

**PLANNING COMMITTEE – 12 APRIL 2023**

**RE: Minute Item 34, 20/02159/ARM Land Known as Pennyfeathers Land to the South of Smallbrook Lane and to the West of, Brading Road, Ryde.**

**List of questions submitted by members of the Planning Committee, and responses of the Planning Team Leader:**

1. What are the ratio of flats to houses (whatever size)?

*There are 408 x 1&2 bed flats. Which equates to 45% of the overall units.*

2. Are there safe pedestrian crossings (especially outside the development)?

*Yes, the proposed junctions are shown to have tactile crossings with appropriate pedestrian visibility. Furthermore, any works secured through a separate Highway Agreement would be required to be supported with a safety audit, which would also ensure that safe pedestrian crossings are provided. The proposed development does not include for any further additional crossings on the network outside of the development unless part of an existing junction is to be altered.*

3. What is the developer's interaction with both the bus and train companies,? Is there a public transport plan and is their agreement that existing buses or new bus routes that will enable Pennyfeathers residents to access via public transport to Ryde, Bay area and Newport?

*There is no 'public transport plan' as part of the outline permission and no requirement for one to be provided as a reserved matter. There is not currently any proposal for bus services to be diverted through the site. Southern Vectis generally will not commit to this until the residents are in place. Brading Road and Great Preston Road are currently both served by the number 2 and 3. I would anticipate that should permission be granted the developer would enter into discussions with Southern Vectis about the potential re-routing of services through the site. The design of the main spine road would allow for this. At outline stage we did try to engage with the train provider, but they did not wish the development to link with the existing platform, so there is no proposed link included and it was not considered necessary as part of the outline permission.*

4. Has there been discussions with SW water whether they can actually cope with the increase demand, and, whether storm surge discharges into the seas around the Isle of Wight of sewage would increase?

*As you may already be aware Southern Water have commented on the application and these comments are on the relevant application page of the council's website - <https://publicaccess.iow.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QL28TAIQMC300>.*

5. What is the additional pressure on GPs, dentists, our hospital and the local schools – can they cope?

*This matter is covered within the officer report for the outline approval, when the number of units were agreed (please see paragraph 6.91 of the original report).*

6. Although a primary school is included in the site, there is no mention of demand on Secondary schools as already Ryde Academy is full and pupils from Ryde are having to travel to Sandown, Carisbrooke and Medina schools?

*Education were heavily involved in discussions at the time of the outline application, when contributions (either financial or through the provision of land) have to be secured. They were satisfied that secondary provision was not required. There is an overprovision of secondary school places on the Island.*

7. Is there a Fire Officer's report on the CHP Energy Centre being build next-door to Westridge Garage?

*No, we do not automatically consult with the Fire Service. However, I can confirm that the replacement garage would not have a petrol filling station. It is considered more appropriate to have a commercial unit immediately next to the energy centre than residential development.*

8. Is there a full detailed report on the CHP Energy Centre? The turbines will be gas fired. What is the height of the flue chimney? Is there a technical information report about discharges of noxious particles into the atmosphere and safety measure to be taken regarding regularly monitoring these? Where will these monitoring sites be? Will they just be within the Pennyfeathers site or also within the wider community? Who is actually going to build the CHP Energy Centre – Greenfield Nordic has stated **they have not been retained** by the developer even though their name is in the Construction Management Plan. So, if not them then who?

*The elevations detail the tower feature on the building, which would accommodate the chimney is shown to be approximately 10m in height. The outline application was supported by an Environmental Statement which incorporated a chapter on Air Quality. This considered the impact of a CHP energy centre and outlines that: "Two CHP units and five gas boilers will be installed in the proposed energy centre as part of development. However, energy demand is anticipated to be met from the operation of two CHP units and one gas boiler. The other four gas boilers remain on standby and only operate in an event of failing of all CHP units. The assessment has been undertaken on the worst-case continuous operation of two CHP units and one gas-boiler.". This document also provide maps showing where receptors sites both within and outside of the site. The officer report for the outline application includes a section within the evaluation on 'Air quality, noise and vibration' (para 6.80), which includes more details on this. The Reserved Matters application has been supported by further air quality assessments, which have been assessed by Environmental Health, as set out within the report. The Centre would require a permit to control emissions under separate legislation, which would deal with any future monitoring. This falls outside of the planning process. Planning cannot control who is the provider/developer so we do not ask who would be operating. This would again be a matter for the permit.*

9. Glen Hepburn, the Planning Agent said in his verbal presentation "Westridge has exchanged contracts, so he's sold to the Developer". What are the agreed terms between Mark Winkles, the Garage Owner and the Developer for the closure of the garage and safe clearance of the fuel tanks etc from site? Will it still be operational when the Energy Centre is brought into operation?

*Whilst I understand that this may be of interest to you and some of your constituents, Planning do not get involved in any terms between landowners. This is not relevant to the planning process. The application incorporate conditions which would require contamination works to remove the fuel tanks etc. prior to any development being undertaken in this part of the site.*

10. I still struggle with who is the developer as Glen Hepburn is only the Planning Agent. I believe Mr Hepburn is retired. Who is he working for? It is usual practice that the planning committee know who the applicant is and there are details of a track record on delivery? This is such a large site, there is a real risk of the development taking years to complete and being left only part completed. I feel the planning committee needs to know more detail on the credibility, track record, financial robustness, qualifications and quality of the people really behind the scheme as the only person visible is a retired planning agent!

*I'm afraid we have no details on who the developer is, and again whilst I appreciate that this may be of interest to you and some of your constituents, there is no national or local planning policy that requires this information to be provided and assessed. Ultimately our decision has to be on the planning merits of the proposal, not the person or entity who has submitted the application. It is also worth noting that a scheme of this size would take years to complete – a national housebuilder would likely take 10+ years to build out a site of this size in its entirety.*

11. There seems to be confusion on whether all landowners are still signed up to the scheme alongside changes to the original plan which is documented into the Section 106 agreement. Does there need to be a new revised Section 106 agreement and can there be confirmation all the landowners who signed the Section 106 agreement are still selling or sold to the developer (again who is this?). To my knowledge Mr Winkle of Westridge Garage is not vacating or selling and in fact as invested in remaining there?

*I can advise that all signatories to the Section 106 are tied to the terms of it. These terms run with the land, so if someone no longer has an interest in the land they are not bound by the agreement, but the new landowner is.*

12. Is the site to be sold on if these reserves matters are approved – and to whom? Does IWC have any say in who this is?

*I am not aware of the plans of the owner(s) if the reserved matters is approved, we are unable to control this. I can however confirm that no, the Council has no control over the sale of any land it does not own. The planning permission, like the legal agreement, is to the land, so if the reserved matters are approved and the land is subsequently sold the new owner would inherit the permission.*

13. Does IW Council have pecuniary interests as IW Council has land (Nicolson Road) which has planning permission by is not deliverable I believe unless Pennyfeathers reserved matters is approved and the value of the land would be in my view affected by this approval?

*The development at Nicolson Road is not tied to the determination of Pennyfeathers. I am not aware that the Council has a pecuniary interest in the proposed development.*

14. Once the first 4 business units are operational how certain can Island Roads be that it will still only be a very infrequent occurrence HGVs will use the roundabout connecting the estate to Great Preston Road? If the link road into the proposed expanded Nicholson Road Business Park isn't constructed as part of the Phase 1 highways improvements then, I would suggest, the frequency of use could well increase. Apart from Commercial Building 2 which is already earmarked for a garage, we do not know what type of occupier will be in the other 4 buildings. Will there be a condition attached they cannot be used for manufacturing purposes; and another that says all HGVs can only enter and exit the estate via Brading Road and the Cothey Way roundabout?

*The junction that Island Roads have highlighted, which I think you are referring to is the link between Smallbrook Lane and Great Preston Road. We cannot predict the number of HGVs or pantechnicons accessing the site. However, Island Roads have confirmed that you cannot currently undertake this manoeuvre, but this is obvious to the driver. However, due to the improvements to the junction it may be less obvious. The proposed development would still represent an improvement to this junction. Any vehicle that could not negotiate this junction could remain on the spine road and use the new roundabout onto Cothey Way. There are no conditions proposed to restrict the use of the commercial building from being used for manufacturing purposes, but again if a vehicle was to be accessing these buildings they would stay on the spine road and not exit onto Great Preston Road then back onto the site from Brading Road. We cannot include a condition that a vehicle cannot use a route that they are legally allowed to.*

15. Is it possible to condition the application that all road infrastructure works are fully completed before any houses or business units are started?

*This would conflict with the timescale set out within the Section 106 Agreement so not at this stage. The point in which any works are required must be linked to the point in which the impact occurs. The current network can accommodate some increases in traffic generation and therefore the works are required prior to the junctions reaching capacity.*

16. There are two houses on the proposed Westridge Junction that have been left and are derelict. We have been told these are not part of scheme by owned by Pennyfeathers? IW Council empty properties officer was not able to take action due to the Pennyfeathers development, can there be a condition that these buildings are repaired and rebuilt and brought back in housing markets or given to a local housing association for social rented accommodation?

*In my opinion the short the answer is no, I'm afraid. You may remember from the Government guidance on conditions that they must be 1) necessary; 2) relevant to planning; 3) relevant to the development to be permitted; 4) enforceable; 5) precise; and 6) reasonable in all other respects. It is difficult to see how a condition, as you've suggested would meet a number of those tests as it would not directly relate to the development.*

17. There is a new planning application for 6 houses on the site on land owned by owners not signed up to the scheme which will affect the scheme, how does this fit in?

*It is possible for there to be multiple and different consents on land, with the landowner able to choose which permission to implement and which not to (or indeed, and if physically possible, a combination of the two). We are not able to stop someone*

*making an application. I note that a previous application for this site was refused in 2022 on nine grounds.*

18. I am not clear of the committee's powers in relation to reserved matters? I am in the understanding that the details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission. If the proposals have changed in any way, the applicant may need to reapply for outline or full planning permission. The outline planning permission was in 2015, 8 years ago and it appears to be the reserved matters application has changed from the parameters of the original application; shouldn't there therefore be a new out-line or full application? Please can this be clarified?

*This matter is covered in detail in the officer report (please see paragraphs 7.3 – 7.9)*

19. I am also struggling to understand how the reserved matters application can be viewed with the now out-of-date Island Strategy 2012, by the Planning Inspectorate deems this plan out-of-date and IW Council is subject to presumption of sustainable development and the NPPF (2021) has to be taken as the default strategy. I fail to understand how a gas-fired power station/centre complies with the NPPF (2021) and the Low Carbon Emissions and Climate Change requirements. It seems not rationale to approved this when it is clearly not deliverable and should not be delivered.

*The Island Plan is not out of date. It can be considered that some of the policies could be deemed out of date, where they dictate housing delivery numbers, as these have not been achieved, but the plan as a whole is not out of date. The gas fired energy centre has permission. The reserved matters application is simply dealing with the visual appearance of the building which would serve this purpose. If future national policy / legislation (either planning or building control or other) prevented the use of gas as an energy supply (which at present is not the case), then at that time the applicant / landowner would have to ensure any energy centre that was either in operation or proposed, met any new legislative requirements.*

20. There was mention about building regulations and the difference on what is viewed as building regulations or planning considerations which I personally find confusing and it would help to clarify the differences.

*Building regulations and planning regulations are entirely different legislation. In very simple terms planning deals with the use of land, having consideration of what development looks like, how it is accessed, how it impacts on such things as trees, ecology, flooding, archaeology etc. However, building control deals with how the buildings are built. Building control staff are generally surveyors and consider the technical details of the building process, including issues such as foundations, structural integrity, fire prevention, air tightness and insulation.*

21. A couple of things: the Westridge Garage is unclear as we were told at the meeting it had been sold and would be moving as indicated on the plan supplied.

*The information we have is that the Garage is now under the ownership of the developer, thus facilitating the development as proposed.*

22. I sat at a Pensions Conf yesterday and we were told that 'gas fired' units of any description were not to be built. The subject came up, would you believe, regarding cremations. It has been stipulated that all crematoriums will have to be either rebuilt

or converted to electricity, gas will NOT be allowed. So how come a gas fired system is being planned for Pennyfeathers?

*The legislation regarding gas boilers in new homes does not come into force until 2025, and firm details have not yet been published. All new homes built after 2025 won't, by law, have a gas fired boiler installed. There is currently nothing that we can find that clarifies whether this would only impact boilers within houses or district heating systems as well. Until the legislation comes into force any new home can still choose to install a gas-fired boiler. The Future Homes Standard consultation does set out that heat networks (or district heating systems) can decarbonise more easily as new technologies can be added without disruption to individual properties. The legislation is likely to be different for commercial uses, such as crematoriums, but not directly relevant in this instance. The energy centre has consent through the outline. The reserved matters is simply dealing with the design of the building which would house it. If future national policy / legislation (either planning or building control or other) prevented the use of gas as an energy supply (which at present is not the case), then at that time the applicant / landowner would have to ensure any energy centre that was either in operation or proposed, met any new legislative requirements.*