into account the proposed works of the removal of a section of the neighbouring boundary retaining and front retaining wall. The existing service pole to the north of the junction would need to be relocated clear of the splay and an existing street lighting column repositioned to the south of the junction. Appropriate conditions are recommended on these

matters.

- 6.47** The Highway Engineer has confirmed that the applicant's swept path analysis demonstrates that the access would allow for a conventional motor vehicle to enter the development concurrently with a conventional motor vehicle leaving. Further to this, the analysis has shown that subject to the carriageway of both the service road and Station Road being sterilised of on-street parking within the vicinity of the proposed junction, a fire tender and refuse service vehicle could enter and leave in a safe manner. However, the Highway Engineer states that to guarantee this happening a Traffic Regulation Order (double yellow lines) would be required for a distance of circa 15m either side of the proposed junction and for a similar distance on the opposite side of Station Road and into the service road. It is highlighted that Traffic Regulation Orders cannot be guaranteed as part of the planning process as they are subject to a separate public consultation process, however, given its requirement in this instance, it is recommended that a pre-commencement condition be imposed requiring the necessary TRO to be obtained and implement prior to commencement. It is noted that in the absence of the TRO being secured there would be a risk of conflict between a service vehicle exiting the site and existing highway network users travelling along Station Road and as a result the Highway Engineer could not be in a position to support the proposal on highway safety grounds.
- 6.48** It is acknowledged that the proposed access is located (centre to centre) at a distance of 10.5m from the junction with The Acorns however, the Highway Engineer confirms that this distance would not pose any significant highway safety concerns whereby, a refusal on highway grounds would not be sustainable when considering the frequency of traffic movements attributable to both the proposed junction and The Acorns.
- 6.49** The Highway Engineer acknowledges that the proposed layout (junction arrangement) does not provide for a segregated cycle facility, however, when considering the scale and nature of the development and the achievable visibility, forward visibility, and available width, it is considered to be acceptable from a highway safety and design perspective and to provide suitable connectivity for cyclists to the local highway network. Looking at the proposed layout from a pedestrian perspective it would provide for direct footway linkage and an uncontrolled pedestrian crossing facility at the immediate junction.
- 6.50** The layout provides for a predominantly segregated environment with a service road width of 5.5m and abutting 1.8m wide footways providing potential residents of the site with safe access to the local footway network. However, the Highway Engineer states that while footways are shown to directly serve the majority of the proposed dwellings, the 8 plots shown to run along the southern site boundary are devoid of such a link with a service verge being provided across their roadside frontage instead. Due to the rest of the site predominantly providing for a segregated nature, the Highway Engineer recommends that provision also be made for a 1.8m wide footway across the roadside frontage of the aforementioned dwellings/plots. This could be addressed under a reserved matters application, should outline permission be granted.



- 6.51** Provision is also made within the eastern extents of the site for a pedestrian link through to the local public rights of way network, Packsfield Lane. It is recommended that the applicant be obligated to upgrade the width of the proposed link between Packsfield Lane and the onsite access road to provide for a clear usable minimum width of 3.0m with the link being made available for use by pedestrians and cyclists. Again, this could be achieved through conditions and reserved matters.
- 6.52** The Highway Engineer states that the proposed internal layout has demonstrated that all the parking bays could be accessed and egressed with ease by conventional private motor vehicles, a fire appliance could reach within 45m of each dwelling without the need to reverse over a distance greater than 20m and that a refuse vehicle could access, turn (within the northern spur road), and egress the development in forward gear.
- 6.53** Acknowledging the outline nature of this application and subject to the minor amendments as set out by the Highway Engineer (additional onsite footway and upgrading of the proposed link through to Packsfield Lane to catering for cyclists), the Highway Engineer confirms that the proposed onsite layout would allow for two-way vehicle flows, safe pedestrian and cycle traffic and the passage of service vehicles.
- 6.54** The Highway Engineer notes that the junction and the service road are proposed to be drained by a positive drainage system, whereby land would slope away from properties and then discharge to a swale located to the east of the service road which would then attenuate the excess surface water while allowing natural percolate into the ground via natural infiltration. The spur roads are to be constructed using permeable block paving, again allowing natural infiltration into the ground. Officers note that the detailed design would be evaluated in detail as a reserved matter with the drainage design showing the principle of the drainage strategy. The Highway Engineer notes that the swale has been designed using preliminary data for a critical 1:100-year event (+40% climate change).
- 6.55** The Highway Engineer has raised that there are no existing pedestrian crossing facilities on Station Road that would enable site users to have safe onward connectivity to the east bound bus stops or the cycle network to the west of the proposed site access, all of which are on the western side of Station Road. However, an onsite evaluation by the Highway Engineer has established that subject to the remodelling of the public footway to provide for dropped crossings and associated tactile paving, uncontrolled crossing points could be provided which would give rise to in-excess of the required level of visibility (subject to no on-street parking) and therefore give opportunity for both site and existing network users to cross Station Road. The Highway Engineer states that due to the scale of proposed development and the anticipated daily pedestrian movements it is not considered to be sustainable to insist upon the provision of controlled pedestrian crossing points, however, uncontrolled crossing points are considered to be essential. A condition is therefore recommended.
- 6.56** The Highway Engineer has reviewed the traffic generation which would result from the proposal and the automatic and manual traffic counts that have been

undertaken on Station Road, confirming these figures are via TEMPRO (The National Transport Method). The Highway Engineer has stated that this shows that the capacity of the proposed junction has been assessed with 2026 calculated figures and would operate well within design parameters and that nearby junctions would also operate within design parameters. You need to say how many two way daily flows there would be.

- 6.57** The Highway Engineer therefore states that the traffic generation associated with this proposal would not have a negative impact on the capacity of the local highway network with the junctions of Park Road/Whiterails Road/Station Road/Briddlesford Road and the Cedars Signalised junction (High Street/Station Road/Church Road) operating within capacity with the predicted development traffic.
- 6.58** The Highway Engineer has reviewed the available accident data and confirmed there have been no recorded incidents in the last 3 years within the immediate vicinity of this site that are relevant to the proposal.

#### *Parking*

- 6.59** This site falls within Zone 2 as defined within the Guidelines for Parking Provision as Part of New Developments SPD January 2017 forming part of the Island Plan. Space should also be provided within the curtilage of each proposed dwelling of the safe and secure storage of cycles. On evaluation, the application states that 64 car parking spaces are proposed yet at the same time due to the outline nature of the application the full size of each proposed dwelling is not fully defined. However, the Highway Engineer is satisfied that based on the land shown to fall within the control of the applicant, the number of dwellings (29) and the site layout as detailed on drawing no. PL01-003 dated June 2021 that a suitable level of onsite parking provision could be provide. A condition (recommended) and the reserved matters application would deal with.
- 6.60** Therefore, with the imposition of appropriate conditions the proposal would comply with Policies DM2 (Design Quality for New Development), DM17 (Sustainable Travel) and SP7 (Travel) of the Isle of Wight Core Strategy.

#### Rights of Way

- 6.61** The eastern boundary of the site abuts Packsfield Lane which is recorded on the Definitive Map as Public Bridleway N8 (Bridleway). The application provides for a link path onto this Bridleway from the development. The Rights of Way Manager states that the occupation of 29 dwellings would therefore lead to a considerable impact on the use of the Bridleway and therefore considers that a financial contribution should be secured as part of any planning approval granted to carry out improvement works to the Bridleway (including a cycling provision). The applicant has indicated they would enter into a legal agreement and make the relevant monetary contribution.
- 6.62** Furthermore, the application acknowledges the local cycling links including Station Road forming part of the Newport to Ryde cycle route. The Rights of Way Manager states it is vital that the footways on the proposed development are formed as 3m

shared use paths to be adopted on the highway network to enable connection between Station Road and the Bridleway by walkers and cyclists in a safe and traffic free fashion. The 3m shared use footway and the Bridleway could then become part of the Newport to Ryde cycle route, allowing users to avoid a long stretch of Station Road, which currently does not lend itself to being a safe and convenient cycling facility, noting also that the Wootton Bridge & Whippingham Walking & Cycling Environment Report June 2018 refers to the fact that Station Road is “far from ideal for cycling due to the combination of traffic volume and speeds, compounded by sections which pose a close-pass risk and parked cars along parts of the street.”

- 6.63** With regards a proposed cycle link through the site and to Packsfield Lane, the Highway Engineer notes that while Station Road forms part of the cycle network as detailed within in section 3.22 of the Transport Statement, it is a red route suitable for confident and experienced cyclist, having reference to the high proportion of incidents within the wider area involving pedestrians and cyclists. The recommended link through the site and Packsfield Lane is therefore considered to offer a potential alternative cycle link although the Highway Engineer acknowledges this would not be a direct link for users of the wider cycle network but is anticipated to aid the accessibility of site users.
- 6.64** This would be considered as part of a reserved matters application, however, an informative on this is recommended to raise this matter with the applicant.

#### Trees

- 6.65** The area of the proposed development is located in a paddock with several large trees located around its perimeter. These are a mix of deciduous trees such as oak, ash and lime etc of varying quality. Collectively they are considered to be important to the rural character and setting of the wider area and as such any development of this site should take care not to have an adverse impact on these factors.
- 6.66** The Council’s Tree Officer states that the indicative layout of the site is generally considered to have a limited impact on the surrounding trees with one exception this being a large oak tree, noted as T1 within the tree report provided by the applicant. This tree would be within the area of the proposed access road, which would cross the Root Protection Area (R.P.A) of this tree. This could have an adverse impact on the roots of the tree impact on the tree’s health. The Council’s Tree Officer states that to prevent this it is proposed a cellular confinement system would be laid at ground level which would limit impact to the tree’s roots. The Tree Officer states that it is important that the load bearing capacity of this system should be sufficient to take the load of the intended traffic and recommends this information is provided in a method statement as part of a reserved matters application or via planning conditions. A relevant condition is therefore recommended.

#### Ecology

- 6.67** Policy SP5 of the Island Plan requires development proposals to protect, conserve and or enhance the Island’s natural environments. Policy DM12 of the Island Plan requires development proposals to conserve and enhance the biodiversity interest of the Island, to protect the integrity of international, national and local designations

relating to biodiversity, to avoid direct and indirect adverse impacts upon the integrity of designated sites and where necessary to provide appropriate mitigation measures.

- 6.68** Since the submission of this planning application, 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. While not yet mandatory, the requirement is for developers to deliver a 10% increase in biodiversity, known as Biodiversity Net Gain.
- 6.69** 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. As a result, it is considered that a requirement for net gain is a material consideration.
- 6.70** The site is not located within any environmental designations however, the site is largely a grassed field currently used in conjunction with horses and there are mature trees and hedging along some of the boundaries, notably the southern and eastern (with Packsfield Lane) boundaries. The indicative layout proposal would retain the trees and hedgerow along the southern and eastern boundaries and would include sufficient distances to the boundary trees and hedges.
- 6.71** An Ecological Impact Assessment and supporting Preliminary Ecological Appraisal and species-specific studies have been submitted. The Council's Ecology Officer acknowledges the survey results demonstrate current ecological conditions on site and that the reports provide recommendations to avoid and mitigate harm and considers that the principles set out within the report are fine and that mitigation measures to ensure the conservation status and impacts to individuals onsite are avoided should be adhered to.
- 6.72** However, the Ecology Officer does raise a concern that proposed tree and hedgerow planting is not shown on development plans and questions whether measures to enhance ecological connectivity of the site could be unachieved. However, consideration must be given that this application is at outline stage and that layout and landscaping are identified to be reserved matters. Further details would be required to demonstrate the retention of ecological corridors and where recommended that supplementary planting is carried out. Mitigation measures set out in the submitted documents include improved hedgerow planting, retention and grassland seeding of the site perimeter and 100m<sup>2</sup> woodland planting, which would be supported.
- 6.73** Officers therefore consider that a condition could be imposed which would require the mitigation and enhancement measures as recommended within the submitted information to be agreed prior to commencement of development. Further conditions are recommended to require that development takes place in accordance with the measures set out in the Ecological Impact Assessment but also to agree a timetable

of works, for details of external lighting to be agreed so that a sensitive lighting strategy to ensure commuting and foraging bat habitat is retained and the location and type of bird and boxes to be installed., As a result, it is considered that the proposal would meet the overarching aims of Policies SP5 and DM12 of the Island Plan Core Strategy and as set out above, could include requirements for the development to meet the requirements of Biodiversity Net Gain.

#### Solent Special Protection Area Mitigation

- 6.74** The Bird Aware Solent Strategy sets out 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 applicant has indicated they would enter into a legal agreement which shows that they would make the relevant monetary contribution to mitigate the impact of the development on the Solent Special Protection Area.

#### Surface water drainage and flood risk

- 6.75** In terms of surface water drainage, the site is shown to be located within an area underlain by Wootton Gravel Complex Member overlaying Hamstead Member (based on British Geology Survey (BGS) information). It is noted that the site is within Flood Zone 1 with a low probability of flooding. The submitted details refer to the Environment Agency's national scale surface water flood risk mapping.. An extract of this mapping has been provided which shows that there is an area that may be affected by the low risk (1 in 1000 – 0.1% chance of occurring in any one year) scenario with the runoff draining from the central area of the site towards the south east. The applicant's information sets out that given the scale of flooding in this event and that the proposed development site is located within the low risk of flooding, any flooding that may accrue would be mitigated as a part of the development drainage proposals.
- 6.76** The drainage strategy proposes that surface water would discharge to the ground via natural infiltration. Each of the proposed dwelling's roof areas would be collected and discharged into an individual soakaway located within the rear garden areas. All proposed private driveway areas and public parking spaces are proposed to be constructed using permeable block paving allowing surface water runoff to be discharged into the ground via infiltration. Surface water runoff from the proposed access road would be collected via positive drainage and discharged into a drainage swale on site. The applicant states that the proposed drainage swale has been designed to accommodate the Critical 1 in 100 year + 40% storm event including freeboard. Calculations have been provided to demonstrate this. This strategy is based on the SuDS hierarchy as set out in Building Regulations Part H document and DEFRA's Draft National Standards for SuDS.
- 6.77** Southern Water has raised no objections on this stating that in reference to the SUDS, the applicant would need to ensure that arrangements for the long-term maintenance of the SUDS facilities are provided (informatives are recommended). Given that this is only outline stage, whilst no concerns are raised at this stage, officers consider it appropriate to impose a condition for such details to be submitted

via condition. However, given the geology for the site and surrounding area, it is considered that natural infiltration would be a suitable method for this site.

Foul water drainage, nutrients and effects on the Southampton and Solent Waters Special Protection Area (SPA)

- 6.78** Consideration must be given to recent European Court of Justice decisions relating to ecology and potential harmful effects on the Southampton and Solent Waters Special Protection Area (SPA) as a result of nitrate enrichment. The applicant has submitted a drainage strategy proposing that due to the site topography, that foul discharge from the proposed residential dwellings is collected and discharged into an onsite pumping station located to the east of the site. Foul sewer discharge from the proposed pumping station would be lifted into the new proposed demarcation manhole located adjacent to site access from where it would be discharged into the public sewer via a gravity connection. Southern Water has raised no objections on this noting that a formal application is required for a connection to the public sewer.
- 6.79** Furthermore, the applicant has provided confirmation from Southern Water that the sewer would direct foul flows to the Sandown Wastewater Treatment Plant, which as per the LPA's Position Statement on Nitrogen neutral housing development, this outfalls into the English Channel and is therefore, would avoid impacts to the Solent in terms of nitrates enrichment. An appropriate condition is recommended.

Refuse/Recycling provision

- 6.80** Having regards to The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD) the indicative layout plans would indicate that there would be adequate space for such storage although this would be considered and assessed at reserved matters stage.

**7. Conclusion and planning balance**

- 7.1** The National Planning Policy Framework states that the planning system is plan-led 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.
- 7.2** The proposed development would provide much needed housing within an established residential and suitably sustainable location, also contributing to the delivery of affordable housing. The positioning and layout of the development would minimise the impact on the character of the area and the indicative design of the proposed development and landscaping are considered to be acceptable.
- 7.3** The scheme would require some changes to the surrounding highway network, but it is considered that these changes would benefit occupiers of the site and the surrounding residential units and could be achieved through the use of pre-

commencement conditions. The scheme would also provide a pedestrian and cycle link between Station Road and Packsfield Lane

**7.4** Having due regard to the requirements of paragraph 11 of the NPPF, officers consider, on balance, that the proposed development would not have any unacceptable impact on the amenities of neighbouring properties, ecology, trees or result in additional flooding and would deliver both market and affordable housing, to contribute to the current need for housing.

**7.5** While the proposals would result in change to this parcel of land, given the nature of the site, immediately adjacent to the built form of Wootton (and the Settlement Boundary to the north and east), and with the retention of existing boundary trees/vegetation and enhanced landscaping location, the proposed development would be sympathetic in terms of its layout, with design, scale, appearance and landscaping set aside for a future reserved matters application. The development would also be seen in the context of an existing development. As a result, officers consider that the proposed development accords with the guidance contained within the NPPF, the Wootton Bridge Housing Needs Survey and the Island Plan Core Strategy.

## **8. Recommendation**

**8.1** Conditional planning permission subject to the prior execution of a planning obligation to secure the following:

- A financial contribution towards the Bird Aware Solent mitigation strategy
- A requirement for 35% on-site affordable housing
- Rights of Way financial contributions
- A requirement to manage additional habitat enhancements for a period of at least 30 years, in order to achieve Biodiversity-Net Gain.

## **9. Statement of Proactive Working**

**9.1** In accordance with paragraphs 186 and 187 of the NPPF, the Isle of Wight Local Planning Authority takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

1. The IWC offers a pre-application advice service
2. Updates applicants/agents of any issues that may arise in the processing of their application and, where there is not a principle objection to the proposed development, suggest solutions where possible

In this instance the application was considered to be acceptable as submitted and therefore no further discussions were required.

## Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) and to prevent the accumulation of unimplemented planning permissions.

2. Approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** In order to secure a satisfactory development and be in accordance with Policies SP5 (Environment), DM2 (Design Quality for New Development), SP7 (Travel), (DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM17 (Sustainable Travel) of the Island Plan Core Strategy.

3. Applications for reserved matters approval shall be made in accordance with the parameters shown on the submitted plans, numbered:
  - PL01 -001 - Site Location Plan
  - PL01-003 – Proposed Indicative Site Layout
  - 6417.001 – Proposed Access Arrangements via 69 Station Road (dated May 2021)

**Reason:** In order to ensure that the reserved matters are in accordance with the principles and parameters established by the outline permission and to accord with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

4. The development hereby approved shall provide for a maximum of 29 units, as shown on the indicative layout PL01-003 – Proposed Indicative Site Layout.

**Reason:** For the avoidance of doubt and to ensure that the density, unit types and sizes and scale of the development, is compatible with the character and appearance of the area and with regards to the neighbouring properties and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

5. No development shall take place until an Arboreal Method Statement has been submitted to and agreed in writing by the Local Planning Authority detailing how the potential impact to the trees will be minimised during construction works, including details of protective tree fencing to be installed for the duration of construction works. The agreed method statement will then be adhered to throughout the development of the site.



**Reason:** This condition is a pre-commencement condition to prevent damage to trees during construction and to ensure that the high amenity tree(s) to be retained is adequately protected from damage to health and stability throughout the construction period in the interests of the amenity in compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

6. No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Foul drainage shall be connected to the public sewer and shall be served by the Southern Water Wastewater Treatment Works (WWTW) at Sandown.

Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the dwellings hereby permitted and be retained thereafter.

**Reason:** To ensure adequate drainage to service the development, to protect ground water and watercourses from pollution, to prevent harmful impacts on the Solent and Southampton Water SPA and Ramsar site and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity), DM14 (Flood Risk) and DM21 (Utility Infrastructure Requirements) of the Island Plan Core Strategy. This is a pre-commencement condition due to the stage of construction at which drainage infrastructure would be installed.

7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in respect of:
  - Steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.
  - The parking, loading, unloading, circulation and turning off all construction vehicles to include for operative vehicles within the confines of the site throughout the build process.
  - The timing of construction activities, including delivery times

The agreed facilities shall be installed prior to the commencement of development and shall be retained in accordance with the approved details during the construction phase of the development.

**Reason:** In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

8. The development shall not commence until the existing street lighting column to the south of the approved junction including for all associated works has been relocated in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

**Reason:** In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

9. Prior to commencement of the development hereby approved an onsite parking strategy shall be submitted to and approved by the Local Planning Authority in writing based on the parameters of the Local Authority 'Guidelines for Parking Provision as Part of New Developments' SPD dated January 2017 and based on the principals of the layout as detailed on drawing no. PL01-003 dated June 2021. No dwelling hereby permitted shall be occupied until space has been laid out within the site and drained and surfaced in accordance with the approved parking strategy for cars/bicycles to be parked. The space shall not thereafter be used for any purpose other than that approved in accordance with this condition.

**Reason:** In the interests of highway safety and to comply with policy DM17 (Sustainable Transport) and policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

10. The development shall not commence over and above the formation of the site access serving the site from Station Road until sight lines have been provided in accordance with the visibility splays shown on the approved plan 6417.001 Dated May 2021. Nothing that may cause an obstruction to visibility when taken at a height of 1.0m above the adjacent carriageway / public highway shall at any time be placed or be permitted to remain within that visibility splay.

**Reason:** In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

11. The development shall not commence until the junction serving the site from Station Road and the associated onsite access road and footways as shown on the approved plan 6417.001 Dated May 2021 has been constructed and drained in accordance with details to be submitted to and approved in writing by the LPA.

**Reason:** In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

12. No development shall take place until a Traffic Regulation Order has been secured from the Local Highway Authority for the implementation of double yellow lines within Station Road about its junction with the approved site access; and the development hereby approved shall not commence until the resultant on-street parking restrictions have been implemented.

**Reason:** In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

13. Development shall not begin until details of a shared use link between the site and Packsfield Lane giving rise of a minimum clear usable width of 3.0m have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the shared use route shall be completed and brought into operation prior to occupation of the dwellings hereby approved and be retained thereafter.

**Reason:** In the interests of highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This condition is a pre-commencement condition given the nature of the works required and highway safety.

14. Development shall be carried out in accordance with the mitigation and enhancement measures set out in the Ecological Impact Assessment and supporting Preliminary Ecological Appraisal and species specific studies (Eagle Eye Ltd, July 2021).

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

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, the following landscaping scheme/ecological measures/ Biodiversity Management Plan to include:

- A plan of the trees and hedgerows to be retained as set out in the submitted Ecological Impact Assessment
- A timetable of works
- New soft landscaping proposed which shall include a schedule of plants, noting species, plant sizes and proposed numbers/densities and an implementation and maintenance programme
- Measures to enhance ecological connectivity of the site, retention of ecological corridors and supplementary planting
- Mitigation measures to include improved hedgerow planting, retention and grassland seeding of the site perimeter and 100m<sup>2</sup> woodland planting

- Details of additional planting and habitat creation (in combination with condition 16) 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.

**Reason:** To protect the environment and existing wildlife, and legally protected species, in the interests of the ecological value and visual amenity of the area in accordance with the aims of Policies SP5 (Environment), DM2 (Design Quality for New Development) and DM12 ((Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy. This is a pre commencement condition due to the requirement to protect ecology at all stages of site works.

16. Notwithstanding the details shown on the approved plans, no dwelling hereby permitted shall be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, based on the principles of the submitted plans. The scheme shall include for soft landscaping and mitigatory planting of all open spaces, front and rear gardens in order to meet the requirement for biodiversity net gain as set out within condition 15, and where necessary, for the enhancement of existing boundary hedgerows. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. All plants shall be native species. All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the approved development and any trees or plants which within a period of 5 years from the commencement of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

17. No part of the dwellings hereby approved shall be constructed above foundation level until details/samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

18. No external hard surfaces for the development hereby approved shall be constructed above base level until details of the materials to be used for external hard surfaces (including access roads, parking and turning areas) have been submitted to and approved in writing by the Local Planning Authority, based on

the principles of the site and landscape plan. The agreed hard surfaces shall be completed prior to the occupation of the dwellings hereby permitted. Development shall be carried out in accordance with the approved details.

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

19. No boundary treatments or bin stores shall be installed until details have been submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment and bin stores to be erected, based on the principles of the site landscape plan. The boundary treatments and bin stores shall be completed before the dwellings hereby permitted are first brought into use. Development shall be carried out and maintained in accordance with the approved details and retained thereafter.

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

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

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

21. No dwelling shall be occupied until the means of vehicular access including for space within the site for the onsite turning of conventional private motor vehicles and service vehicles and pedestrian and cycle access thereto has been constructed and drained in accordance with details to be submitted to and approved in writing by the LPA based on the principles of the layout as detailed on drawing number PL01-003 and drawing No. 6417.001 dated May 2021.

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

22. The development hereby approved shall not be occupied until the highway improvements as detailed below have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority with provision also being made for the secure of any associated on-street parking restrictions via the Traffic Regulation Order process as may be required.

- Provision of an uncontrolled tactile crossing on Station Road to include for all associated works outside of and opposite No. 44 Station Road, Wootton.
- Provision of an uncontrolled tactile crossing on Station Road to include for all

associated works outside of No.95 Station Road Wootton to the south of the vehicle access serving the Wootton Methodist Church.

- Provision of an uncontrolled tactile crossing on Station Road to include for all associated works outside of and opposite No. 29 Station Road, Wootton.

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

23. Immediately following the implementation of this permission, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other order revoking and re-enacting that order with or without modification) the following Classes of Schedule 2 of the Order as amended are withdrawn.

#### Part 1

Class A – enlargement, improvement or other alteration to the dwelling

Class B – enlargement consisting of an addition to the roof

Class C – alteration to the roof

Class D - erection or construction of a porch outside any external door

Class E - building, enclosure or swimming pool for purposes incidental to the enjoyment of the dwelling or a container for domestic heating purposes

Class F - hard surface for any purpose incidental to the enjoyment of the dwelling house

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

**Reason:** To protect visual and residential amenity in accordance with the aims of Policy DM2 (Design Quality for New Developments) of the Island Plan Core Strategy.

24. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other order revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the elevations or roof slopes of the extension/development hereby approved.

**Reason:** To safeguard the residential amenities of neighbouring properties in accordance with Policy DM2 (Design Criteria for New Development) of the Island Plan Core Strategy.

#### **Informative(s):-**

1. The Reserved Matters application should include that the footways on the proposed development are formed as 3m shared use paths to be adopted on the highway network to enable connection between Station Road and the Bridleway by walkers and cyclists in a safe and traffic free fashion. The 3m shared use footway and the Bridleway could then become part of the Newport to Ryde cycle

route

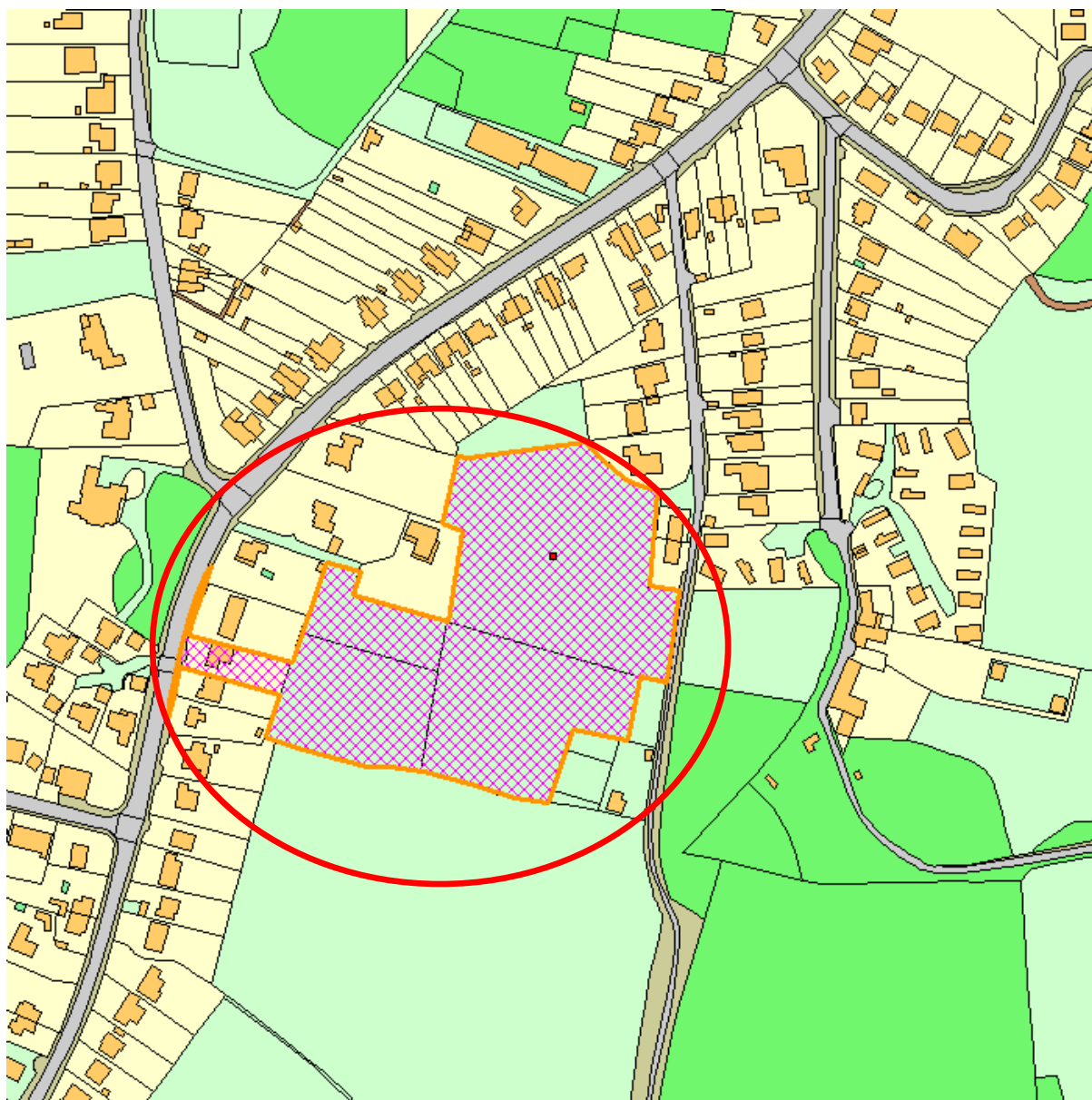
2. The applicant is advised that a formal application to Southern Water will be required for connection to the public sewerage system. For further information see Southern Water's New Connections Services Charging Arrangements documents on their website via the following link:  
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>
3. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water:
  - Address: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
  - Tel: 0330 303 0119
  - Website: [southernwater.co.uk](https://www.southernwater.co.uk)
  - email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)
4. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read their New Connections Charging Arrangements documents which are available on their website via the following link:  
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

For further advice, please contact Southern Water:

- Address: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX
  - Tel: 0330 303 0119
  - Website: [southernwater.co.uk](https://www.southernwater.co.uk)
  - email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)
5. The applicant is advised to review Southern Water's full comments relating to drainage (and relating to the relevant condition requirements), which are available online on the LPA's website under this application number. Please see:  
<https://www.iow.gov.uk/Residents/Environment-Planning-and-Waste/Planning/Planning-Development/Application-search-view-and-comment>

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## Committee report

Committee	<b>PLANNING COMMITTEE</b>
Date	<b>29 MARCH 2022</b>
Title	<b>PLANNING APPLICATION 20/01061/FUL (KNOWN AS WEST ACRE PARK)</b>
Report of	<b>Chief Executive</b>

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### SUMMARY

1. The planning permission for the Westacre Farm Development (reference 20/01061/FUL) is now ready to issue in accordance with the decision of the committee taken on 27 July 2021. All that remains is to obtain all of the necessary signatures to the section 106 agreement.
2. Normally the Strategic Head of Planning and Infrastructure would issue the decision notice at this point, provided there are no material planning changes which he feels the committee need to know and he is content to do so in accordance with the council's principles of decision making.
3. A fundamental public law principle of delegated authority is that the grant of authority does not require that such authority be exercised. The decision to grant subject to an appropriate s106 being concluded was made by the Planning Committee; the committee remain in law able to reconsider the matter if there is good planning reason to do so.
4. This has been a difficult application to manage, challenges have been received from local objectors and the developer and concerns expressed by some members both for and against the development. There still remains a 'live' motion before this committee; the outcomes of this debate will inform whether this report needs to be considered by the committee at all.
5. In light of these circumstances officers do not consider it appropriate to exercise the delegation granted to them by the Planning Committee in July 2021 and ask that the committee confirms its decision of the 27 July 2021 and that the planning permission then be issued as soon as the section 106 agreement associated with the permission is signed.

## RECOMMENDATION

6. That option A is adopted and the Committee agrees to:

Approve the issue of the formal planning permission in respect of West Acre Park (20/01061/FUL) as agreed by the committee on 27 July 2021

## BACKGROUND

7. This paper is presented for consideration should the Planning Committee's intentions remain unclear after it has debated the 'live' motion proposed for debate on the agenda for the meeting of the 29 March 2022.
8. The Planning Committee considered an application for the development of land at West Acre Park (20/01061/FUL) at its meeting on 27 July 2021. The proposal for this large housing led scheme had raised a large number of objections but following significant deliberation by the committee and a proposal to move refusal of the scheme, which was lost, the committee voted to approve the planning application subject to conditions and the completion of a legal section 106 agreement covering a number of issues including highways, affordable housing, education provision and environmental matters.
9. Since the meeting the council has received correspondence from a legal firm acting on behalf of a residents' group raising concerns over the soundness for reasons of procedural irregularity, misdirection as to application of policy, misapplication of the human rights balancing exercise and / or apparent bias.
10. Independent legal advice, procured by the council on the decision of the committee, was referred to in the paper withdrawn from the committee's published agenda in January, "Review of the code of Practice for Members and Officers dealing with Planning Matters". A copy of that advice was sent to members of the committee to accompany the report. This advice concluded that, on balance the decision made by the committee in July 2021 is safe and "the issues do not, as we have set out in this advice, raise significant legal issues given how they were dealt with".
11. However, some members remain discontent with the decision and the manner in which it was reached. Motions have been submitted to the committee on 25 January 2022 and again on 1 March 2022 asking that the committee be given the opportunity to reconsider its decision of the 27 July 2021. The January motion was not put to the committee in light of the fact that the tenant farmer on the site had withdrawn their objection to the application. The committee did not have time to consider the 1 March motion and it is on the agenda for the meeting of the 29 March 2022.
12. Following drafting and discussions between all parties, the section 106 agreement has now been agreed in line with the requirements of the Planning Committee's decision in July 2021 and is in the process of being signed. Once the document has been completed the formal planning permission can be issued.

## STRATEGIC CONTEXT

13. The corporate plan was agreed at Cabinet in October 2021 and sets out the objectives for the council over the next four years. Of relevance to this paper the corporate plan states one the council's core values is:

Being fair and transparent - making decisions based on data and evidence in an open and accountable way.

14. One of the three key areas for action in the corporate plan is the, "provision of affordable homes for Island residents". This is in the context of a key aspiration to "only develop greenfield sites when absolutely necessary".

## CONSULTATION

15. Whilst there has been no specific public consultation about this report, the planning application has been the subject of significant consultation which was summarised in the officers' report to Planning Committee in July 2021.

## FINANCIAL / BUDGET IMPLICATIONS

16. If the objectors to the development make a successful judicial review challenge of the council's decision to award it planning permission then the council would most likely have a costs award made against it together with having to bear its own costs. However, independent legal advice is that such an action would be defensible.
17. If the applicant makes a successful claim for non-determination of the decision against the council it could result in costs being awarded against council. This would require the applicant to demonstrate, or the inspector to consider, that the council has unreasonably withheld issuing the permission, resulting in the need for the appeal to be lodged. The council would be at significant risk of having to pay the complete cost of the appeal process for the applicant, as well as its own costs in defending the decision, both of which could be substantial, having regard to the scale of the application.
18. On appeal an inspector would take into account that the current is for approval of the development. If the application was to be reconsidered prior to the appeal papers being submitted and an alternative resolution presented, this could be considered as unreasonable and costs against the council could be significantly greater in the absence of no material change in circumstances since the original resolution.
19. Should the application be refused by the Isle of Wight Council, but permitted on appeal by the Planning Inspectorate then the council will not receive any New Homes Bonus for the site. Although this is not a material consideration in the determination of the planning application, however it may be relevant to the consideration of the options set out in this paper.

## LEGAL IMPLICATIONS

20. The council is in receipt of a number of letters from a law firm instructed by a company that has recently been formed by a local resident's association. The council is also in receipt of letters from a separate law firm that act on behalf of the applicant/developer. It is not uncommon to receive letters from both sides alleging concern particularly relating to controversial planning applications.
21. The letters on behalf of the resident's association allege that the July 2021 decision is unsound due procedural irregularities, misdirection of policy, misapplication of the human rights balance and / or apparent bias. The letters request the matter be brought back to committee for reconsideration to rectify any alleged procedural defects.
22. The council remains subject to its duty under section 70(2) to have regard to all material considerations, including those that arise after the resolution in July 2021, and may in theory reconsider an application. However, in the exercise of such powers a council must not act irrationally but rather must act appropriately and proportionately. Whilst it is legally possible for the committee to reconsider the application there are risks associated with doing so as set out in this report.
23. The procedural irregularities alleged are that certain councillors were unlawfully excluded from participation at the July meeting. These members referred to did not take part either due to having not attended the formal site visit or due to having pre-determined the application. The decision as to whether a councillor is able to take part in the determination under either of these scenarios is a matter of judgement for the councillor alone although it is very much encouraged that they do so having regard to advice from the monitoring officer. However, that judgement is subject to scrutiny by the High Court if judicial review proceedings were issued. External advice confirms that it was proper for the councillors concerned to not take part in the determination of this application.
24. The further procedural irregularity alleged is that the vote was taken after the meeting had finished as no extension of time was properly agreed. It is the monitoring officer's advice that the extension was properly agreed and therefore this point is also defensible.
25. There is an allegation that the officers presenting the report did so in a manner as to appear biased. The officers' report set out their assessment of the application and gave their recommendation. Throughout the meeting the officers gave their professional advice and advised on issues and the risks, as they considered them based on their experience and knowledge, to the members of the committee. Providing professional advice to the committee should not be seen as being biased, as they are very clearly two different things.

26. Due to a lack of delivery on the Island the authority is under a presumption in favour of sustainable development. Therefore, there is a genuine policy basis for the proper advice the officers gave regarding the balance of the decision.
27. The allegation the committee were misdirected as to the relevance of the development plan is also considered to be without merit and the committee were advised accordingly.
28. It is also contended that the Planning Committee were wrongly advised as to the relevance of the emerging Island Planning Strategy. Officers consider that the advice given at that time was correct and entirely consistent with paragraph 48 of the NPPF, especially 48(a).
29. Further policy concerns have been raised as to whether officers' advice was correct as to the application of policies SP1 and SP2. Officers have reviewed that advice and consider the advice given remains correct and defensible upon challenge.
30. The allegation the meeting was procedurally unsound due to the misapplication of policy is that it is alleged the committee were misdirected as to the relevance and application of the current development plan, the emerging Island Planning Strategy and the ability for councillors to rely upon policies SP1 and SP2.
31. A further allegation is that the council failed to properly apply the human rights act balance that was required. It is officers' that the July decision did properly balance the qualified right. In addition, the subsequent withdrawal of the tenant farmer's objection has reduced this risk further.
32. The final allegation is that a councillor that did participate would, to an objective bystander, appear biased (apparent bias). It is officers' view that the councillor was not apparently biased in law.
33. If the committee confirm that the permission may be issued, then any objector would have six weeks from the date the authority granted planning permission to issue proceedings in the High Court. The first stage of any proposed claim for judicial review is for the claimants to secure permission of the court to proceed. Only once permission has been granted can a claim progress to a full hearing. Until any claim is concluded, unless an order is made to the contrary, the developer would still have an extant permission, but would proceed at their own risk as the High Court have the ability to quash the permission at the conclusion of any proceedings.
34. If the permission was quashed the application would be remitted back to the council for further determination and costs in the claim would be awarded against the council. If the council were to successfully defend the proceedings, or permission to bring the claim was refused, then it is likely the council would also be awarded costs. The council may seek to protect its position in costs by seeking costs protection from the High Court in a situation where the claim was issued by a company with little or no assets.

35. The applicant's/developer's lawyers have submitted that the committee is unable by motion to refer the matter back to the committee, and that if the matter is delayed by reconsideration that the developer will appeal due to non-determination.
36. This paper seeks to confirm if the matter is brought back, rather than by motion on notice by a councillor, this point is academic, but the officers disagree with the point on this particular matter.
37. There is a risk of an appeal for non-determination as the period within which the Local Planning Authority (LPA) should have determined the application has elapsed, as has the written extension agreed with the developer. It is therefore now open to the developer to appeal non-determination at any point. If this were to occur, then there is a risk that the developer may seek costs in part or wholly due to what it would allege were unreasonable delays in determining the application. It should be noted that a Planning Inspector has the ability to award costs, regardless of whether a cost request is made.
38. There is a risk of challenge with either confirming the authority of officers to issue the permission, or requiring a report be brought to committee for further determination.
39. Whilst there is an inherent litigation risk with either option it is considered the risks association with not issuing the permission are greater than the risks associated with issuing the permission.

## OPTIONS

40. The options available are as follows:

**Option A** Approve the issue of the formal planning permission in respect of West Acre Park (20/01061/FUL) as agreed by the committee on 27 July 2021.

**Option B** Not approve the issue of the formal planning permission in respect of West Acre Park (20/01061/FUL) and request the application is brought back before the planning committee for reconsideration.

## RISK MANAGEMENT

41. The issuing of the formal planning permission would comply with the LPA's normal procedures as set out in the council's constitution and ensures consistency in decision making. It would also significantly reduce the risk of an appeal for non-determination by the applicant which would, as result, remove the risk of any cost award against the council through the planning appeal process.
42. The issuing of the decision notice may lead to a legal challenge to the LPA, which would have to be via a judicial review of the decision. The judicial review would examine the procedures of the committee in arriving at its



decision, rather than the decision itself. The council has taken its own legal advice which indicates the risk of a successful challenge is low in that the council's decision is sound and therefore defensible.

43. If the decision notice is not issued there is a significant risk of appeal on the grounds of non-determination and given the planning committee's resolution to grant approval for the scheme a high risk of an award of costs against the council resulting in financial loss and reputational damage.
44. Not issuing the decision notice would also provide uncertainty in the decision-making processes of the planning committee, where applicants would not be able to rely on the decisions made in a public forum where a vote was taken to approve the development and no new material planning considerations have arisen since that decision. This could lead to loss of investor confidence in the Island, particularly the delivery of housing and affordable homes, which are key objectives of the authority.
45. Agreeing to issue the decision notice would enable the council to improve its five year land supply position and would not, at this stage, negatively impact on the delivery of the draft Island Planning Strategy.
46. The Local Planning Authority is operating under the National Planning Policy Framework's 'presumption in favour of sustainable development' because of a lack of a five-year land supply, falling under the Housing Delivery Test threshold and because of the age of the Core Strategy. Essentially in the government's view the council has not permitted enough new homes, built enough new homes and its plan is too old.
47. This assessment is in part a consequence of the government's standard method for calculating housing numbers. The draft Island Planning Strategy (IPS) seeks to plan for a number of new homes below the standard method calculation. If this approach is endorsed by the Planning Inspectorate, it will mean the council has an up-to-date local plan and enable a reset of its five-year land supply and Housing Delivery Test figures.
48. Should the lower housing number proposed in the IPS not be accepted then the council will continue, on the current trajectory, to not be able to demonstrate a five-year land supply or sufficient housing delivery to meet the thresholds of the Housing Delivery Test. In such a scenario and under current legislation the only way for the council to remove itself from the presumption in favour of development will be to permit significantly more new homes and for significantly more new homes to be built.

## EVALUATION

49. Whilst the planning application at West Acre Park is, and continues to be, contentious a decision not to issue the formal decision notice at this stage could result in significant legal, financial and reputational issues for the authority. It is concluded that these risks outweigh the legal, financial and

reputational risks in not issuing the permission and having a report brought back before the committee.

50. Nevertheless, these are matters for members to finally determine in accordance with the principles of good decision making as provided for in the council's constitution.

## BACKGROUND PAPERS

[“Isle of Wight Council, Governance Advice”](#), Veale, Wasbrough, Vizards, December 2021

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