



Purpose: For Decision

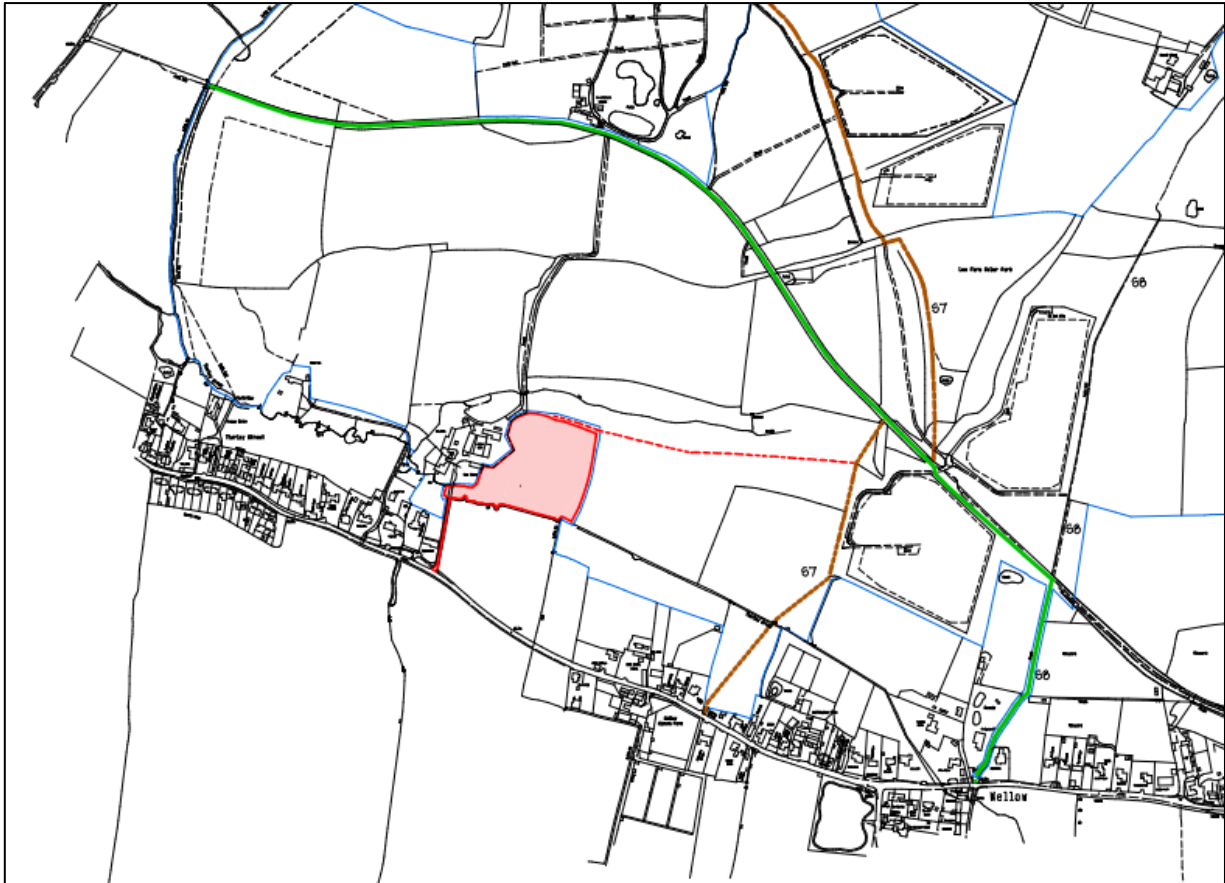
# Planning Committee Report

Report of	STRATEGIC MANAGER FOR PLANNING AND INFRASTRUCTURE DELIVERY
Date	<b>5 September 2023</b>
Application Reference	<a href="#"><u>21/00684/FUL</u></a>
Application type	Full
Application Description	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
Site address	Land at Lee Farm Wellow
Parish	Shalfleet
Ward Councillor	Councillor Peter Spink
Applicant	Mr and Mrs Steve Cowley
Planning Officer	Russell Chick

Reason for Planning Committee consideration	This is an update paper for the planning application that was previously referred to the Planning Committee for consideration on 1st March 2022. The original report can be viewed by following the link below or by seeing Appendix 1 of this report. Appendix 2 of this report is an Update Paper circulated to the Planning Committee on 1 <sup>st</sup> March 2022. The minutes for that meeting can be seen at Appendix 3 of this report.
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[21-00684-FUL Lee Farm Committee report](#)

Recommendation	For the additional information related to nitrates impacts on Solent International Sites to be noted and for conditional approval to be granted subject to the completion of a S.106 Legal Agreement.
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## **Main considerations**

- Planning history and preamble
- The impact of the development on Solent International Sites as a result of nitrates enrichment
- Changes to the legal agreement

## **1 Evaluation**

### History and preamble

- 1.1** This planning application was considered by the Planning Committee on 1<sup>st</sup> March 2022, with the committee resolving to approve the development subject to planning conditions and the satisfactory completion of a legal agreement. Following that resolution, an update paper was referred to the Planning Committee in July 2022, to allow the Committee to consider a variation to one of the terms of the legal agreement, which involved removing a requirement for a post development appraisal of development costs and replacing it with a fixed and increased financial contribution in respect of off-site affordable housing provision. The Planning Committee resolved to agree to those changes. The July 2022 update paper can be viewed via the link below, or at Appendix 4 of this report.

## [21-00684-FUL Lee Farm Update Paper 2022](#)

An Update Paper circulated to the Planning Committee on 26<sup>th</sup> July 2022 can be viewed at Appendix 5 of this report and the minutes for 26<sup>th</sup> July 2022 in relation to this application can be viewed at Appendix 6.

Following the July 2022 Committee resolution, the legal agreement was required to secure the following measures:

- A financial contribution towards the Bird Aware Solent mitigation strategy
- A requirement to construct or pay for the construction of a 1.75km section of the West Wight Greenway
- A financial contribution towards off-site affordable housing, fixed at £80,000
- A requirement to install and suitably manage the agreed 'Bio-bubble' waste-water treatment plant
- A requirement to manage additional habitat enhancements for a period of at least 30 years, in order to achieve Biodiversity-Net Gain

**1.2** Since then and while the legal agreement has been negotiated, the Natural England methodology for assessing the impact of nitrates associated with foul water on designated sites within the Solent area has been updated and altered. As a result, and to comply within the requirements of the Habitat Regulations, the Planning Authority has required the applicant to carry out a revised assessment based on Natural England's current guidance. This report provides Councillors with an update on this issue. This has also resulted in a requirement for additional clauses within the legal agreement.

**1.3** This report will not repeat all of the main considerations for the application, the location of the site or the details of the application, as these were set out within the original committee report and the 2022 update paper. **It is important that members of the Planning Committee read the original committee report and the 2022 update paper that are referred to above, as well as this update paper.** This update paper focusses on the key areas of difference regarding nitrates impacts and additional clauses within the legal agreement.

### The impact of the development on Solent International Sites as a results of nitrates enrichment

**1.4** Natural England has published advice relating to issues of high levels of nutrients within the Solent water environment, which through a process known as eutrophication have resulted in dense mats of green algae in coastal areas. The Solent and Southampton Water Special Protection Area (SPA)/ Ramsar site, Dorset and Solent Coast SPA and the Solent Maritime Special Area of Conservation (SAC), known collectively as the Solent International Sites, are important habitats for protected species of birds, which use the coast for feeding. Natural England's concern is that the nutrient levels have resulted in algae in coastal areas, which disrupt natural processes and remove native plants which then prevent protected species from feeding. This can leave the Solent International Sites in an unfavourable condition. Natural England's standing advice is that these issues are caused by agricultural practices and wastewater from housing.

- 1.5** To ensure that housing development would not add to existing nutrient burdens in the Solent and adversely impact designated SAC and SPA/Ramsar sites within it, a Position Statement has been produced by the Isle of Wight Council, in agreement with Natural England and the Environment Agency. The Position Statement outlines that it must be demonstrated that either a development is nitrate neutral or that its wastewater would be treated at Southern Water's Wastewater Treatment Works (WwTWs) at Brighstone, Sandown, Shorwell or St Lawrence, all of which discharge to the English Channel and not the Solent, thus avoiding impacts on the Solent International Sites. It has been agreed that developments that connect to these WwTWs do not have to demonstrate nitrate neutrality as wastewater from these developments would not enter or adversely affect the Solent and designated sites within it.
- 1.6** Natural England have set out a methodology on how to calculate the nutrients burdens of operational development and an approach for mitigation to ensure new development achieves nutrient neutrality. Natural England's guidance advises that forms of suitable mitigation can include the provision of new wetlands, woodland and grassland on land that previously resulted in nutrients inputs, either on site or through the purchase of off-site credits. Their guidance includes a nutrient budget calculator, which allows the pre-development nutrient burdens for a site to be compared to post development nutrient burdens. The proposed development at Lee Farm would be served by an on-site treatment plant, due to lack of access to a public sewer. Treatment plants discharge to watercourses and therefore, in this case, the site is linked to the Solent International Sites. The manufacturer's information advises that the applicant's chosen treatment plant has an efficiency rating of 88.5% total nitrogen (TN) load reduction (based on a discharge concentration of 5.5 mg/l). Natural England have ratified this calculation.
- 1.7** Based on Natural England's earlier nutrient budget calculator, when taking into account previous uses of the site, the development would have resulted in a net reduction of nutrients, at -15.88kg TN per year (see para. 6.107 of the committee report). At officer's request, a revised nitrate budget has been completed by the applicant to take account of the latest calculator issued by Natural England. This has shown that the development would result in a post development load of 4.97kg TN per year once wastewater had been treated by the applicant's on-site system. This would therefore represent an increase in nitrates being discharged from the site and, without mitigation compromise the interest features for which the SAC and SPA / Ramsar sites within the Solent area have been designated.
- 1.8** As a result, the applicant has proposed to mitigate the annual nitrogen nutrient export (post treatment) for the development through removal of productive farmland at Lee Farm, with the land to be planted with trees. Natural England's document 'Nutrient Neutrality and Nutrient Mitigation (NE776 Edition 2) confirms that acceptable mitigation measures include 'creation or restoration of new semi-natural habitats e.g. woodlands/ grasslands/ natural wetlands.' This is because land converted to semi natural habitats such as natural wetlands, woodlands, or grasslands can offer a strong outcome for nutrients when designed and sited appropriately.
- 1.9** The applicant's supporting Mitigation Statement advises that the landowner has already planted 16,000 trees on 14 hectares of arable land, as well as providing 6 metre wide field margins to prevent nitrate run-off into the Newtown and Yarmouth

Estuaries. The Mitigation Statement has however, not included these reduced agricultural activities into the calculations for the proposed mitigation land, given that these actions have already taken place. The applicant has explained that the proposed mitigation land has/ is used for growing cereal crops, with a rotation of maize and winter barley for the last 20 years. The Mitigation Statement advises that this resulted in nitrogen inputs of 150 kg per hectare for maize and 120 kg per hectare for winter barley, each year the crops were grown.

- 1.10** Based on these levels of use, the applicant has proposed to take 1 hectare of active farmland out of production, to offset the nitrogen loading of proposed housing development. This is based on a planting density of 100 tree per hectare, which follows previous Natural England guidance (V2 guidance) and equate to a reduction in nitrogen of 5kg per hectare per year, based on 20% canopy coverage at maturity. The applicant considers that this is a conservative estimate, because the current farming of the land would result in higher annual nitrate outputs of circa 18.31kg TN, while the woodland use of the land would produce circa 3.0kg TN per year. However, the applicant has chosen to set aside a whole hectare, to ensure that a nitrates reduction could be adequately demonstrated.
- 1.11** A plan has been provided showing the location of the proposed offset land, which shows that it is located within the north-western area of the farm. Aerial photographs show that the land is cultivated, and officers have visited the site on several occasions in the last decade, with these areas of the farm being seen to be used for arable purposes. The applicant's calculations have included conservative estimates for the efficiency of the proposed treatment plant and officers consider that the proposed woodland planting scheme would offset the nitrogen resulting from the proposed housing development, leading to nutrient neutrality.
- 1.12** The Planning Authority would seek to secure the woodland planting scheme, and stipulations on the management of the land, use of fertilisers, manure and grazing of the land via the existing legal agreement that has been drafted. The agreement would be updated to include clauses that would require the farmland identified by the applicant to be set aside for nitrates mitigation and for an agreed woodland planting scheme to be implemented prior to the occupation of the dwellings. This would allow the certainty of securing mitigation as required by the Habitat Regulations, as no immunity would apply to breaches of the planning obligation.
- 1.13** Officers have compiled the necessary Appropriate Assessment of the proposed development, and this considers the impact of the development on Solent International Sites. Natural England has commented on the Appropriate Assessment and advised that they agree with the Planning Authority's conclusions, that with the mitigation measures outlined within the Appropriate Assessment and this update report, the development would not compromise the integrity of Solent International Sites. This is on the proviso that the Planning Authority can satisfactorily secure the mitigation measures. The mitigation relating to the provision of the woodland planting scheme and its long-term management and retention would be secure via a legal agreement. The on-site drainage scheme would be secure via the planning conditions recommended within the committee report.

**1.14** Taking into account the comments provided by Natural England, it is considered that the development would be satisfactorily mitigated to ensure that it would not add to the current unfavorable condition of some areas of the Solent International Sites.

## **2. Options**

**2.1** It is considered that the following options are available to the Planning Committee:

1. To agree the amended heads of terms to the legal agreement, to include provision for the nitrates mitigation land, for that land to be planted as woodland, for the land to be managed and maintained in perpetuity and resolve to permit the proposed development.
2. To require alternative mitigation.
3. Reconsider the application in its entirety.

## **3 Conclusions and recommendation**

**3.1** The application is being brought back to committee for consideration of the revised mitigation works, following the re-assessment of the impact of the development on Solent International Sites as a result of nitrates enrichment. As a consequence, there are changes to the legal agreement heads of terms as set out within the recommendation of the original report and paragraph 1.12 above. Natural England, the Government's statutory consultee for the natural environment, have supported the proposed revised mitigation measures that are set out within this update paper.

**3.2** It is the opinion of officers that no other material matters have changed since the application was previously considered by the Planning Committee to justify any other elements of the proposals being reconsidered. Furthermore, officers are satisfied in light of Natural England advice, that the revised mitigation works are appropriate and acceptable so options 2 and 3 are not recommended.

**3.3** Officers therefore recommend that the Planning Committee agrees the amended heads of terms to the legal agreement, to include provision for nitrates mitigation land, to be planted as woodland that the works should be undertaken and the land managed and maintained in perpetuity and resolve to permit the proposed development in accordance with the conditions outlined within the committee report, and the revised legal agreement clauses agreed by the Planning Committee in July 2022.

**Reference Number:** 21/00684/FUL

**Description of application:** 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

**Site Address:** Land at Lee Farm, Main Road, Wellow

**Applicant:** Mr and Mrs Steve Cowley

**This application is recommended for:** Conditional Approval Subject to S106 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
- Impact on heritage assets
- Ecology and trees
- Nitrates impacts on designated sites
- Solent Protection Area Mitigation
- Highway considerations
- Drainage matters
- Flood risk
- Other matters

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

- 1.1** Lee Farm is located immediately to the north east of Thorley, a rural hamlet that is located 2.4km east of Yarmouth and 14km west of Newport. The site is situated 180m north of the highway that runs between Wellow and Thorley (B3401), with an agricultural field between the site and the highway and is reached via an informal access lane that is aligned on either side by hedgerows. Thorley occupies a relatively low position with Lee Farm occupying a similar land level, although the northern section of the farm has a slightly elevated prospect.
- 1.2** Lee Farm includes a mix of historic and more modern farm buildings, with the historic sections being located on the western side of the farmstead. These

include the main farmhouse, a grade II listed building that dates from the early 17<sup>th</sup> Century. The farmhouse is arranged in an 'L' shape with coursed stone walls and a tiled roof, that includes a line of stone tiles close to eaves level. The roof is hipped at one end and gabled at the other and includes substantial chimney stacks. The farmhouse is an attractive building with a mix of sash and casement windows and dormers within the roof. The front elevation of the house faces east, and overlooks the access lane that serves the farm, with an area of orchard beyond. The south and west elevations of the farmhouse overlook private garden areas, while situated to the north of the house is a brick and tile outbuilding and beyond that is single storey stone barn with a slate roof. This barn has been converted to residential use.

- 1.3** Further north east is a small stone barn, known as Hackney Stables. This is a grade II listed building, arranged at an offset angle to the remainder of the farm, with the main elevation facing south east. There is a small yard between these older buildings, beyond and to the west of which is a complex of much larger, and more modern agricultural barns. These buildings have large rectangular footprints and gabled roofs, with elevations and roofs finished with cladding that is typical of modern barns. Further west is a collection of large linear modern barns aligned on an east-west footprint. These are generally open fronted, with corrugated iron roofs and elevations comprising a mix of timber and iron cladding. A collection of farmyards and tracks surround these buildings, some of which are informal and laid to grass.
- 1.4** Further south of the modern buildings is a detached single storey holiday unit that is let for tourism. The unit has a rectangular footprint, with the front elevation facing north. The unit has a gabled roof, under which are cream clad elevations and simple fenestration that includes casement windows. The unit is surrounded by generous grounds that are laid to lawn, with orchard planting throughout. The foundations for a further holiday unit have been laid further east. The farm complex is enclosed by hedges, and in the case of the northern boundary a line of mature oak trees. The southern boundary includes a line of less substantial trees. Beyond the site boundaries is farmland, that is characterised by regularly shaped fields that are enclosed by hedgerows. Further north is a substantial area of mature woodland, known as Lee Copse.
- 1.5** To the south west of the site is the ribbon development of housing that characterises Thorley. Houses are generally two-storey with a mix of attractive older properties set within generous plots, alongside examples of more modern infill. To the east, and beyond a gap in development, is the hamlet of Wellow. Wellow is comparable to Thorley in terms of its layout and appearance, again being characterised by generally two storey housing arranged in a ribbon style and following the alignment of the highway.

## **2** Details of Application

- 2.1** Full planning consent is sought for the demolition of existing industrial/commercial buildings and the removal of foundations for an approved holiday unit and their replacement with 16 new dwellings and the change of use of an existing holiday unit for residential purposes. The plans show that the existing farm buildings on the western side of the farm would be retained.



- 2.2** The replacement dwellings would be arranged around farmyard style courtyards, with a smaller group of 7 dwellings on the western side of the development, a larger cluster of 9 dwellings occupying the eastern side of the site and a farmhouse style dwelling within the centre of the site. The development would include 6 x 2-bedroom dwellings, 9 x 3-bedroom dwellings and 1 larger 4-bedroom dwelling.
- 2.3** The group of dwellings on the western side of the site (units 1 to 7) would be arranged as two pairs of semi-detached dwellings and short terrace of 3 dwellings. These would be arranged as a quadrant, with the pairs facing one another and the short terrace occupying the north side of the quadrant, with the dwellings overlooking the central courtyard, which would include a mix of lawns, tree planting, parking and turning areas. The dwellings would be two-storey and be finished with a mix of red brick, sawn timber cladding and red tiled roofs.
- 2.4** The remainder of the units would be arranged as either detached or pairs of semi-detached dwellings. These would be arranged around the central farmhouse style unit (\*unit 15). The farmhouse would be a two-storey dwelling, with traditional elevations and single storey out-shuts to the rear (west) and side (north). The property would comprise a cart-shed style garage.
- 2.5** Units 8 & 9 would be arranged as a pair of semi-detached one and half storey properties and occupy the northern side of the eastern cluster. These have been designed to appear as threshing barns, with barn hipped roofs, timber elevations and front entrances to reflect the typical cart entrances to barns on the Island. The dwellings would be joined by a cart-shed garages between each unit. Unit 10 would be located to the east of units 8 & 9 and occupy the north east corner of the cluster of dwellings. This would be a 3-bedroom detached house, with one and a half storeys. Like the remainder of the dwellings, the unit has been designed in a traditional rural manner, with timber and brick elevations under a tiled roof. A cart shed garage would be located on the southern elevation of the dwelling, to continue the style of the farmstead.
- 2.6** Units 11 & 12 would occupy the eastern side of site. Unit 11 would be designed to appear as a detached threshing barn, following the design ethic of units 8 & 9. Unit 12 has been designed to appear as a detached cart shed and would be a single storey building. Elevations would be simple and be finished with a mix of timber cladding and brickwork, below a tiled roof. An open cart shed would be located on the southern elevation of the dwelling, to be used for parking vehicles.
- 2.7** The southern boundary of the site would be occupied by units 13, 14, 16 and an existing holiday unit, which would be changed to a dwelling. Units 13 and 14 would be arranged as a pair of semi-detached, single storey barns. Again, these would comprise simple brick and timber elevations and gabled tiled roofs. A pair of cart-shed style garages would be included between the units and gabled hay loft feature would be provided on the front and rear roof slopes, between the units. Louvre features have been added to the roofs. Unit 16 would be designed in the same manner as units 11 and 12. No changes would be made to the exterior of the existing holiday unit.
- 2.8** The site plan shows that the development would include significant areas of landscaping. The open spaces between the units, which would form the farmyard

areas, would be laid to lawn, with access, turning and parking areas between. The access roads would be finished with concrete, while the access and turning areas within the farmyards would be finished with a mix of resin bound gravel and brindle block paving. These areas would be landscaped to include a mix of trees and hedgerows, with boundaries between properties delineated by 1.2m high post and rail fencing. Rear gardens would be separated by 1.2m high post and wire fencing.

- 2.9** The site would be accessed via the existing farm lane, that adjoins the northern side of the B3401. This lane currently splays off to the east to serve the existing holiday unit, and this route would serve the proposed development. The existing orchards and hedges either side of the access would be retained. A passing bay would be provided at the midpoint of the main access lane.

### **3 Relevant History**

- 3.1** Appeal APP/P2114/C/11/2146144 – concerning the use of the land and buildings as a bus and coach operation centre. The appeal was allowed on 27<sup>th</sup> July 2011 and confirmed that the site could be used lawfully as a mixed use of agriculture, holiday let and the parking of buses and coaches.

- 3.2** P/00218/13 - Erection of stable block; conversion of farm buildings into stables & workshops; formation of access track; construction of sand school; outline for 3 holiday lodges & swimming pool (revised application area & relocation of swimming pool) (readvertised application) – Granted planning permission on 8th August 2003

### **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  
SP3 - Economy  
SP4 - Tourism  
SP5 - Environment  
SP7 - Travel  
DM2 - Design Quality for New Development  
DM3 - Balanced Mix of Housing  
DM4 - Locally Affordable Housing  
DM11 - Historic and Built Environment  
DM12 - Landscape, Seascape, Biodiversity and Geodiversity  
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 Yarmouth and Thorley Community Plan SPD was adopted by the Isle of Wight Council following a delegated decision (reference 48/12) and came into force on 14 January 2013. This sets out the local distinctiveness and history of the area, the importance of the local economy and employment, supporting, encouraging and maintaining local shops, cafes and other businesses and also concerns of coastal defence, future sea levels rise and resultant flood risk, with a working group set up.
- 4.16** The Yarmouth and Thorley Housing Needs Survey 2015 – 2020. This was adopted in April 2015 and sets out the housing needs for the Yarmouth and Thorley areas.
- 4.17** Isle of Wight Council Health and Wellbeing Strategy 2018 to 2021. This strategy sets out a shared vision using a ‘life course’ approach for improving health and wellbeing on the Island. It is now generally acknowledged that a life course approach that promotes a holistic view of an individual’s total health and wellbeing is an effective means of reviewing public health in a community. This approach emphasises social perspective looking back across an individual’s or group’s life experiences for clues to current patterns of health and disease, while recognising that both past and present experiences are shaped by the wider social, economic and cultural context.
- 4.18** Isle of Wight Council Regeneration Strategy.
- 4.19** Isle of Wight Council Rights of Way Improvement Plan 2018.
- 4.20** Cycle Wight Cycling Strategy (2017- 2019) contains a collection of principles, and proposals for the development of the cycle network, that work together to promote cycling and provide appropriate cycling facilities throughout the Isle of Wight. Cycle Wight’s vision is to make the Isle of Wight a place where people of all ages and abilities feel able to cycle safely and easily and to enjoy the experience. Believing the Isle of Wight can be a beacon of good practice in creating an environment that encourages cycling.

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

### Internal Consultees

- 5.1** The Council’s Environmental Health Officer has raised no objection to the development but advised that a condition should be imposed to control the impacts of the construction phase of the development.

- 5.2** The Council's Tree Officer has raised no objection to the development and recommended conditions to secure a tree protection scheme and a soft landscaping scheme.
- 5.3** The Council's Ecology Officer has raised no objection to the proposed development and advised that recommendations within the applicant's ecology report should be secured by condition.
- 5.4** The Council's Archaeological Officer has confirmed no concerns regarding below ground remains.
- 5.5** The Island Roads Highway Engineer has not objected to the development and confirmed that the access and parking arrangements for the site would be acceptable, subject to minor changes that could be secured via conditions. The Highway Engineer has recommended that off-site improvements to bus stops are secured by condition and concluded that the proposals would not compromise the highway network as a result of traffic.
- 5.6** The Council's Rights of Way Officer has advised that the proposed development would provide additional and enhanced rights of way through the provision of a section of the proposed West Wight Greenway. The Rights of Way Manager has advised that this route was previously a popular footpath that was secured under a Natural England Stewardship scheme, that ended in 2020.

#### External Consultees

- 5.7** Historic England have confirmed that they do not wish to comment on the proposals.
- 5.8** Following the submission of further information, the Environment Agency have confirmed no objection to the proposed development in relation to flood risk and have recommended a condition to control the floor levels of the southern units.
- 5.9** Natural England have raised no objection to the development, following the submission of additional information relating to the treatment of foul drainage from the development.
- 5.10** Southern Water raised no objection to the proposed development and advised that the Environment Agency should be consulted. Southern Water provided standard advice relating to the use of Sustainable Urban Drainage systems, although it should be noted that the applicant does not propose to use this approach given the geology of the area.

#### Parish/Town Council Comments

- 5.11** Shalfleet Parish Council raised no objection to the proposed development but asked for any artefacts found to be reported to the Council's Archaeology department.

#### Third Party Representations

- 5.12** The Planning Authority has received 36 letters of objection to the proposed

development, which raised the following concerns:

- There are plenty of other brownfield sites to build on first
- It would be nice to see stone buildings built in keeping
- Wellow has few work opportunities, no school and no pub/ lack of infrastructure and services/ poor broadband/ no mains gas or sewer
- Lack of street lighting
- Wellow is a small and pretty village with few facilities and people have to travel elsewhere to the nearest Post Office or shop
- Wellow is not one of the regeneration zones
- Enough development has been permitted to cat for housing on the Island, but developers have not implemented them
- No evidence of a need for housing
- The justification is because the development plan is old and in need of change
- The site is within the wider rural area/ the site is outside of a settlement boundary
- The site should provide for affordable housing
- Given the older population of the Island it would make sense to make more bungalows available
- The new development at Shalfleet covers the housing need for the area
- Will new residents use the Greenway?
- This is not a brownfield site
- The village lacks mains drainage
- A viability report is mentioned but is not on the website
- The development would set a precedent for the area and overdevelop the West Wight
- The site is in fields with no other buildings
- Impact on existing residents
- Noise, traffic and pollution
- The development would impact on the quality of Wellow and its surrounding countryside and have an urbanising effect
- The site is totally surrounded by the AONB – **Officer comment** – the site is 500m from the nearest AONB at Bouldnor
- The area is important for dark skies
- The development would not be in keeping with nearby listed buildings/should enhance listed buildings
- The access should be widened/ is a poorly maintained track
- Can understand building more properties onto the main road, but not down a long track
- Impact of construction traffic on the highway safety/ state of the highway
- The figures within the TRICS statement are wrong
- Moving bus stops would impact on visibility within the B3401
- Roads in the area are narrow with a risk of accidents and there are no pavements/ congestion issues when large vehicles meet
- The amount of traffic that would be generated would not be conducive to the roads in the area
- If the Greenway is approved, it should be given proper legal designation and be a restricted byway, or a bridleway
- It is not clear whether there is a project for the Greenway

- The Greenway is premature
- The section of the Greenway proposed would be limited/ trade off would be limited
- Further research should be carried out in respect of the history of the site and potential for archaeology
- Increase in water going to the Thorley Brook, with potential for flooding to nearby properties/ flood risk
- A sequential Test should be sought
- Impact on wildlife and designated sites
- No evidence of a wildlife survey having been carried out – **Officer comment** – the submitted information includes the results of 2 site surveys
- It is sad that the holiday unit will be lost
- The current 30mph zone should be moved eastwards towards Wellow to slow traffic
- The Island is a UNESCO Biosphere reserve
- Impact on tourism
- Potential contamination
- Unsuitable drainage system
- An Environmental Impact Statement should be sought
- The site should be used for agriculture
- Issues of ill health should be considered

**5.13** The Planning Authority received one comment that did not object to the housing, but that stated that affordable housing should be provided at the site.

**5.14** A comment was received from the Open Spaces Society that neither supported or objected to the development but that stated that the development should not be used as a bargaining tool to provide the section of the Greenway and that if approved, the route should be secured by way of a legally enforceable agreement that was not dependant on the housing development. The Society did confirm support for the Greenway route.

**5.15** Robert Seely MBE MP objected to the proposed development for the following reasons:

- Lack of affordable housing at the site
- The housing is likely to be for retirees
- There would be no benefit to the West Wight and its young people
- Support farm diversification but this is a step too far
- Where does concreting over the countryside stop
- The site is between two rural hamlets but soon there will be no hamlets or villages left because the spaces between them will be filled with housing
- We need housing to be built on brownfield land ideally in town centres
- Welcome the fact that the applicant is prepared to offer up land to extend the West Wight Greenway, which is something I am very keen to achieve, this offer should not come at such a big cost to our landscape and quality of life of rural residents

**5.16** The Isle of Wight Ramblers Association state that they fully support the Right of Way Manager's comments and the principle of the establishment of a route linking Newport and the West Wight.

**5.17** Cycle Wight supported the provision of the Greenway and commented that it should be integrated with the rest of the route, with the timing for delivery of the section at Lee Farm determined and for the applicant to provide a financial contribution.

**5.18** The British Horse Society confirmed that it endorses the provision of the right of way, commenting that the loss of the permissive right of way at Lee Farm has been keenly felt by horse riders.

## **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 Yarmouth and Thorley Community Plan covers the area of the application site but contains no policies directly relating to housing provision, although it does mention a need for affordable housing within the Parish. While the site is within a rural area and therefore not within a location generally considered to be acceptable for housing, 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:

- 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
- 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	Core Strategy	417	
2016/17	523	Core Strategy	324	
2017/18	531	Core Strategy	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/government/statistics/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 411 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 425. 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 onto 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 onto 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 2018 Housing Need Assessment (HNA) does evidence that for the West Wight housing sub-market area (within which the site is located) there is an annual requirement of 41 new homes. 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: 19  
2019/20: 8  
2018/19: 39  
2017/18: 15  
2016/17: 9

Total: 90 units

For the 5 years prior to this, data is held by Regeneration Area (as defined in the Core Strategy), and for the West Wight (Freshwater & Totland) Smaller Regeneration Area the totals are:

2015/16: 80  
2014/15: 39  
2013/14: 5  
2012/13: 52  
2011/12: 25

Total: 201 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.

#### *Use of brownfield land and sustainability*

- 6.15** 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. However, it is noted that the application site is previously developed, having operated as a bus storage depot for several years. The wider site is agricultural in nature, however in August 2003 a wide-ranging planning permission was granted (P/00218/03) that allowed the buildings at the site to be used as workshops and permitted 3 new tourism units (one has been built). The red line area for the planning permission covered the whole of the farm complex, including all buildings and the various yards between them. Moreover, an appeal relating to the use of the land for the storage of buses confirmed that the use was lawful due to the extent of the 2003 planning permission. The proposed housing would take place within the confines of the site area for the 2003 planning

permission, and thus all of the housing would be located on previously developed land, a matter which weighs in favour of this planning application given the emphasis set out within both the Island Plan and the NPPF for locating housing on brownfield sites.

- 6.16** Thorley, while a Hamlet in a rural area, is nonetheless a built-up area of housing and for planning purposes considered to be a settlement, in the context of the NPPF. This is an issue that has been debated previously in planning cases and in particular, during a Court of Appeal decision that concerned proposed development on the edge of a village that was made up of linear housing development. In the judgement of *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd (2017)* the Judge advised that ‘Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.’
- 6.17** The Judge went onto reason that paragraph 55 of the NPPF, which considered the avoidance of new isolated homes on the countryside ‘Simply differentiates between the development of housing within a settlement - or village - and new dwellings that would be ‘isolated’ in the sense of being separate or remote from a settlement.’ The advice previously contained within paragraph 55 of the Framework is now set out at paragraph 80, which again seeks to avoid isolated dwellings in the countryside. However, Lee Farm is located within Thorley and close to Wellow, which both comprise numerous houses laid out in a linear manner. The farm is linked to these developed areas, but more specifically Thorley and therefore it is considered that the site at Lee Farm is not isolated.
- 6.18** Nonetheless, this would not mean that the site is within a sustainable location for housing development. The site is within a rural area and there is a lack of services that are required for everyday needs. However, Thorley does comprise a local Church, while nearby Wellow includes a community hall (Wellow Institute), a public open space and play area and a café/ bistro. There is a primary School (Shalfleet Primary School) located beyond Wellow, in Ningwood. These matters provide some moderate benefits towards the sustainability credentials for the scheme. However, it is apparent that residents of the proposed houses would need to travel beyond Wellow and Thorley for their everyday needs.
- 6.19** Yarmouth contains a range of facilities that would cater for the surrounding rural area, acting as a Rural Service Centre. The town includes a bus station, public houses and various cafes and restaurants, a convenience store, a chandlery that sells a wide range of products and various shops, some of which sell bespoke items. There is also a ferry port that allows hourly travel to the mainland. In addition, nearby Freshwater contains a greater mix of services and facilities and includes a large doctor’s surgery, a primary school that is currently being replaced with a new building and a sports centre that contains swimming pools, a sports hall, café, gym and a hairdressers. The village also includes convenience shops, two supermarkets, two pharmacies, beauty salons, a fishmonger’s shop, a butcher’s shop, takeaways, three estate agencies, a hardware store, garden centre, a Council householder waste recycling site, a petrol station/ repair garage and various other shops. Freshwater also includes various employment sites that combine with the outlined uses to deliver a substantial number of jobs within the West Wight Area.

- 6.20** Transport links to the services and facilities within nearby Yarmouth and Freshwater are a key issue for this planning application, given the need to provide travel choice for residents. 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.
- 6.21** The application site is accessed via a farm lane, which opens on to the northern side of the highway that connects Wellow and Thorley. There is a wide grass verge that appears to be a village green immediately east of the farm access and beyond this, bus stops that provide access to Newport, Yarmouth and Freshwater on an hourly basis via the number 7 route. The service runs between approximately 08.00 to 23.30 daily and therefore would provide a convenient alternative choice to the car, that would allow access to the services and facilities and places of work in Freshwater and Yarmouth, as well as Newport.
- 6.22** In addition, the application proposes to provide a significant section of the West Wight Greenway, a scheme that aims to provide a safe walking, horse riding and cycling route between the western edge of Newport, through to Freshwater Bay. This would utilise the former Isle of Wight railway track bed, thus providing a direct and level route for users. The scheme has the full support of the Council, with aspiration 43 of the Council's Corporate Plan being a commitment to develop sustainable transport options with a focus on infrastructure to encourage active travel, stating that it is a key aim to annually increase by 20 per cent from April 2022, the number of towns, parish and community councils with local walking and cycling infrastructure plans which can be used to support capital funding bids. The Greenway has the support of the Council's Rights of Way Manager. In recent years, the agency working on behalf of the Council has sought and secured the agreement of landowner's, over whose land the route would cross. As a result, the planning authority has secured significant funding via legal agreements for the project and a Local Development Order is being prepared, that would allow the Council to implement the route.
- 6.23** The permits of the Greenway are discussed later in this report however, it is apparent that once constructed the route would allow a convenient cycle route to Yarmouth and Freshwater for residents of Wellow and Thorley, with the journey time being around 5 to 10 minutes to Yarmouth and around 20 minutes to Freshwater (see appendix 1 for the planned route and the western section of the route). This would allow a further alternative choice to the car for residents of the proposed development, thus increasing the sustainability of the site to an acceptable level in terms of providing a choice of transport modes so that residents would not be wholly reliant on car travel. As outlined below, the application site has a unique set of circumstances, being a brownfield site that also includes a section of the Greenway.

#### *Mix of housing*

- 6.24** Policy DM3 of the Island Plan states that the Council will support proposals that deliver an appropriate mix of housing types and size. The policy requires proposals to accord with the most up to date Strategic Housing Market Assessment. In April

2015 the Yarmouth and Thorley Housing Needs Survey (HNS) was published, covering the period 2015 to 2020. While now beyond its planned duration, the document gives interesting local information regarding the need for housing. The HNS confirms that there were 434 households in the areas in 2015, although this will have increased as a result of more recently development, such as the housing at Bouldnor Mead, on the eastern edge of Yarmouth. The HNS confirms that its response rate was 36.6% and therefore advises that outputs within it should be considered as minimum estimates.

**6.25** The results of the survey confirmed that 7.5% of households in the area covered by the HNS planned to move, with 20% of households also including someone who planned to move. Of the people who confirmed plans to move, 80% (35 households) stated that they were hoping to move within the Parish. The HNS advises that there is a need for 3 x 2-bedroom houses, 1 x 3-bedroom bungalows, 3 x 2-bedroom flats/maisonettes, 2 x 2-bedroom bungalows and 1 x 2-bedroom houses in sheltered accommodation.

**6.26** The HNS provides some evidence of the housing required in 2015. However, the plan period of the survey has now expired and since it was carried out, the Council has become subject to the presumption in favour of sustainable development owing to lack of housing delivery. Moreover, as the survey states, its results can only be taken as minimum estimates, given the low return rate for the survey. Nonetheless, it does show a housing need for a mix of 1, 2 & 3-bedroom houses, the majority of which should be single storey.

**6.27** The Council's Housing Needs Assessment (HNA) undertaken in 2018 advises that the following mix of housing sizes should be sought for the West Wight area:

1-bedroom – 7%  
2 bedroom – 33%  
3-bedroom – 44%  
4-bedroom – 16%

Regarding the mix of housing proposed, the submitted plans show that the development would comprise the following mix of open market housing:

6 x 2-bedroom houses – 35%  
9 x 3-bedroom houses – 52%  
1 x 4-bedroom houses – 6%

The HNA advises that it should be noted that this is an indicative mix only and does not constitute a policy starting point for mix negotiation which should remain at the strategic level. The site would not deliver 1-bedroom properties however, it should be noted that the above mix refers to the whole sub-market area, with some sites more suitable for certain housing sizes. The plans show that the site would deliver a mix of 4 single storey, 5 one and a half storey and 8 two-storey houses. It is considered that the proposed mix would generally comply with that set out within the HNA, which demonstrates that there is a clear need for 2 and 3-bedroomed properties, while also delivering a proportion of the single storey houses referred to within the Yarmouth and Thorley HNS. The site would deliver a substantial proportion of these sizes of property and therefore comply with the requirements of policy DM3.

*Viability and the delivery of the Greenway.*

- 6.28** Policy DM4 (Affordable Housing) states that in rural areas, developments of 10 units and above should provide 35% site affordable housing, with the final mix of tenure to be agreed with the Planning Authority. For this application affordable housing would not be provided on site, but a contribution of £27,120 for off-site provision would be secured. Although this would not be a directly comparable financial provision to on-site delivery, it has been assessed against viability of the scheme and the balance of other required contributions and the vital role the land would play in the delivery of the West Wight Greenway and the financial implications of this on the project. The West Wight Greenway would provide a right of way that would allow a safe sustainable transport connection between the west of Newport and the West Wight. The applicant owns a large section of the former railway line that previously connected Newport to Freshwater, which is shown as a key section of the proposed Greenway route and is proposing to undertake the works required for its delivery as part of this application/project.
- 6.29** The applicant's viability assessment predicts build cost against the nationally recognised Building Cost Information Service (BCIS) and follows the residual method of valuation, which is the recognised method for assessing sites proposed for new development. The residual method lists the costs of the completed development, along with the estimated returns of the completed development. The costs are deducted from returns to arrive at the value for the site (termed the residual land value). Appendix 2, below, is a section of the Government guidance for viability assessments, which outlines typical costs to be considered. It is considered that the assessment follows this guidance.
- 6.30** The assessment has been updated at the request of officers, to reflect current build costs for housing, noting increased costs for materials, and current house prices over the course of the pandemic. The costs have now been reviewed and they are considered to be accurate, taking into account BCIS. In addition, likely returns for housing are also considered to be suitable, given current market conditions. The viability assessment also includes the costs of constructing the 1.75km section of the Greenway. The total cost of the works has been agreed at £154,500 and alongside this, the land required for this section of the Greenway would be provided at no cost to the Council. These costs have been discussed and agreed with the Rights of Way Manager. When comparing the costs of developing the site, including the Greenway, without the provision of affordable housing, the viability assessment shows a surplus of £27,120. It has been agreed that this surplus should be secured via a legal agreement, to be used for affordable housing in the local area, but that any further contribution or on-site provision would be unviable.
- 6.31** It should be noted that the Greenway is a council scheme that now benefits from committed capital funding of circa £0.5 million, with the estimated cost of the whole route being circa £1.5 million. In addition, the Planning Authority has secured a £43,500 planning contribution towards sustainable transport from developments in Gunville. In addition, the Planning Authority secured a section of the route at nearby Newbridge via an approved solar park (P/00607/14), resulting in a 1km section being built and a connection between Gunville Road and land west of Alvington Manor View has been secured via a planning permission.

- 6.32** The Yarmouth and Thorley Community Plan confirms community support for a route between Freshwater and Newport. The Plan states that ‘We would like to improve provision for cyclists by supporting the extension of the Freshwater/ Yarmouth public bridleway through to Newport to allow for a safe off road cycle route.’ In addition, the Island Plan at Policy SP7 (Travel) states that the Council will support proposals that increase travel choice, provide alternative means of travel to the car and help reduce the impact on air quality and climate change. Policy DM17 (Sustainable Travel) builds on this and states that development proposals will be required to provide and improve accessibility for pedestrian, cycling, equestrian and public transport, especially when they:
- a. Create sustainable routes between urban and rural areas
  - b. Retain former railway line routes for future sustainable transport use
  - c. Provide new cycle routes as part of the national and/ or local cycle network, and
  - d. Provide safer routes to schools
- 6.33** Policy DM17 advises that proposals that create sustainable routes between urban and rural areas that can be adopted as a public footpath or bridleway, will be strongly encouraged and supported and that as part of this approach, the utilisation of former railway routes to deliver such provision is also encouraged. 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.
- 6.34** The Isle of Wight Council’s Health and Wellbeing Strategy promotes a whole life approach for the health of all Island residents, seeking healthy lifestyles to reduce the potential for illness and health treatment. The Strategy advises that people who live in thriving and resilient families and communities enjoy a sense of belonging, of being cared for and valued. These feelings provide the foundations for better health, a sense of wellbeing and foster the conditions which support people to thrive and aspire to their potential. However, the Strategy advises that the percentage of adults completing less than 30 minutes of activity per day is 33.2 per cent, which is significantly worse than the national average of 22.7 per cent. This means one in three adults on the Island are inactive. It is estimated that 66.2 per cent of adults on the Island have excess weight which is similar to the national average. The Strategy states that the Council’s place-shaping role is crucial to creating the structural environment and directing how sport, physical activity and active travel can join-up to create a more integrated approach to increasing physical activity on the Island. Officers have considered the need for affordable housing against the need to promote active lifestyles to improve health and wellbeing, together with the unique circumstances represented by this site and the vital area of land that can be secured and laid out, as part of the development to deliver the Greenway, without which the project could not be delivered. The approach taken would allow for all of these things, albeit with a reduction in affordable housing provision.
- 6.35** The Isle of Wight Council’s Regeneration Strategy advises that better transport was the number one issue highlighted in the Wight We Want survey. The Strategy



reasons that working in partnership with transport providers, the Council will aim to make the transport network more accessible to a greater number of people, thus reducing the need for personal vehicles on the road and improving sustainable modes of travel. The Strategy confirms that this includes the public transport network as well as the Island's world class walking and cycling network.

- 6.36** The Council's Rights of Way Improvement Plan sets out the actions required to improve the right of way network on the Island. These include seeking opportunities to improve the network by making it more accessible and safer to use, for all users. The Council's Rights of Way Manager has advised officers that the Greenway project has been a long standing and much wanted West Wight community regeneration priority (note the comments within the Yarmouth and Thorley SPD above). It was to be the signature project of the West Wight Landscape Project (2008-2011) and the focus of repeated regeneration meetings/workshops. The Isle of Wight is the nation's "Bicycle Island" and is the premier destination for walking and cycling, previously voted as one of the top 10 places in the world to explore by bike by Lonely Planet. The Island is recognised as part of the National Cycle Network (NCN) but there is only one complete route (NCN 23, Cowes to Sandown), and part of another route (NCN 22 Ryde to Yarmouth) on the Island.
- 6.37** The Rights of Way Manager has advised that there are 517 miles (827 km) of public rights of way, the most concentrated public right of way network in England, but only 27.5 miles (5% of public rights of way) of this is suitable cycle and horse-riding routes. There is not a safe or direct cycling route between Newport and the West Wight, meaning that cyclists wishing to travel between these areas must rely heavily on roads, some of which are indirect and unsafe for cycling. Clearly this would deter people from choosing to cycle within the area. In addition, there are many rights of way routes that traverse the West Wight in a north to south direction, and yet accessibility to these is limited by the lack of a strategic connection in an east west alignment and a lack of locations to begin and end these walks. The Greenway would provide such a link and therefore not only allow foot, cycle and equestrian access between the West Wight and Newport, it would link existing footpaths within extremely scenic areas and make them more accessible to local communities, wider Island residents and tourists.
- 6.38** It should be noted that the Island economy relies heavily on tourism, with the sector being worth around £0.5 billion per year, attracting 2.4 million tourists per year. It is considered that the Greenway would significantly contribute to the Island's profile as a cycling and walking destination, particularly as it would allow NCN 22 to be extended to Yarmouth, the termination of the route on the Island. The Council's plans to increase daily exercise for Island residents means providing access to a range of different exercises, so that residents of all ages can improve or maintain their health. The promotion of daily walking and cycling is a key means of staying healthy and it is considered that the Greenway would provide much improved access to a range of settlements and communities across the West Wight, due to its position through the centre of this part of the Island, thus linking numerous existing rights of way, that can be difficult to access due to a lack of opportunities for parking, or lack of connection to towns and villages. The Greenway would also allow a realistic alternative route for people wishing to commute between the West Wight and Newport for employment, allowing cycling as a realistic alternative to the car.

- 6.39** Officers are aware that it has been concluded that at least 8,420 residents would potentially make use of the Greenway (source: Cyclewright). This would include local residents who would have the opportunity to cycle or walk between the various villages along the route, to rural service centres such as Yarmouth and Freshwater. Yarmouth and Freshwater are already well connected via the cycle route between these two locations, however the Greenway would connect with the Yarmouth cycleway at its current termination point at Wilmingham Lane, where cyclists must then rely on the highway network for onward journeys. In addition, to this, the proposed Greenway would also benefit the environment through reduced car journeys, with the National Travel Attitudes Survey recording that half of the adults surveyed stating that they would be encouraged to cycle more if more off-road cycle paths were available.
- 6.40** In September 2021 the Council approved a Climate and Environment Strategy, which outlines the options for a pathway to net zero emissions for the Island, by 2040. Included within the Strategy are a range of actions aimed at reducing reliance on car travel by up to 60%. This includes objective 3A – Walking and cycling to make up 41.5% of journeys by 2040. The Climate and Environment Strategy notes that the Island Planning Strategy includes proposals for new cycling routes on the Island, including the Greenway.
- 6.41** It is considered that the provision of the Greenway is a substantially important element of green infrastructure for the Island, and the objective to move away from reliance on the car. As set out above, the route would contribute towards the Council's aims to improve the health and wellbeing of residents while also contributing to the objectives for reducing carbon emissions and protecting the environment, therefore supporting the Island's UNESCO Biosphere status. The route would also connect a range of footpaths throughout the West Wight, providing a safe and accessible route for local residents to explore and enjoy the scenic areas of landscape between Newport and Calbourne, Newbridge and Wellow and Thorley and Yarmouth, areas that lack accessibility. Moreover, the route would allow chiefly off-road access for walkers and cyclists, providing the local community with not only a leisure route, but allowing a choice to walk or cycle to Yarmouth and Freshwater or Newport.
- 6.42** Officers consider that the section of the route at Lee Farm would be essential to allow the Greenway to be considered a safe route. While there would be sections of the route that would use rural lanes (Quarry Lane Newbridge and Wellow Top Road) these are quiet rural lanes, that are generally straight in alignment and considered to be safe, quiet roads for cyclists. The remainder of the whole route would be off-road. The section of the route at Lee Farm would mean that the majority of the route would be off-road and therefore offer a safe leisure route and an alternative choice to car travel. Without this section, much of the western section of the Greenway would be reliant on using the existing highway network.
- 6.43** The application site is in a unique position of being able to provide a large section of the Greenway route, while also delivering much needed rural housing using brownfield land. As a result, officers consider that the lack of on-site affordable housing, but the provision of a contribution, based on the viability of the project instead, would reach an appropriate balance, while acting as a catalyst for the remainder of the route and the delivery of a long wished for project. Having assessed the submitted viability information officers are satisfied that the application

would comply with policies DM4 and DM22.

*Loss of holiday accommodation*

- 6.44** Policy SP4 (Tourism) of the Island Plan seeks to protect existing high-quality units of holiday accommodation. The site includes a single holiday unit, that was permitted in 2003. While located within an attractive rural area, the development of the site would change the overall outlook of the unit, from one set within rural fields and close to existing commercial/ industrial buildings, to one more readily related to a residential development. While this would not be likely to wholly compromise the quality of the unit, its change to residential accommodation would be more in keeping with the predominant use of nearby development, if approved. Therefore, it is considered acceptable to allow the use to be changed to full residential, given the benefit of providing a dwelling in a rural location, that is considered to be sustainable.

*Conclusion on principle*

- 6.45** The application site is located within a rural area, beyond the rural service centres that are outlined within the Island Plan. However, the site represents a brownfield site within a small settlement and therefore, the proposed housing would not be isolated for the purposes of the NPPF. In addition, the Council is the subject of the presumption in favour of sustainable development, and as a result, there is a recognised overarching need for new housing across the Island. Therefore, the Council must strive to provide housing within sustainable sites across the Island. 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 rural development, utilising previously developed land and regenerating a brownfield site that has become disused.
- 6.46** While within a rural area, the site would benefit from pedestrian access to a regular bus route and by virtue of provision of a sustainable transport link (the Greenway) would be made more sustainable, in accordance with the guidance contained within the NPPF. The site would therefore benefit from a genuine choice of transport modes, reducing reliance on car use. The site would be within an easy cycling and moderate walking distance of the services and facilities within nearby Yarmouth and Freshwater, giving new residents access to them, and in turn, increasing their use. The mix of housing is considered to be appropriate.
- 6.47** While affordable housing would be provided by way of a contribution, this is due to the significant section of the West Wight Greenway, which would be provided and funded by the developer. This would realise significant social benefits, by not only providing off-road access to services and facilities for residents of the site, but also for the existing wider rural community, and moving the aspiration of the Greenway a stop closer. This in turn would provide health benefits for the local population and increase the choice of rights of way throughout the West Wight, by allowing safe access to them. Moreover, the route would realise environmental benefits, through reducing car use and contributing towards carbon reductions.
- 6.48** As the report notes, this is a unique set of circumstances that relate to the application site rather than setting a precedent for similar schemes within the West Wight, due to the brownfield nature of the site, and the extent of the Greenway that

would be provided. As a result, it is considered that on balance the proposals would be acceptable in principle and therefore comply with the guidance set out within the NPPF in respect of housing delivery and the requirements of policies SP1, SP7, DM3, DM4 and DM17 of the Island Plan and the Yarmouth and Thorley SPD.

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

- 6.49** 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.
- 6.50** 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.

#### *Landscape impacts*

- 6.51** The West Wight Landscape Assessment identifies the site as being within Landscape Type 9: Rolling Farmland and the Calbourne Rolling Farmland Landscape Character Area. The Assessment states that the following are key characteristics of this area:
- Gently rolling landscape underlain by Hamstead Beds Clay, Silt and Sand geology
  - Undulating topography gives varied views with glimpses of the sea and the downs
  - Peaceful, highly rural, pastoral landscape of irregular medium scale fields
  - Fields bounded by thick hedges with frequent hedgerow trees giving a semi-enclosed, ambiance and providing important corridors for wildlife such as red squirrels and dormice
  - Network of copses and woodland including ancient woodland (some maintained as coppice with standards) and wood pasture of high ecological interest
  - Isolated areas of acid and unimproved neutral grassland, lowland heath and scrub of high biodiversity value
  - Presence of water bodies including streams, springs and drainage ditches
  - Fairly sparse network of roads and rural lanes, with little access to some sections, a dismantled railway track traverses the area
  - Settlement pattern of scattered farmsteads and a few nucleated settlements with some more recent holiday camps, and linear suburban settlement along unmade roads
  - Historic settlements include the abandoned medieval town of Newtown
  - Building styles vary from traditional stone dwellings in village centres through more modern brick dwellings to bungalow and chalets
  - Long history of woodland land cover and traditional management

- High survival of historic features such as estate boundaries, medieval woodlands and historic parkland for instance at Westover and Swainston

The Assessment advises that Calbourne Rolling Farmland is a peaceful, sometimes secluded landscape of pastoral farmland, frequent small woodlands many of them ancient, and scattered farmsteads and small villages. There are variations in character throughout the area with some sections being more settled or with more arable cultivation. Settlement is highly mixed in style and materials from historic villages of local stone to holiday parks and linear suburban style settlement. The Assessment concludes that the character area is of moderate strength in character, with an overall good condition. The strategy for the area includes conserving the small-scale settlements of historic character and traditional materials, protecting sites of historic interest and above and below ground archaeological features.

- 6.52** The application site is located within an area of lowland farmland, to the north east of Thorley and within a wide but low valley basin, east of Yarmouth. The hamlets of Thorley and Wellow form a line of development that is obvious when seen from the higher land around Broad Lane (south of the site) and the landscape surrounding it, but they occupy a low point within the landscape and so are not dominant features. The areas of land close to these hamlets generally include moderate to large size fields that are aligned by mature hedgerows that include large mature trees, predominantly oaks. North of the landscape are the large areas of woodland and forestry that straddle the Yarmouth to Newport highway, stretching to the northern coastline of the Island.
- 6.53** The application site is set back from the highway that links Wellow and Thorley by approximately 180m, occupying a similar land level to Thorley. The site comprises the more historic stone buildings that occupy its western side. Much of the farm complex is however, occupied by significant modern barns. There is a large cluster of these within the centre of the complex, with high elevations and large roofs. Beyond these are more linear but nonetheless, large barns, with tussocky grass above former concrete fold yards surrounding them. South of these are areas of attractive orchards and grass, which slope in a southerly direction.
- 6.54** The barns are an obvious existing feature when within the site and when within the landscape surrounding Wellow and Thorley. While much of the farm occupies the same land level as Thorley, the northern part of the site is very slightly elevated and so the barns are a little more visible from locations to the south. However, as the farm is set back from the highway, it is not a dominant feature, but rather an established rural farmstead that is typical of the Calbourne Farmland Pastureland character area. The site is also partially screened by the various hedgerows and trees that align its boundaries and those of the fields that surround it.
- 6.55** The proposed development would result in the demolition of the eastern barns at the site. The plans show that a mix of two, one and half and single storey dwellings would replace the barns, with the dwellings arranged in two farmyard style areas. The new dwellings would be set in from the site boundaries of the application site, which is delineated by existing rows of hedges, and trees. Gardens would be provided between the dwellings and hedgerows, therefore having the effect of clustering the buildings together. The plans show that the larger two storey dwellings would be located on the western side of the development, close to the larger barns that would be retained by the farm. As a result, these buildings would

not appear dominant and blend with those to the west. The remainder of the dwellings would decrease in height towards the east and southern boundaries, allowing a gradual reduction in scale towards the countryside. The two-storey farmhouse style dwelling would be located centrally, thus being screened by the lower dwellings.

- 6.56** The dwellings would be designed to appear as a complex of barns, utilising barn style roofs and simple elevations. Arranged as two farmyards the development would, therefore reflect the agricultural nature of the farm and wider area, allowing the development to blend with its surroundings rather than appear out of context.
- 6.57** In terms of landscape impacts, the farm is well screened from viewpoints to the north. From more distant locations, such as the Shalfleet to Yarmouth highway, the site is not visible by virtue of the presence of Lee Copse, a large area of woodland on the southern side of the highway. There are no public footpaths north of Lee Farm, with footpath 7 being the closest and located 360m east of the site. The footpath is largely enclosed by hedges or the woodland at Lee Copse, but there is an open section that allows attractive views to the west across a long meadow that stretches to the rear of the application site. But these are distant views and the hedgerow and trees that align the north and eastern boundaries of the site screen it and when combined with the site being at a lower land level, the development would not be readily visible or cause harm from this location.
- 6.58** The route of the Greenway would allow some limited glimpses of the development. But again, views would be from distance and there would be lines of trees and hedgerows between that would offer significant screening. Parts of the Greenway route are also enclosed by a narrow line of trees and hedges, further reducing views of the development. Lee Farm is at a lower level than the land to the north and officer site visits showed that the existing barns are not readily apparent from the former railway line, which is located approximately 400m from the site boundary. Where seen, views would be of the upper sections of the roofs of the two storey dwellings with the large oaks and hedgerow that align the northern boundary mitigating their impact, while also seen in the context of the roofs of existing houses within Thorley.
- 6.59** There would be oblique views towards the site from the landscape to the east and southeast, that surrounds the houses in Wellow, with the closest property within Wellow being approximately 220m south east of the site. Views from the highway directly south of the site would be similar. From the highway within Wellow, views of the site are screened by the housing that aligns its northern side. When west of the hamlet and beyond the housing, the highway is aligned by mature hedgerows. There are field gates within the hedgerow, and these allow views across the field that divides the farm from the highway, and in addition, the hedgerow is cut to around 1.7m in height, allowing views from higher vehicles and for those wishing to walk along the highway.
- 6.60** From these locations to the south and south east the change would be noticeable, from a farmstead with large barns, to one with a network of housing that would stretch from the retained barns, across the site to the east. There would be a mix of timber and brick elevations and tiled roofs visible from these areas. However, the design of the scheme would allow the cluster of houses to appear akin to converted barns, with those closest to the vista points being single storey. These would

replace the large and simplistic form of the current barns with a more characterful cluster of buildings designed in an agricultural style. While the views of the site would change, and the amount of development would increase, it would not appear harmful and be mitigated by intervening distance, the lines of hedgerows and trees on the southern boundary of the site and the fact that the site is not overly elevated.

- 6.61** There are further views towards the site from more distant southerly viewpoints such as the landscape around Broad Lane (700m south west of the site) and the fields to the east of this highway. This area of landscape is between 20 to 30m above the land level of Thorley and Wellow and from Broad Lane there are wide and open views towards these areas, with Lee Farm being enclosed by woodland that is east of the main farmhouse. Footpaths 18 and 19 are located further east and allow similar views toward the site, at comparable distances.
- 6.62** From these locations, the form of the housing would not break the horizon and instead, Lee Copse, which is north and at a higher land level, would provide noticeable backdrop for the housing and prevent it from appearing dominant within northerly views. When seen from Broad Lane, Lee Farm is not readily visible, but it is from the footpaths further east from where there would be views of the proposed housing and gardens surrounding it. But from these areas the roofscape of both Wellow and Thorley is an existing part of the landscape, stretching a significant distance to the east and west. The proposed housing would form part of this existing characteristic and thus not appear out of place. The development would alter the appearance of Lee Farm but when considering the intervening distances, the existing buildings at the site, the housing that flanks these views and the trees lined southern boundary of the site, it is considered that the development would not appear harmful.
- 6.63** The landscape to the west of the site occupies a generally low land level, following the course of the Thorley Brook as it winds westwards towards Wilmingham Lane and Thorley Manor. This area is attractive and formed of lowland pasture and meadows that are enclosed by thick hedgerows. There is a public right of way (footpath 6) that runs across the valley 300m to the west of Lee Farm, but this footpath is heavily enclosed by a woodland edge and the woods west of the listed farmhouse at Lee Farm means that the site is not visible. The proposed development would be on the opposing side of the farmhouse and the barns to be retained and therefore, would not be visible. This is true of the remainder of the landscape to the west, from where the site is not visible.
- 6.64** The highway west of the application site continues in a westerly direction, parallel to the housing that aligns it. Beyond the hamlet, the road is aligned by mature trees and given its low land level and the blocking effects of trees and housing, there would be no impact on this section of the highway as a result of the development.
- 6.65** The proposed development would benefit from the existing landscaping that exists at the site, and that proposed. As explained above, the site itself is edged by mature boundary hedgerows, with those on the southern and northern boundaries being noticeably thick and established and including many mature trees. The southern section of the site is currently an orchard and area of pasture, which has an attractive and rural feel. Existing trees within this area would be retained, with the southern-most dwellings occupying the same separation distance as the current holiday unit, meaning that there would be a significant distance between the

southern tree-lined boundary and the housing. The garden areas to serve the properties would be enclosed by post and wire fencing, to reflect typical farm fencing and beyond this would be a wider buffer zone, left to its current appearance.

- 6.66** The remainder of the site would be landscaped to reflect the current tree planting within the farm. The plans show that there would be a significant group of trees planted to form the boundaries of the proposed farmhouse, reflecting the enclosed nature of the existing farmhouse. The various yard areas would be largely laid with meadow turf, with gravel and brick access and turning areas, with access gained via a concrete access road. The use of concrete would prevent the access road from appearing garish (such as the use of asphalt) and instead, reflect the appearance of the concrete yards and tracks around the farm, which have a more muted colour. The fact that these accesses would be relatively narrow and be bound by meadow grass would limit their visual impact, which beyond the site would be very limited. Because parking areas would be within the yards, they would be visually contained by the proposed housing.
- 6.67** Further tree and shrub planting would also be undertaken throughout the site, and between the proposed farmsteads, using native species such as wild cherry, yew, crab apple and wayfarer trees. Hedge and shrub planting would include typical native species such as blackthorn and dogwood. This would allow a canopy of trees and planting to establish, linking with those to the west and that align the southern and northern boundaries and breaking the vista between the houses on the southern section of the site, and those on the northern section. This would prevent uninterrupted lines of roofs and therefore, adhere to the current views of Thorley and Lee Farm, which include tiled roofs between trees, thus allowing the development to integrate into its surroundings.
- 6.68** In conclusion, the proposal would redevelop an existing area of built form. The current appearance of the site is of a complex of existing large barns, that are in a state of disrepair, surrounded by former yards and pasture. The proposed development would result in a greater amount of built form, but this would remain contained within the existing belt of hedgerows and trees that surround the site. While the development would result in visual change, the impact on the landscape would be limited, owing the low level of the site and the distance between it and visual receptors. The proposals would be seen in the context of the rural area, with ribbon development either side and pocket of woodland that screen parts of site and act as a backdrop for views looking north. It is considered that the extent of change to the landscape would not result in material or demonstrable harm and be outweighed by the provision of housing within a brownfield site. Therefore, it is considered that the development would comply with policies SP5, DM2 and DM12 of the Island Plan.

#### *Design and external appearance*

- 6.69** The arrangement of the proposed dwellings along with the design of openings, roofs and cladding would give the impression of a farm group and therefore, reflect the character of the area. The houses that would form the farmyards would have a simple rectangular form, with gabled roofs. To give visual interest, there would be a mix of terraced, semi-detached and detached properties. The fenestration for the houses would be arranged in a simple and balanced manner, with the use of casement windows and more modern openings giving a modern cottage style



appearance.

- 6.70** The larger barn houses to be located on the northern boundary would appear as converted threshing barns and comprise barn hipped roofs and cart entrances. This would combine with the smaller dwellings which have been designed to appear as cart sheds or milking parlour style buildings. Older farmsteads on the Island are characterised by this approach, where larger threshing barns would open onto a rickyard or fold yard, which would be enclosed by smaller cowsheds, parlours and cart sheds, with the farmhouse overlooking these areas. The proposed development would reflect this approach, with the proposed farmhouse style unit located centrally to overlook the two quadrants of housing, which would enclose the parking areas and front gardens.
- 6.71** The plans show that the houses would be finished with a mix of timber cladding, stone, brick and clay tiles to combine with the proposed design and scale of houses to bring about a high-quality design approach. The use of design features such as hay loft doors, louvres and barn openings would prevent the roofscape from appearing bland or simplistic. The use of timber post and rail fencing would allow the yards to have an open and agricultural appearance, with trees planted throughout to allow the site to reflect the surrounding wooded farmland and to break up the built environment.
- 6.72** As noted within the landscape section above, the existing landscaping at the site would be retained, with generous buffers provided to give space between buildings and site boundaries. The access roads would wind through the existing grassed orchards, with the roads to be narrow and reflective of the farmyard environment. The gaps between houses would allow interesting vistas both out of and into the site, and the loose layout of the houses would provide a low density feel, with generous areas of landscaping able to soften the appearance of the development and allow it to integrate with the landscape beyond the site, and the layout of Thorley to the west.
- 6.73** Overall, the design approach for the development would be high quality, reflective of the current built environment and the rural character of the area. The most prominent sections of the development would be set in the background of retained fields and the proposed landscaping, which as stated above would be enhanced, which would allow the development to assimilate into the surrounding tree belts and hedgerows that are defining elements of the landscape. Therefore, it is considered that the design, scale and layout of the development would be in accordance with the design advice contained within policies DM2, DM11 and DM12 of the Island Plan.

#### Impact on neighbouring properties

- 6.74** Paragraph 185 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.75** The application site is located close to housing within Thorley with a cluster of three houses located immediately west of the existing farm access, the closest of which

are 120m from the existing holiday unit. Between these houses and the site are the hedgerows that align the farm access, a field and the southern boundary hedge and tree line for the application site. The distance combined with intervening vegetation would prevent a loss of outlook, daylight or privacy for these properties. In addition, the distances would prevent the proposed housing from appearing an excessive scale or dominance for these properties. Remaining properties within Thorley are at a greater distance than these houses and therefore, impacts would be correspondingly lower and not considered to be harmful.

- 6.76** The traffic related to the proposed housing would pass the side elevation and garden that serves Dakhan-Rae. The submitted information shows that the development would be likely to generate up to 111 two-way trips per day. Spread over the course of the day, this would be circa 9 trips per hour. This level of movements would be relatively low and considering the existing presence of the highway, it is considered that the development would not compromise the amenity of nearby properties as a result of traffic movements within the farm lane. The use of this lane for residential development and impact thereof also needs to be considered in the context of the former use of the site as a bus depot, and the impacts associated with this.
- 6.77** The closest property to the application site within Wellow is Cider Cottage, a detached red brick house located on the northern side of Main Road and located 220m south east of the site. While the application site is visible from this property, such a significant distance between it and the site would prevent the proposed housing from impacting on its amenity. Other properties within Wellow are situated at increasing distances from the application site and accordingly, impacts would be no greater than those attributed to Cider Cottage.
- 6.78** The Council's Environmental Health Officer has raised no objection to the proposed development in terms of the construction phase but advises that a Construction Management Plan should be secured by condition. This would allow the planning authority to control hours of working for all stages of the construction project in order to protect residential amenity, particularly during evenings and weekends and to secure suitable working practices for the site that would protect the amenity of nearby properties and uses. Therefore, it is considered that the proposed development would not compromise the amenity of nearby existing properties and is considered to comply with the requirements of policy DM2 of the Island Plan.

#### Impacts on heritage assets

- 6.79** Paragraph 195 of the NPPF notes that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraphs 199 to 202 of the NPPF describe two levels of potential harm that can be caused to the significance of designated heritage assets, namely substantial harm and less than substantial harm. These effects are to be weighed in the planning balance according to the guidance set out within these paragraphs, bearing in mind the statutory provisions above within the 1990 Act. Paragraph 202 of the NPPF deals with cases of less than substantial harm and notes that any such harm should be weighed against the public benefits of the proposal.

- 6.80** Policy DM11 (Historic and Built Environment) notes that the Council will support proposals which conserve and enhance the special character of the Island's built and historic environment. Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017), provides for a thorough understanding of the setting of a heritage asset and the relationship of the setting to curtilage, character and context and should be used to help make an assessment. The document advocates a stepped approach to assessing the impact of change within setting on the significance of heritage assets.
- 6.81** The application site includes two grade II listed buildings, these being the main farmhouse and Hackney Stables. As noted within the beginning of this report, the farmhouse is an attractive circa 17<sup>th</sup> century or earlier farmhouse, constructed of coursed stone under a large red tile roof. The main elevation faces east, and slightly south overlooking an orchard, with modern barns to the north east and the main farm access between. The garden that serves the farmhouse includes a single storey brick outbuilding with a tiled roof, which officers consider to be curtilage listed.
- 6.82** The site of the proposed development is located east of the listed farmhouse and curtilage listed building, with large modern agricultural buildings to be retained between. The farmhouse clearly relates to these buildings given their agricultural character and its setting includes these farm buildings and the farmland that is close to it. However, the modern barns do have the effect of denuding the setting of the listed building and its outbuilding, given their simple modern design and lack of historic merit. Their benefit is that they act as a blocker to the farm buildings further to the north and east.
- 6.83** The proposed housing development would be located east of the existing modern barns, which would largely screen the new buildings. However, there would be combined vistas of the new housing development and the listed farmhouse and outbuilding, particularly when south or south east of them. The proposed housing would replace existing barns, with the southern most of these new buildings on the same alignment as the holiday unit, which is to be retained for residential purposes. However, the housing would be designed to appear as rural agricultural buildings. The use of simple lines and design appendages such as louvres, hay loft openings and simple gabled roofs would reflect the typical characteristics of older farm buildings. Moreover, the larger housing would be designed to appear as threshing barns, with the smaller housing designed to appear as cart sheds, cattle stores or parlours. The housing would be arranged in quadrants, surrounding yards, again giving the appearance of a farm group.
- 6.84** Arguably, the current modern farm buildings to be removed reduce the quality of the setting of Lee Farm and its listed buildings and it is considered that while the replacement development would be larger, it would be no closer to the listed farmhouse or its curtilage listed outbuilding. The land between these two areas is an attractive orchard, with an access track snaking through it. The appearance of this area would not be altered, save for a passing bay along the main farm access. It is therefore considered that the immediate setting of the farmhouse would be preserved, with the wider setting that includes the residential development to retain its agricultural character. This development would not block any existing important vistas of the farmhouse or from it but result in change that officers considered would not cause demonstrable harm, with the impact on the significance of the listed

building considered to be less than substantial.

- 6.85** Hackney Stables is a fine example of an historic stable block. The building is constructed of cut natural stone blocks with a corrugated modern roof. The front elevation contains symmetrically arranged windows either side of a central stable door. The listing description says little of this building, but it is thought to date from around the 17<sup>th</sup> Century and to have been constructed by the Hollis family, who installed a venetian style window above the main entrance to Lee Farmhouse.
- 6.86** The setting of Hackney Stables is undeniably agricultural with the building located within the north western corner of the farm, overlooking a narrow yard, with the farmhouse in clear view. The large modern barns are located within very close proximity to the stables, and their size, scale and proximity impact on the quality of its setting. The proposed development would not be visually linked with Hackney Stables, given their discrete situation within the farm complex, and the lack of visual connectivity to the eastern side of the farm group. The proposed housing would not interrupt the relationship that the building shares with the listed farmhouse, or the non-listed heritage asset that is the single storey stone barn to the south west of it. Therefore, the impact of the development on Hackney Stables and their setting would be less than substantial and not harmful.
- 6.87** The stone barn located north of Lee Farmhouse is a designated heritage asset. This barn has been converted to residential use and like Hackney Stables, is dominated by the large modern barns to the east, which would be retained. The development site would not be visible from this building and there would be few opportunities to view both in tandem. Given their use and the design ethic for the development (to appear as converted barns) it is considered that the heritage asset would not be compromised.
- 6.88** Thorley and Wellow both contain listed buildings. The closest to the site is Lilac Cottage, a detached thatched cottage constructed of stone and located 230m to the south west of the site. The cottage fronts onto Thorley Street and is separated from the site by other residential properties, trees and other vegetation. The cottage has no visual links to the site and given the distance and intervening vegetation, it is considered that the development would have no impact on the setting of the listed building.
- 6.89** The Church of St Swithin is located 600m to the west of Lee Farm. The Church is grade II listed and dates from the 1870s, when it was constructed using some of the materials from the Saxon Church at Thorley Manor. The Church is attractive, but it is located a significant distance from the application site and there is no intervisibility between the two sites. Therefore, the proposed development would not cause harm to the Church of St Swithin, or the war memorial within its grounds, that is also grade II listed.
- 6.90** Upper Lee is a detached dwelling located 220m west of Lee Farm and is grade II listed. However, the property is set within a secluded site and screened from Lee Farm by woodland. The proposed development would not be visible from this listed building and therefore not compromise its setting. There are further listed buildings within Thorley and to the west of Lee Farm, but these are at such significant distances that when combined within intervening woodland and landscape, would not be impact upon by the development.

- 6.91** Wellow has fewer listed buildings than Thorley and the only property that is within close proximity to the application site is Wellow House, a detached stone cottage located on the southern side of Main Road Wellow and 430m from the application site. Wellow House is grade II listed. The officer site inspection showed that the property is screened from the application site by existing houses within Wellow and vegetation, sharing no relationship with the site.
- 6.92** Having regard to the above and resultant less than substantial harm resulting from the proposed development, officers are satisfied that the public benefits associated with the proposed scheme, including the provision of rural housing on a sustainable brownfield site and the delivery of a section of the Wight Wight Greenway, together with a contribution towards affordable housing would appropriately outweigh this harm.
- 6.93** The Council's Archaeological Officer has advised that due to ground disturbance on the site from previous land use, it is unlikely that there are any below ground archaeological implications. In addition, Historic England have confirmed that they do not wish to comment on the proposed development. As a result, it is considered that the proposed development would comply with the requirements of policy DM11 of the Island Plan.

#### Ecology and trees

##### *On site ecology*

- 6.94** 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.
- 6.95** The application site is not the subject of any ecological designations. However, the land surrounding the site includes wide hedgerows, an orchard and tussocky grassland, which could support protected species. The applicants have provided an updated ecology survey of the site, which is based on desktop and site surveys. This found that the site and its surrounding hedgerows and trees would support nesting birds and other species of bird, as well as roosting, commuting and feeding bats. The surveys showed no evidence of badger setts on the site although well-worn paths did suggest that badgers may travel through the site. The surveys showed no evidence of reptiles (slow worms) although the survey does conclude that these are likely to populate the hedgerows around the site. Likewise, no evidence of dormouse was found, although again, it is advised that the hedgerows at the site are likely to be used by this species.
- 6.96** The ecology survey contains specific recommendations for the site. These include ensuring that any boundary treatments do not act as barriers to species movement, in order to allow wildlife to move through the site, for buffers to be provided between the development and site boundaries, for habitat connections such as scrub and hedges to be retained, for new landscaping to be undertaken within the site and for this to include edible native species and fruit trees. In addition, the ecology report

advises that new habitats for various protected species should be installed at the site and for any clearance to be undertaken carefully and for no clearance works to be undertaken within the nesting season (1<sup>st</sup> March to 31<sup>st</sup> August).

- 6.97** The Council's Ecology Officer has raised no objection to the proposed development, confirming that the updated ecology report is acceptable. The Ecology Officer has advised that the recommendations outlined within the ecology report should be secured by condition and as a result, a suitable condition has been recommended. As a result, it is considered that the proposed development would not compromise any protected species and comply with the requirements of policies SP5 and DM12 of Island Plan.

#### *Biodiversity net gain*

- 6.98** 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.
- 6.99** 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.
- 6.100** Although not yet a mandatory requirement it is considered that planning conditions related to the proposed development and the associated legal agreement could include requirements for the development to meet Biodiversity Net Gain. This would be agreed via the condition discharge process, which would require the submission of a biodiversity gain plan, that would need to be undertaken in accordance with Natural England guidance and include a biodiversity metric, which would compare the baseline for the site with the need for 10% Biodiversity Net Gain. Having regard to the area of land retained for buffer zones and landscaping, it is considered that this requirement would be achievable.

#### *Impacts on trees*

- 6.101** There are numerous trees close to the entrance and within the perimeters of the site that are considered important to the rural setting of the wider area. There are also several groups of native trees and shrubs planted in recent years that are internal to the site with a lower amenity level due to their age and size. However, they would have a potential to achieve a higher future amenity value when grown to their full potential.
- 6.102** The Council's Tree Officer has advised that the major area of impact to trees would be caused through the loss of the internal trees and some fruit trees along the intended access track. The Officer has reasoned that whilst this loss would have an impact it is possible to mitigate the loss in a reasonably short period of time because

the trees to be lost are still young. It is for this reason that the trees are only worthy of "C" grade when assessing them with the BS 5837 "Trees in relation to demolition and construction." As a result, the Tree Officer has advised that the trees should not be considered to be a material consideration in the determining of this application. However, the officer has advised that it is still important that the trees loss is mitigated through replanting and concluded that this is shown to be intended within the landscaping proposals.

- 6.103** As a result, the Tree Officer has raised no objection to the proposed development and recommended that a condition should be imposed to protect retained trees during the course of the development, and that a soft landscaping scheme is secured by condition. Therefore, the development is considered to comply with the requirements of condition DM12 of the Island Plan.

#### Nitrates impacts on designated sites

- 6.104** As the development would result in a net increase in housing there is the potential that it would add to existing problems within the Solent as a result on nitrate enrichment, which is currently having detrimental impacts on protected habitats and bird species. Protected species of birds use mudflats within the Solent for feeding. However, research carried out by Natural England has shown that nutrients discharged by sewage treatment works into the Solent causes eutrophication of the SPA and this compromises the ecological value of the designated site. Further information and guidance on this matter is contained within the Council's Position Statement and Natural England's published guidance Advice on Achieving Nutrient Neutrality for New Development in the Solent Region. The Council's Position Statement has been ratified by Natural England and the Environment Agency.
- 6.105** To ensure that housing development would not add to existing nutrient burdens in the Solent and adversely impact on the designated SAC and SPA / Ramsar sites within it, the Position Statement explains that it must be demonstrated that either the development is nitrate neutral or that its wastewater would be treated at Southern Water's Wastewater Treatment Works (WwTWs) at Brighstone, Sandown, Shorwell or St Lawrence, all of which discharge to the English Channel and not the Solent, thus avoiding harm to protected Natura 2000 sites.
- 6.106** Developments that connect to these WwTWs do not have to demonstrate nitrate neutrality as wastewater from these developments would not enter or adversely affect the Solent and designated sites within it. However, the Council also notes that many rural locations on the Island are not served by the public sewer system. In such locations, housing is generally drained using on-site treatment plants. The proposed development would be served by an on-site treatment plant, due to lack of access to a public sewer.
- 6.107** The applicants have proposed to use a 'Bio-bubble' Package Treatment Plant and as a result have submitted information to assess whether the development would be nitrate neutral. The information provided has shown that the treatment plant has an efficiency rating of 88.5% total nitrogen (TN) load reduction. The assessment reasons that the development, without treatment would result in 12.4kg TN per year as a result of wastewater. The information shows that the current nitrogen load for the land would be 57.166 kg of nitrogen per year. The information calculates that the post development nitrogen load would be 28.886 kg of nitrogen per year and

once wastewater has been treated by the Bio-bubble system, there would be a nitrogen load of -15.88 kg TN per year. This would therefore represent a reduction in nitrates being discharged from the site.

- 6.108** Natural England have advised officers that they are familiar with the Bio-bubble system and therefore have confirmed that they raise no issue with the efficiency rating that has been provided by the applicant. Natural England have confirmed that with the use of the Bio-bubble system, the development would result in the -15.88 kg TN per year that has been laid out within the applicant's information. In addition, the Council's Ecology Officer has raised no objection to the proposals. As a result, it is considered that the proposed mitigation measures, in the form of the Bio-bubble treatment plant, would mitigate the impacts of the proposed development upon designated sites and provide a reduction in nitrogen discharges compared to the existing use of the land. As a result, it is considered that the development would not compromise the interest features for which the SAC and SPA / Ramsar sites within the Solent area have been designated.
- 6.109** It should be noted that the requirement for the Bio-bubble treatment plant would be secured by legal agreement. This would provide the certainty for the delivery of the mitigation, as required by the Habitat Regulations. This is because there is no immunity period for the enforcement of clauses of legal agreements, thus allowing the planning authority to take action to ensure that mitigation measures are undertaken, if required.

#### Solent Protection Area Mitigation

- 6.110** The site is located within the 5.6km of the Solent and Southampton Waters SPA/ Ramsar site. This area is important habitat for a range of wildfowl, which use areas close to the northern shoreline of the Island for shelter and feeding during the winter. However, evidence shows that recreational activity on designated areas (and supporting habitats) can cause disturbance to wildfowl and therefore have an adverse impact on bird populations. To mitigate for such impacts, Natural England and a range of other bodies including the Council have devised a means of mitigation known as the Solent Disturbance Mitigation Project (SDMP).
- 6.111** The Bird Aware Solent guidance for the Solent Recreation Mitigation Strategy states that developments of one or more dwellings will be required to provide financial contributions towards the Strategy. The applicant has agreed to provide the necessary monetary contribution towards the Strategy, which would be secured via a s.106 Agreement in this instance.

#### Highway considerations

##### *Means of access*

- 6.112** The site would be accessed via the existing farm lane, that adjoins the northern side of the B3401, via a simple junction. The Highway Authority has advised that the access is 16.5m wide at its junction with the B3401 and reduces to 6.0m over a distance of 6.0m and thereafter has an average usable width of 3.5m.
- 6.113** The submitted plans show the proposed modification to the existing access road that serves the wider Lee Farm complex and the proposed development site. The



access is detailed to be widened to a minimum clear usable width of 5m over the first 17m from its junction with the B3401. Thereafter it would provide for an average clear useable width of 4.5m with both localised narrowing's adjacent to existing service poles and the provision of a passing bay circa 73m from the junction with the public highway. To the north of the proposed passing bay the localised narrowing reduces the usable carriageway width down to circa 3.6m.

- 6.114** The Highway Engineer has advised that an average width of 4.5m (an increase of 1.0m over the existing provision) would enable two private motor vehicles to pass and the provision of the passing bay would provide suitable space to accommodate service vehicle movements when making allowance for the alignment of the road, which is straight and therefore would give rise to good forward visibility. The width of the junction with the B3401 would also provide a suitable passing or waiting area for vehicles.
- 6.115** However, the Highway Engineer has recommended that in the event of approval, additional road narrowings/ speed reducing features should be introduced within the principal access road to aid pedestrians. As the principal access road fails to provide for a segregated pedestrian link, and when considering the types of vehicle movements that could be attributable to the wider Lee Farm site, speed control and pedestrian refuge is seen to be essential on highway safety grounds. It is considered that this element could be covered by a pre-occupation condition.
- 6.116** The Highway Engineer has also highlighted that there are east and west bound bus stops located west of the site access. The existing footway provision on the northern side of the B3401 that runs west from the site access stops some 30 to 45m short of the request bus stops which are themselves devoid of waiting facilities. Users are therefore forced to walk and wait in the live carriageway to access and use them. It is however highlighted that the verge in which the west bound stop is located is recorded as public highway and to the east of the east bound stop outside of the properties 'Fairlee' and 'Thorley Lodge' there is a large expanse of public highway verge. The Highway Engineer has therefore recommended that in the event of approval, a pre-occupation condition should be imposed requiring the relocation of the east bound bus stop with associated waiting facilities to be provided to enable users to wait on the public footway/ verge clear of the carriageway and that the west bound stop be remodelled to include for an element of hardstanding/ footway, again to allow users to wait clear of the carriageway. It is considered that these requirements could be secured by condition and would represent a betterment for all users as well as the resultant residents.

#### *Onsite access arrangements*

- 6.117** The Highway Engineer has confirmed that each of the roads within the site provide for a low-speed environment and adequate space for pedestrian, private and service vehicle access. However, the Engineer has recommended that provision should be made for additional service vehicles facilities to aid their onsite turning. In order to prevent the road dominating the layout, it is recommended that this could be achieved by widening the access area serving plots 8 to 11 by using products such as 'grass-crete', whereby the area would appear to be grassed but provide structural ground stability for vehicles to turn. It is considered that this matter could be secured by condition.

### *Highway capacity*

- 6.118** The B3401 is a rural highway that is subject to approximately 800 vehicle movements per day. During its busiest hour, 17:00 to 18:00 on a Friday, vehicle movements are said to be less than 100 movements. The submitted information states that the development would result in approximately 111 two-way movements per day.
- 6.119** The Highway Engineer has confirmed that when considering the existing uses attributable to the site and access and sustainability improvements offered as part of this application along with the bus stop improvements and additional access modifications as recommended by the Highway Authority, the traffic generation associated with this proposal would not be deemed to have a negative impact on the capacity of the highway/project network. The Engineer has also advised that no accidents have been recorded within the vicinity of the site for the last 3 years.

### *On-site parking provision*

- 6.120** The application site falls within Zone 2 as defined within the Council's Guidelines for Parking Provision as Part of New Developments SPD. In accordance with the guidance set out within Table 1, a development of this nature should typically provide onsite parking at the following ratio:
- 1 space per 1 or 2-bedroom dwelling
  - 2 spaces per 3 or 4-bedroom

Provision should also be made for the secured and covered storage of cycles and storage for bins clear of all access ways.

- 6.121** On review the proposed layout provide for in-excess of the required level of onsite parking provision. However, when considering the rural environment in which it is set and lack of available safe on-street parking within the vicinity of the site, the proposed level of provision would be deemed to be acceptable. Each plot would incorporate adequate space for the storage of cycles and bins.
- 6.122** In conclusion, it is considered that the proposed development would benefit from suitable means of access from the highway network, and within the site, for vehicles and pedestrians, subject to the outlined improvements being secured by condition. The proposed development would not compromise the safety of highway users or result in impacts on the local highway network as a result of traffic movements. The site would provide a suitable level of parking spaces and therefore, it is considered that the development would comply with the requirements of polices SP7, DM2 and DM17 of the Island Plan.

### Drainage and surface water run-off

- 6.123** In terms of geology, maps held by the Council show that the land surrounding the Thorley Brook and in particular the application is underlain by Bembridge Marls and Calcareous Mud, a formation made up of clays, loams, sand and shales. North of the site, the land is made up of the Headon Formation and a mix of clay, silt and sand. Neither formation is considered to be suitable for natural filtration of water, owing to the high content of clay and shales.

- 6.124** The applicant's drainage strategy notes the lack of permeability and therefore confirms that surface water drainage from the various roads, hard standings and buildings at the site would not be diverted to the ground via filtration. Instead, a piped system would be used to direct surface water to the Thorley Brook. The site is currently underlaid by a mix of concrete yards, compacted impermeable hoggins or covered by buildings. These currently drain direct to the Thorley Brook. The information advises that the current surface water flows from the site stand at approximately 5 litres per second. This is based on a current contributing area of 4785 square metres, compared to the proposed development, which would comprise 4867 square metres of contributing area. The applicant's drainage engineer concludes that due to the limited increase in the contributing area (72 square metres) that flow rates would be comparable to the existing situation at the site and therefore, no attenuation storage or flow restriction would be required.
- 6.125** While officers agree that the differences in flow rates to the Thorley Brook would be minor, it should be noted that all new developments should achieve a reduced run-off rate compared to current run-off rates, in order to account for climate change. Therefore, it is considered that the system should include some form of attenuation, in likelihood through the use of below ground storage tanks or cells, which would store collected surface water and reduce its run-off rate. This would also allow for a hydro-break to be included to reduce the risk of flooding during a storm event, which is discussed in more detail in the below section. Officers consider that the site is clearly large enough for such a solution, which would in likelihood be a relatively minor scheme given the limited increase in the catchment area for the development. Therefore, it is considered that this information could be secured via a pre-commencement condition.
- 6.126** The submitted information confirms that foul water would be directed to an on-site treatment plant. This would filter and treat wastewater and solids to safe levels and then discharge the cleaned effluent to the nearby Thorley Brook, a main river. It is generally preferred that foul water is connected to the public sewer system. However, the nearest connection to the site is 360m away and therefore, it would not be feasible for this connection to be made.
- 6.127** The predicted flows for the treatment plant would be low, at 0.74 l/s and therefore, no objection is raised in respect of the discharge to the Thorley Brook. The foul water system would be secured via a s.106 agreement, as explained within the previous sections of this report. It should also be noted that separate consent would be required from the Environment Agency, to allow consent to discharge to a Main River.

#### Flood risk

- 6.128** Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The NPPF sets out a requirement for necessary development to comply with the Sequential Test that is outlined within paragraphs 101 & 102 of the NPPF and the supporting technical guidance that is set out within the Government's National Planning Practice Guidance website (PPG).
- 6.129** The majority of the proposed housing would be located within flood zone 1, and therefore at the lowest risk of flooding during a flood event (1 in 1000 chance).

Flood maps show that a limited section of the existing holiday unit would be within flood zone 2, related to the Thorley Brook. Given that the majority of the site is within flood zone 1, with only the existing holiday unit partially within flood zone 2, it is considered that a sequential test is not required for the proposed development.

**6.130** The predicted flood level of the Thorley Brook would be (14.12mAOD) during a 1 in 200-year storm event. The applicant's Flood Risk Assessment (FRA) advises that the proposed units to be located within the southern section of the site, and closest to the Thorley Brook, would be constructed to provide a higher floor level than the predicted flood event. Therefore, units 13, 14 & 16 would be designed to have floor levels as follows:

Plot 13 - 15.2m AOD = 1088mm above predicted flood level

Plot 14 - 15.2m AOD = 1088mm above predicted flood level

Plot 16 - 14.6m AOD = 480mm above predicted flood level

These floor levels would ensure that the residents of these houses would be safe during a flood event. The remainder of the housing and its surrounding curtilages and open spaces would be free of flood waters.

**6.131** The farm access currently passes above the Thorley Brook and due to its low land level, would be partially flooded during a storm event. This would make the road impassable. However, the applicant's FRA advises again raising the level of the road, as this would have the effect of increasing built volume within the active flood plain of the Main River and therefore, increase flooding elsewhere. It is also noted that guidance advises against residents leaving housing that is safe within a flood event, as the proposed housing has been shown to be.

**6.132** The Environment Agency are the Government's technical advisor for flood issues. They have commented on the planning application and raised no objection to the proposed development in respect of flood risk and recommended that a condition is imposed to ensure that the floor levels for units 13, 14 & 16 accord with the findings of the FRA and that the levels for the access road are not increased.

**6.133** The Agency have also advised that a Flood Warning Evacuation Plan (FWEP) is submitted to the Planning Authority and agreed by condition. This would provide an informative document for future residents, that would outline the actions to be undertaken in the event of a flood event. The FRA notes the likely requirement for a FWEP and advises that it would contain requirements such as signing up to the Agency's Flood Warning Line, which provides residents with advance warning of a flood event, therefore allowing them adequate time to plan for such an event.

**6.134** Officers consider that the proposed development would be at a low risk of flooding during a storm event. The majority of the proposed dwellings would be outside of flood zones 2 & 3 (areas at a higher risk of flooding). The applicants FRA has demonstrated that the residents of the development would be safe during a flood event and therefore subject to the imposition of the condition advised by the Agency, it is considered that the development would comply with the requirements of policy DM14 of the Island Plan and the flood related guidance outlined within the NPPF.

## Other Matters

- 6.135** The application site has been used for various purposes in previous years, including for agricultural and commercial uses and the parking of buses. It is therefore considered appropriate to impose a pre-development condition that would require the ground conditions of the site to be investigated, in order to ensure that any contamination that may exist, is suitably treated prior to any residential use taking place.

## **7. Conclusion and planning balance**

- 7.1** The National Planning Policy Framework states that the planning system is planned and that the purpose of the planning system is to achieve sustainable development. In the same way, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The role of the Planning system is to balance issues, particularly where they compete and compare the benefits of a proposed development with any identified harm.
- 7.2** The proposed development would provide much needed rural housing within an area that includes existing residential development and utilising previously developed land, with a suitable choice of transport modes, and the ability to make the site and the surrounding area more sustainable through the delivery of a section of the West Wight Greenway. The delivery of an important section of the Greenway would be significantly beneficial in terms of providing the local community with an attractive rural walking and cycling route to local service centres and other rights of way, providing an alternative mode of travel to the car as well as providing health benefits and contributing to the objectives to reduce carbon emissions.
- 7.3** The positioning and layout of the development would minimise the impact of the development on the character of the area and the design of the proposed housing, garden areas and landscaping are considered to be acceptable and reflective of the rural nature the surrounding area. Officers are satisfied that the proposals would not harm the amenity of residents of nearby properties, nor would they compromise the quality or setting of listed buildings.
- 7.4** The site would be served by a suitable means of access and would not compromise highway safety. The proposed development would also not result in detrimental impacts to on-site ecology or compromise the interest features of internationally and nationally important designated sites within the Solent area. Officers are satisfied that the site would not be at risk of flooding and that a suitable on-site surface water drainage strategy could be secured by condition, and that the proposed foul water system would be suitable to serve the development.
- 7.5** It is considered that the social benefits outlined above would be substantial, given the re-use of previously developed land for the provision of rural housing and the provision of a section of the West Wight Greenway. Furthermore, the lack of housing delivery in recent years is evidence that there is a need to not only unlock urban sites or those within rural service centres, but also to release rural sites for housing where impacts are not excessively harmful and sustainable transport

choices can be provided.

- 7.6** While the proposals would result in change to the rural character of the landscape the level of impact would be reduced by landscaping and the high-quality design of the development. The site is relatively contained, given its lowland position and the screening effects of existing tree lines and hedgerows. It is also seen in the context the existing pattern of development within Thorley and Wellow. As a result, it is considered that the planning application is in compliance with the strategic advice contained within the NPPF and the requirements of the Island Plan Core Strategy and other relevant local policy guidance.

## **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 to construct or pay for the construction of a 1.75km section of the West Wight Greenway
- A financial contribution towards off-site affordable housing
- Clauses to secure post development appraisals of development costs and if returns exceed predicted values, for excess to be transferred to the Council to be spent on off-site affordable housing provision
- A requirement to install and suitably manage the agreed 'Bio-bubble' wastewater treatment plant
- 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 deficient in information relating to ecology and flood risk. Further clarification information was provided during the course of the application that overcame consultee and the Council's concerns. Minor alterations to the fenestration of proposed housing were also requested, and the changes made by the applicant have addressed the Council's requests in this regard. As a result, the proposals are considered to represent a sustainable form of development.

## Conditions

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

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

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

03:1410:103D  
03:1410:104A  
03:1410:105B  
03:1410:106  
03:1410:107A  
03:1410:108  
03:1410:109  
03:1410:111D  
03:1410:112C  
03:1410:113D  
03:1410:114  
03:1410:115A  
03:1410:17A

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

3. No part of the buildings hereby approved shall be constructed above foundation level until details of the materials and finishes including the colour of cladding, roofing materials and other external finishes 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.

4. 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.

5. 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.

6. No dwelling hereby permitted shall be occupied 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, prevent glare and impacts on protected species. Development shall be carried out in accordance with the agreed details and be retained thereafter. No further external lighting shall be installed over and above that agreed.

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.

7. 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 site and landscape plan. 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 8, 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.

8. No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority.



The EMP shall set out measures to protect wildlife during both construction and operational phases of the development, based on the principles of the section 4 (recommendations) of the Ecological Report dated 20th May 2019 and revised on 14th June 2021) and include detailed ecology surveys that build upon the Appraisal as well as measures to achieve Biodiversity Net Gain. The EMP shall include the following additional information:

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

No site clearance shall be carried out during the bird nesting season (1st March to 31st August inclusive).

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

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

9. No site preparation or clearance shall begin, and no equipment, machinery or materials shall be brought onto the site for the purposes of the development hereby permitted, until details of measures for the protection of existing trees to be retained have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the BS5837:2012 standard and include a plan showing the location of existing trees to be retained and the positions of any protective fencing. Development shall be carried out in accordance with the approved details and any protective fencing shall be erected prior to work commencing on site and will be maintained until all equipment, machinery and surplus materials related to the construction of the development have been removed from the site. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made,

unless otherwise authorised by this permission or approved in writing by the Local Planning Authority

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.

10. No development shall take place until a scheme for the drainage and disposal of surface water from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority, based on the principles of the submitted Flood Risk Assessment and Drainage Strategy. Development shall be carried out in accordance with the approved scheme, which shall be completed prior to the occupation of the houses hereby permitted and be retained thereafter.

Reason: To ensure that the site is suitably drained, to protect ground water and watercourses from pollution, to prevent harmful impacts on the Solent and Southampton Water SPA and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM14 (Flood Risk) of the Island Plan Core Strategy. This is a pre-commencement condition due to the early stage at which the drainage system would need to be installed.

11. The foul drainage related to the development hereby permitted shall be treated by a 'Bio-Bubble' wastewater treatment plant (10 mg/l BOD 20 mg/l SS < 1 mg/l NH4-N) which shall be installed prior to the first occupation of the dwellings hereby permitted and shall be maintained and retained thereafter.

Reason: To ensure that the site is suitably drained, to protect ground water and watercourses from pollution, to prevent harmful impacts on the Solent and Southampton Water SPA and to comply with policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM14 (Flood Risk) of the Island Plan Core Strategy.

12. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include but not be limited to the following issues:

- A map or plan showing the location of the contractor's compound
- The means of access/egress for construction traffic throughout the build process
- The loading and unloading of plant and materials throughout the build process
- How operative and construction traffic parking would be provided and managed throughout the build process
- Locations for the storage and handling of plant, materials, fuels, chemicals and wastes

- Measures to control the emission of dust, noise and dirt resulting from the site preparation, groundwork and construction phases of the development
- Wheel cleaning facilities through-out the build process
- Demolition/ construction/ loading and unloading and working hours

Once approved, the Construction Management Plan shall be adhered to at all times during the construction phase.

Reason: To prevent annoyance and disturbance to nearby properties from the development and to comply with the requirements of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy. This is a pre-commencement condition because the aim of the condition is to ensure that the construction phase is managed in a suitable manner.

13. No dwelling hereby permitted shall be occupied until space has been laid out within the site and drained and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority for cars and bicycles to be parked, circulate and turn so that they may enter and leave the site in forward gear based on the principles of the layout as detailed on drawing no 03:1410:113D. The spaces shall not thereafter be used for any purpose other than that approved in accordance with this condition.

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

14. No dwelling hereby permitted shall be occupied until a service vehicle turning space has been laid out within the site and drained and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, so that service vehicles may enter and leave the public highway in forward gear. 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.

15. No dwelling hereby approved shall be occupied until the existing bus stop provision on the B3401 to the west of the principal site access has been remodelled / relocated and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

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.

16. No dwelling hereby approved shall be occupied until the means of access thereto for motorists, pedestrians and cyclists from the B3401 has been constructed and drained in accordance with details to be submitted to and approved by the Local Planning Authority based on the principles of the layouts as detailed on drawing no. 03:1410:113D and 03:1410:115A to include for the

installation of additional traffic calming features within the access road as detailed on drawing no. 03:1410:115A.

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.

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref 'Flood Risk Assessment & Drainage Strategy' dated January 2021 AND addendum ref 'Lee Farm Res Dev FRA Addendum 2021-06-21') and the following mitigation measures the latter referenced document details:

- Finished floor levels at plots 13 & 14 shall be set no lower than 15.200 metres above Ordnance Datum (AOD)
- Finished floor levels at plot 16 shall be set no lower than 14.600 metres above Ordnance Datum (AOD)
- A Flood Warning and Evacuation Plan shall be submitted prior to occupation
- Any surface improvements undertaken in respect to the access road will match the levels of the existing access track

These mitigation measures shall be fully implemented prior to the first occupation of the dwellings hereby permitted and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that floodwaters are not displaced as a result of land raising in the flood plain and to comply with the requirements of policy DM14 (Flood Risk) of the Island Plan Core Strategy and section 14 of the NPPF.

18. No part of the development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority items a) and b) below;

a) a desk-top study documenting all previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research report no 11 and BS10175:2011+A1:2013; and, unless otherwise agreed in writing by the Local Planning Authority,

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk-top study in accordance with BS10175: 2011+A1:2013 - "Investigation of Potentially Contaminated Sites - Code of Practice"; and, unless otherwise agreed in writing by the Local Planning Authority,

c) a remediation scheme to deal with any contaminant including an implementation timetable, monitoring proposals and a remediation verification

methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation.

d) The investigator shall provide a report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been carried out.

Further to the above, the construction of buildings, including any associated groundwork, shall not commence until such time as is approved by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that where necessary, the land is remediated to an appropriate standard in order to comply with Part IIA of the Environmental Protection Act 1990. This is a pre-commencement condition because examination of the potential for contaminants is required prior to excavations being carried out.

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

Reason: To retain a reasonable rear garden for each of the approved dwellings, to regulate design in relation to the development, to protect the appearance of the site and surrounding area, to prevent excessive surface run-off from hard standings and to comply with the aims of policies SP5 (Environment), DM2 (Design Quality for New Development) and DM11 (Historic and Built Environment) of the Island Plan Core Strategy.

**UPDATE FOLLOWING THE PUBLICATION OF A REPORT TO THE PLANNING COMMITTEE – TUESDAY 1<sup>st</sup> March 2022**

- |    |              |  |
|----|--------------|--|
| 1. | 21/00684/FUL | 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 (Revised plans) |
|----|--------------|--|

**Officer Report update**

Following publication of the officer report, it has been noted that a calculation relating to housing delivery within section 6.9 of the report is incorrect. The report currently states:

‘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 411 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 425.

However, the underlined figures should be 501 and 364 respectively.

Officers have also noted that within the Planning History section of the report, the reference number for a historic planning application that was granted in 2003 has been mistyped as P/00218/13, whereas it should read as P/00218/03.

Since the publication of the officer report, the Council has completed an Appropriate Assessment of the development proposals, to assess the potential for the project to have adverse effects on Solent Marine Sites as a result of recreational pressure from new residential development and also the proposed foul drainage system. These matters are outlined within the officer report. The Assessment has concluded that the project would not have an adverse effect on Solent Marine Sites, subject to the mitigation measures outlined within the officer report.

Officers have consulted with Natural England regarding the Appropriate Assessment, as is legally required, and have received their confirmation that they agree with the Council’s conclusions. The Council’s Appropriate Assessment and Natural England’s comments have been placed on the Public Access website.

**Officer conclusion**

No change to officer recommendation.

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## Appendix 3 – Minutes of the Planning Committee meeting held on 1<sup>st</sup> March 2022

### **Minutes:**

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



**Reference Number:** 21/00684/FUL

**Description of application:** 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

**Site Address:** Land at Lee Farm, Main Road, Wellow

**Applicant:** Mr and Mrs Steve Cowley

**This application is recommended for:** Conditional approval subject to the completion of a S.106 Legal Agreement

### **REASON FOR COMMITTEE CONSIDERATION**

The planning application was previously referred to the Planning Committee for consideration on 1<sup>st</sup> March 2022. The original report can be viewed by following this link:

[21-00684-FUL Lee Farm Committee report](#)

The Planning Committee resolved to grant full planning permission for the development subject to conditions and a legal agreement. Since then and while the legal agreement has been negotiated, the applicant has sought to vary one of the terms of the agreement and provide an increased contribution in respect of off-site affordable housing provision. Given that the agreement reflects the resolution of the committee, this report provides members with an update on the proposed changes to the legal agreement and the options available.

This report will not repeat all of the main considerations for the application, as these were set out within the original committee report. Instead, this report focusses on the key areas of difference between the legal agreement supporting the committee's resolution and the approach now proposed by the applicant.

### **MAIN CONSIDERATIONS**

- Planning history and preamble
- Progress and changes to the legal agreement

## **1. Evaluation**

Planning history and preamble

1.1 Councillors will be aware that this planning application was considered by the Planning Committee on 1<sup>st</sup> March 2022, with the committee resolving to approve the development subject to planning conditions and the satisfactory completion of a legal agreement. The legal agreement is required to secure the following measures:

- A financial contribution towards the Bird Aware Solent mitigation strategy
- A requirement to construct or pay for the construction of a 1.75km section of the West Wight Greenway
- A financial contribution towards off-site affordable housing
- Clauses to secure post development appraisals of development costs and if returns exceed predicted values, for excess to be transferred to the Council to be spent on off-site affordable housing provision
- A requirement to install and suitably manage the agreed 'Bio-bubble' waste-water treatment plant
- A requirement to manage additional habitat enhancements for a period of at least 30 years, in order to achieve Biodiversity-Net Gain

1.2 The components of the planning application have not altered since it was considered by the Planning Committee, nor have there been changes to relevant planning policy guidance or the site itself. In addition, no further comments have been received at the time of writing this report and no changes are advised in respect of the recommended planning conditions. Therefore, this report simply seeks to address proposed changes to the legal agreement, which are discussed below.

#### Progress and changes to the legal agreement

1.3 Since the Planning Committee decision in March officers have instructed the Council's Legal Services Team to draft the required legal agreement to secure the obligations outlined within paragraph 1.1 above. At the same time, the applicant has begun initial marketing with prospective Island developers, in order to deliver the approved housing once the planning consent has been issued.

1.4 As councillors will recall, the planning application was the subject of a viability appraisal due to the absence of on-site affordable housing provision, in lieu of providing the land and the delivery of a 1.75km section of the West Wight Greenway, a Council project to provide a right of way between Newport and Freshwater utilising sections of the former railway line that previously connected Newport to Freshwater. The viability assessment outlined the standard costs associated with the proposed development, including the section of the Greenway to be constructed by the landowner, and then compared them with the likely returns for the approved housing. This comparison then leaves the residual value of the development (money left over once development costs have been deducted from returns), which in this case was to be used as a financial contribution towards affordable housing provision. The residual value for this development was predicted to be £27,120,

which would be secured by the legal agreement.

- 1.5 The legal agreement also included a requirement for a post development appraisal of costs and returns, to ensure that the actual residual value was known, and whether this could result in the contribution being above the predicted value, depending on the costs and returns for the development.
- 1.6 The applicant's viability appraisal stated that the developer profit (a recognised cost of development) would be 17.5% of the Gross Development Value (GDV). However, through marketing the site, the applicant has gained feedback from prospective developers that developer profit within the industry is at minimum 20%, and that commercial lenders also set their criteria at a minimum value of 20%. The Government's Planning Practice Guidance states that developer profit should be between 15 to 20% of GDV, advising that lower returns may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. The Royal Town Planning Institute (RTPI) research paper Planning Risk and Development (2018) advises that 'a normal target would be about 20% of GDV.'
- 1.7 Lee Farm is a brownfield site that would not deliver on site affordable housing (given the committee's resolution), therefore increasing the likelihood of unknown costs associated with site clearance and potential changes to returns, which are based on open market values. In addition, officers are aware that global supply and demand issues, coupled with the increased cost of energy, raw materials and fuel have resulted in unstable costs for building materials.
- 1.8 The Royal Institution of Chartered Surveyors (RICS) advises that timber, steel sections and steel for reinforcement showed annual increases of 79.4%, 60.4% and 80% respectively in September 2021 (prior to the Russian-Ukraine war), also advising that bricks, tiles, cement and other related kilned materials have seen price increases of 24.4% over the same period, therefore increasing costs and risks associated with development.
- 1.9 The applicants have written to officers explaining that the current requirement for a post development appraisal would undermine the sale of the site, given feedback given by prospective Island developers. The applicant has sought advice from a local estate agency and surveyors practise (Hose, Rhodes, Dickson) who have stated that '*There is a lot of uncertainty out there at the moment, so developers will only be looking at developments which present the least amount of risk. Complexity generally means more hassle and cost.*' The letter continues on to advise that '*Developers have always worked on a minimum of 20% profit and generally they are looking for more, the bigger the site gets and of course the associated risk.*'
- 1.10 The applicants have advised officers that in the interests of delivery and to provide certainty, they wish to provide a fixed financial contribution

towards off-site affordable housing, that is not based on the viability report. A contribution of £80,000 towards affordable housing delivery is now proposed, which represents an increase of £52,880 over that previously presented to the committee. The applicants have confirmed that this would be reflected in the sale price for the land to a developer, rather than the residual value of the development thus removing potential viability risks associated with the post-development appraisal, increasing the likelihood for the development to go ahead and allowing the delivery of a substantial section of the West Wight Greenway.

- 1.11 Officers consider that the proposed change to the legal agreement would assist in de-risking the development. As this report notes, there are significant uncertainties regarding the cost of materials for development and given that the site is brownfield, there is the potential for further costs to be encountered, as the site is cleared and constructed. These risks threaten to risk the viability of the project particularly given the continued increase in the cost of raw materials and the related cost of processing them, which is then passed onto the purchaser.
- 1.12 The applicant's proposal to provide a greater contribution towards affordable housing in lieu of the post-development appraisal would give certainty to the Council in terms of the delivery of the development and provision of a significant section of the West Wight Greenway. The amount that has been proposed by the developer would provide a meaningful contribution that could be used by the Council to deliver affordable housing (including social housing) through initiatives such as shared purchase or adaptations to housing stock. Therefore, while the provision of a post-development appraisal would be removed from the legal agreement, officers consider that the proposed increased contribution, which would considerably increase the level of mitigation in terms of affordable housing provision, would weigh further in favour in terms of the merits of the proposed development.

## **2. Options**

- 2.1 It is considered that the following options are available to Councillors:
4. To agree the amended heads of terms to the legal agreement, to remove the clause stating: "Clauses to secure post development appraisals of development costs and if returns exceed predicted values, for excess to be transferred to the Council to be spent on off-site affordable housing provision".
  5. To keep the terms of the agreement as previously agreed.
  6. Reconsider the application in its entirety.

## **3. Conclusions and Recommendation**

- 3.1 The application is being brought back to committee due to proposed changes to the terms of the legal agreement set out in paragraph 8.1 of

the original report and paragraph 1.1 above. It is the opinion of officers that no other material matters have changed to justify any other elements of the permission being reconsidered, so option 3 is not recommended.

- 3.2 The proposed amendments would secure an on-site contribution towards affordable of £80,000, an increase of £52,880 over that proposed when previously presented to committee. It would also improve the certainty of delivery of housing (on a previously developed site) and a significant section of the West Wight Greenway. Therefore option 1, rather than option 2 is recommended.

## Appendix 5 - Update paper to Planning Committee dated 26<sup>th</sup> July 2022

2. 21/00684/FUL 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 (Revised plans)

### **Nature of representation**

Following the publication of the committee report, the Chairman of the Planning Committee has sought clarification on the timing of the payment of the affordable housing contribution for the development.

### **Officer comment**

Officers have discussed this matter with the applicant, who has advised that he would like to reassure the Planning Committee that this development would make the contribution to affordable housing at the earliest opportunity and has therefore agreed that the contribution should be made prior to the commencement of the development. This requirement would be included within the legal agreement.

No change to officer recommendation.

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## Appendix 6 - Minutes of the Planning Committee meeting held on 26<sup>th</sup> March 2022

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, garage/car ports, parking and associated landscaping

Land at Lee Farm, Main Road, Wellow

Additional Representations:

Officers had discussed the alteration with the applicant and reassured the Committee that the development would make the affordable housing contribution at the earliest opportunity and has agreed that this would be made prior to the commencement of the development which would be included in the legal agreement.

Comment:

The chairman invited Councillor Spink to speak as a member. Councillor Spink advised the Chairman that he would not accept the invitation to speak as he believed that it was unfair that the applicant had not been given the same opportunity.

Councillor Spink left the room.

Officers advised that the applicant had been unable get any developer interest in buying the site due to the wording of the legal agreement the increasing costs of materials and the potential risks associated with developing previously developed land. A range of experts had provided advice regarding the site, and advised that developers were looking at developments which would present the least amount of risk. To overcome these issues the applicant requested the leverage clause was removed from the legal agreement and for the affordable housing contribution to be fixed at £80,000.

The Committee asked why the payment had not been requested at the point of sale to the developer and they felt it was sensible to tie the contribution to completion of sale. Officers advised that any contribution should be reasonable and as the developer may request to make changes to the current scheme, it was seen to be reasonable to request the payment prior to commencement of the site.

The Committee were concerned that without the leverage clause Local Authority could be losing out on money towards affordable housing by agreeing the amount at this stage. Officers advised the Committee that the legal agreement, as currently drafted, made the sale of the site unviable.

Concern was raised regarding that historically legal agreements took time to sign and asked if a condition could be in place to ensure the agreement was signed in an appropriate timescale. Planning officers advised that a time limit could be stipulated however it took time for the Local Authority to produce the agreement, so an appropriate timescale needed to be considered. The Committee was also advised that the Planning Permission would not be issued until the agreement was signed. The legal officer advised

that if the landowner refused to sign, the application could be reconsidered by the Committee. It was advised that the contribution would be linked to the market index to safeguard any increase.

A proposal was put forward to approve the application with the affordable housing contribution being paid at the time officers believed would be most appropriate, and the proposal was seconded.

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 inclusion of the following:

Legal agreement to be signed within six months of the date of decision, if not signed then a report be brought back to the Planning Committee

That the contribution be index linked

That the contribution be made to the Local Planning Authority within 3 months of the land being sold or commencement of the development whichever is the first.