

03 Reference Number: 19/00677/OUT

Description of application: Proposed outline permission for a residential development of 4no. two storey detached dwellings with shared highway access on land to the West of Newport Road (revised plan) (readvertised)(revised location)(tree and ecology report)(revised tree and ecology information submitted)

Site Address: Land Adjacent To 403, Newport Road Cowes Isle of Wight

Applicant: Mr Alan & Ian Jones

This application is recommended for: Conditional permission

REASON FOR COMMITTEE CONSIDERATION

The Local Ward Member has requested a committee decision for the following reasons:

- Assessment of the landscape character
- Extending the settlement for Northwood
- Proximity to the settlement boundary
- Ribbon development and concern over urban sprawl
- Greenfield site and ecological and tree concerns
- Development not generating S106 benefits
- Impact on achieving housing supply would be minimal.

It is considered that these matters raise policies issues that would warrant the consideration of the Planning Committee.

MAIN CONSIDERATIONS

- Principle of the development
- Impact upon the character of the street scene and surrounding area
- Impact upon the amenity of nearby residential occupiers
- Highways considerations
- Ecology and trees
- Other matters

1. Location and Site Characteristics

- 1.1** The application site is an area of 0.37 hectares located adjacent to 403 Newport Road in a currently undeveloped piece of land, which benefits from mature boundary treatment fronting the highway of Newport Road.

- 1.2 The site is located on the western side of the highway whereby the majority of residential units occupy the eastern side of Newport Road, although the streetscene benefits from setback residential units amongst undeveloped open space forming agricultural landscape.
- 1.3 The surrounding properties are predominately early-mid twentieth century with a mix of detached bungalows and two storey dwellings constructed of red facing brickwork. The design of these properties feature bay windows and/or staggered projections to the road facing elevations with matching roof projections over. The overall scale and massing of these properties would suggest a typical 3-4 bedrooms, some with integral garages.
- 1.4 The proposed four units would sit opposite residential unit 424 Newport Road, with unit 4 of the proposed dwellings being aligned with the built form on the opposite side of the highway.

2 Details of Application

- 2.1 This proposal seeks outline planning permission for four detached residential dwellings, which would be two storey in height. The proposal seeks solely outline consent, with all matters reserved.
- 2.2 Nonetheless, details of the access arrangement have been provided and this matter has been considered by the officers and Island Roads as a result.
- 2.3 Indicative plans have been submitted setting out that the proposed units would be of a scale and size which would support dwellings of a three or four bed roomed and all units would be served by two off road parking spaces, accessed via the one access arrangement off of Newport Road.
- 2.4 Each property would benefit from being set back from the highway, offering a linear design approach, with ample amenity and outdoor space for future occupiers. Given the surrounding semi-rural locality and ecological findings of the site, two wildlife corridors/buffers have been reflected on the plans provided.

3 Relevant History

- 3.1 Although there is no history specifically on this site officers consider it is relevant to highlight a permission granted to the north of the site:

P/00823/18 - Outline application for up to a maximum 66 dwellings with associated roads, parking and open space with access only off Newport Road at land to the rear of 391 Newport Road, Cowes

4 Development Plan Policy

National Planning Policy Framework

- 4.1 The 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.

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.

4.2 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.

4.3 Local Planning Policy

SP1 Spatial Strategy

SP3 - Economy

SP5 - Environment

SP7 - Travel

DM2 - Design Quality for New Development

DM3 - Balanced Mix of Housing

DM4 - Locally Affordable Housing

DM8 - Economic Development

DM11 - Historic and Built Environment

DM12 - Landscape, Seascape, Biodiversity and Geodiversity

DM17 - Sustainable Travel

4.4 Supplementary Planning Documents

4.5 The Affordable Housing Contributions Supplementary Planning Document (SPD)

4.6 The Guidelines for Parking Provision as Part of New Developments Supplementary Planning Document (SPD)

4.7 The Guidelines for Recycling and Refuse Storage in New Developments Supplementary Planning Document (SPD)

- 4.8** 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.

5 Consultee and Third-Party Comments

Internal Consultees

- 5.1** Island Roads have raised no objection to the development as a result of a revised access layout being provided but recommend one condition regarding visibility splays and that other matters are addressed such as drainage and construction during the reserved matters application.
- 5.2** The Council's Ecology Officer has confirmed that as a result of amended information being received, she is satisfied with the mitigation proposals provided and subject to conditions, the proposals can be supported.
- 5.3** The Tree Officer is supportive of the development on the basis that one unit has been removed and there would be no conflict with protected or high amenity trees as a result of the revised layout. The Officer recommends one planning condition.

External Consultees

- 5.4** Southern Water have highlight considerations for the layout and the existing infrastructure which would need to be considered. The summarised details have been proposed as an informative.

Parish/Town Council Comments

- 5.5** Northwood Parish Council have objected to the application, raising issues that can be summarised as follows:
- The proposed development, due to its location, is neither within nor immediately adjacent to the settlement boundary. Therefore, the Parish Council strongly recommends that in no circumstances should the application be allowed to be approved;
 - The proposals would not enhance, protect or preserve the current visual amenity on this section of Newport Road;
 - The proposals represent an extension of development increasing the distance between new homes and local facilities;
 - The resulting development would contribute to an undesirable ribbon development, creating urban sprawl in an area where development would not be supported, and the protection of green space was fundamental;
 - At just four units it is unlikely to be viable because of S106 contributions that must be sought towards the Parish Council's list of potential local priorities identified and the necessary highway improvements that would be required if the IW Council were minded to approve the application;
 - The necessary land for the access from Newport Road is considerably further outside the development envelope;

- Further development on this western elevation of the Newport Road would conflict and jar with the sporadic and softly landscaped remnants of this side of the highway;
- The Parish Council's Housing Needs survey only identified a need for 27 new homes in total over a five-year period up to the end of 2019.
- This has been more than satisfied by the number of planning approvals for new housing, which includes the approved application for 31 residential units on land adjacent Harry Cheek Gardens and rear of 31 to 61 Pallance Road, Northwood and for up to 66 units along the Newport Road, Northwood.
- The scheme would have a minimal impact on achieving the Island's housing supply, in which the delivery of these four units would be outweighed by the demonstrable and harmful impacts further linear development in this location would have in terms of intrusion on this welcomed and much needed green gap;
- the development is contrary to policies DM2, SP1 and SP2 of the Island Plan Core Strategy
- The Parish Council rejects the principle of any form of development being undertaken on this site as the scheme would harm the landscape character of the area, bringing no benefit and would fail to comply with the principles of sustainable development as required by the established planning
- policy
- It should be noted that several ancient woodlands can be found within the near vicinity and appropriate mitigation measures must be taken to preserve the integrity of these designated sites which contain a number of TPO trees;
- Within the curtilage of the site ancient grassland can be found, which has not been disturbed and must continue to be preserved countering any argument regarding the gain to biodiversity, which would be in opposition to the National Planning Policy Framework (NPPF)
- Having regard to the expressed uncertainty by planning officers concerning the validity of the Core Strategy, particularly Policy SP1, and also to the Government's proposals for the reform of the current planning system as well as the Planning White Paper - Planning for the Future, it would be premature to approve the application.

5.6 The Local Member has commented on the proposal and has requested that the application be discussed at Planning Committee, for the following reasons:

- 1) The proposed development is neither within nor immediately adjacent to the settlement boundary. It is on the other side of the road to and extends southward beyond the line of existing development on the east side of Newport Road, the main Cowes Newport artery, and is some 250m to the south of the development boundary on the west side of Newport Road.
- 2) The proposals would not enhance, protect or preserve the current visual amenity on this section of Newport Road, where there exists a virtually uninterrupted view across Island countryside for some 12 miles.
- 3) The proposed development extends the settlement of Northwood increasing the distance between new homes and local facilities.
- 4) The proposed development would contribute to an undesirable ribbon

effect, creating urban sprawl and development corridor in an area where development would not naturally be supported, and the protection of green space was fundamental.

- 5) At just four units it is unlikely to be viable because of S106 contributions that must be sought towards the Parish Council's list of potential local priorities identified and the necessary highway improvements that would be required, if the IW Council were minded to approve the application.
- 6) The necessary land for the access from Newport Road is considerably further outside the development envelope.
- 7) Further development on this western elevation of the Newport Road would conflict and jar with the sporadic and softly landscaped remnants of this side of the highway.
- 8) On balance, the scheme would have a minimal impact on achieving the Island's housing supply, in which the delivery of these four units would be outweighed by the demonstrable and harmful impacts further linear development in this location would have in terms of intrusion on this welcomed and much needed green gap.
- 9) As such, the development is contrary to policies DM2, SP1 and SP2 of the Island Plan Core Strategy.
- 10) This scheme would harm the landscape character of the area, bringing no benefit and would fail to comply with the principles of sustainable development as required by the established planning policy.
- 11) It should be noted that several ancient woodlands can be found within the near vicinity and appropriate mitigation measures must be taken to preserve the integrity of these designated sites, which contain a number of TPO trees.
- 12) Within the curtilage of the site ancient grassland can also be found, which has not been disturbed and must continue to be preserved countering any argument regarding the gain to biodiversity, which would be in opposition to the National Planning Policy Framework (NPPF).
- 13) Having regard to the expressed uncertainty by planning officers concerning the validity of the Core Strategy, particularly Policy SP1, and also to the Government's proposals for the reform of the current planning system as well as the Planning White Paper - Planning for the Future, it would be premature to approve the application.

Third Party Representations

5.7 One comment has been received from a local resident, who have objected raising comments that can be summarised as follows:

- Not objecting to the dwellings, they would be houses anyone would be proud to own, but on the grounds that the access to and from the development onto Newport Road is unacceptable and unsatisfactory to serve the development.

5.8 The Badger Trust have objected to the development, with initial comments stating:

There are several badger setts within 1 km of this site, so we request that the site

is surveyed for protected species before any planning decision is taken.

Further to a Survey being carried out, The Badger Trust IW object to this planning application due to the proximity of an active badger sett which is protected by law.

The Badger Trust have later commented that the development would require the benefit of a licence to close the sett from Natural England and that they object on the basis that there is a very real potential for disturbance and interference to an active badger sett.

6 Evaluation

Principle of the proposed development

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. In addition, the Gurnard Neighbourhood Development Plan states that new residential development within the Medina Valley KRA should be prioritised to be within the settlement boundary or specific sites allocated by the plan. However, this policy position should be taken in the context of the most recent housing needs assessment, Strategic Housing Land Availability Assessment (SHLAA) and the Council's Five-Year Land Supply Update 2018. The latter of these documents outlines at paragraph 7.18 that "the Isle of Wight Council considers that it cannot demonstrate a five-year land supply as at 1 April 2018."

6.2 Further to this, the Housing Delivery Test (published 19 January 2021) shows that 54% 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 2020.

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 in the region of 54% 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, as policy SP1 is considered out of date. In addition, to this, the strategic housing policies within the Gurnard Neighbourhood Development Plan area also out of date due to this level of under-delivery.
- 6.6** Nonetheless, 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.
- 6.7** The proposed four dwellings would be located on Newport Road which offers a local convenience store - Northwood Stores approximately 0.20 miles from the application site, which is considered to be a four-minute walk away. The development would also be in close proximity to public transport options, namely the No. 1 bus service which runs along Newport Road to both between Cowes and Newport. This is a regular service which also runs during evening and weekends and could facilitate sustainable modes of transport.
- 6.8** The development would also be in a close walking distance to leisure and amenity options, including a Public House (The Horseshoe) and a Church. Larger facilities such as Aldi and The Range could also be walked in approximately 20 minutes from the application site and are therefore considered to be accessible by sustainable option, without a strong reliance on the need for a private vehicle.
- 6.9** On balance, given the scale of the development being four houses, and the surrounding facilities available, in an area predominately made up of residential units, these additional dwellings would help to support existing local infrastructure, with the ability to walk and use public transport to gain amenities within Northwood, and Cowes.
- 6.10** In terms of the housing needs for Northwood, a study was produced in November 2014, which would calculate the housing need for the area up to 2019. Given the time that has lapsed, officers consider this document to be out of date. Nonetheless, for clarity, the document identifies the need for 27 homes over this plan period. As such, the Parish Council as part of this proposal have commented that the area has fulfilled the need of the assessment and that these houses are not required to meet the criteria. However, there is no further document to

consider Northwood's position on this and the assessment was made nearly seven years ago. Therefore, weight should be given to the Council's Housing Needs Assessment which was undertaken in 2018.

6.11 The Council's Housing Needs Assessment (HNA) undertaken in 2018. This identifies the site as being within the Medina Valley West sub-market area, where there is a need for the following mix of open market housing:

- 1-bedroom – 5%
- 2 bedroom – 40%
- 3-bedroom – 42%
- 4-bedroom – 14%

It should be noted that this is an advised mix and that some sites may deliver a different mix of housing depending on the character of the area.

6.12 The supporting information and review of the local area identifies that the pattern of development along both sides of Newport Road benefit from linear style units which offer similar massing to the proposed dwellings. Whilst this is a proposal for outline consent, with design and scale to be considered at reserved matters stage, the supporting documentation indicates that the proposed four units would follow this prevailing pattern in terms of scale and mass as reflected in the wider semi-rural locality on the approach to Cowes. As such, the four houses are proposed to offer a mix of three and four bedroomed family homes with integral garages, following the style of properties in the area.

6.13 Whilst concern has been raised from the Parish and third parties that this type of development is neither suitable for the needs of the area or constitutes affordable housing, in this instance the revised scheme is a relatively small-scale development and would assist in housing delivery of three bedroomed houses, which are identified as a priority across the Island. This type of unit can therefore be sought in the reserved matters application, adding a further benefit of appearing in keeping with the prevailing pattern of development in terms of scale and built form finish.

6.14 On balance, the proposed four units are located in a sustainable area, with supporting transport route, and the town of Cowes nearby for wider services. The scheme for these units has been amended to overcome issues relating to trees and ecology, as discussed below, and the development would be well screened through the proposed layout to offer an in keeping design, which follows the prevailing pattern of development, without extending the built form in this locality. Therefore, the broad principle of the development is supported by officers in this instance, subject to the wider policies of the Island Plan and the NPPF being adhered to, as outlined below.

Impact on the character and appearance of the surrounding area

6.15 The application site lies at the southern edge of Cowes, adjacent to residential dwelling, 403 Newport Road. The prevailing character of the area is generally typical of bungalows, dormer bungalows, with the scattering of two storey

properties which are well landscaped and positioned adjacent to the highway, predominately finished in red brick and largely of a modest, high quality and pleasant appearance.

- 6.16** The proposed development would comprise of four detached properties which would be positioned adjacent to the existing detached unit of 403 Newport Road on the western side of the highway, generally opposite the pattern of linear development to the east.
- 6.17** The proposal is for outline consent and therefore, the mass, scale and design of the units would have to be assessed at a later Reserved Matters application. Nonetheless, the application does detail the limitations of the proposed units, which would comprise two storeys in nature and would have maximum eaves heights of 5.50 metres and ridge heights of 7.20 metres to 9 metres. This range would allow for a range of pitches to be explored at the design stage. The footprint limits offered would be 65 m² to 80m².
- 6.18** The proposed units would offer a setback of approximately 30 metres from the highway, which would be consistent with the existing pattern of development and the location of 403 Newport Road. The setback would allow for a 10-metre boundary treatment to be retained and managed adjacent to the highway, with the access road serving all the properties to be sympathetically designed through a further landscaping proposal, to ensure that screening is effective and of a high quality. The proposed parking would be located to the front of the properties and thus would be positioned approximately 17 metres from the highway of Newport Road.
- 6.19** The semi-rural nature of the site would be retained through the retention of the hedgerow to the principle elevation and only a section would be omitted to provide the single access point to serve the proposed four dwellings. The access arrangement would run parallel behind the hedgerow and therefore the retention of the vegetation would be in keeping with the frontages of this section of Newport Road and also provide natural screening for the dwellings in this location. As such, given the maturity of the boundary and the relationship within the site, the proposed section of hardstanding would not be highly visible or dominant within the streetscene and thus would not detract from the pleasant visual amenity of the locality in relation to the aims of Policy DM2 of the Island Plan.
- 6.20** The development of the four units would sit adjacent to residential property, No. 403 and the development would lay opposite residential unit No. 424 when considering the positioning of the last proposed dwelling, 'Unit 4' of this proposal. As such, whilst the development would take place in a undeveloped site, officers are of the opinion that the establishment of these further four units would not extend beyond the existing visual boundary of residential development. The proposed units have been designed to be sympathetic to their surroundings, whereby both sides of the highway would now progress in equal partnership into open, and rural space and this development would not elongate the positioning of residential properties over and above the existing situation when considering the built form on the eastern side of Newport Road.

- 6.21** Concern has been raised that the proposed development would result in an extension of built form into open and undeveloped space, which would see the reduction in the space between the towns of Cowes and Newport and provide for a coalition of the two settlements. Officers are of the opinion that there would not be an extension of ribbon development as noted within the representations. As such, whilst there are fewer properties on this side of the highway of Newport Road, the positioning of established residential units occupy land this far south on the opposite side of the highway and thus the resulting built form would not visually erode and diminish this current 'end' point to properties leading out of Cowes.
- 6.22** Instead the four units would be contained within a streetscene encompassing residential development, and thus the delivery of these units would not visually alter the settlement definition, and the units would be positioned to occupy a piece of land which does not extend the current built form. Therefore, the development is considered to be sympathetic in terms of layout and position to complement the existing pattern of development and the aesthetics and representations.
- 6.23** Although each development should be considered on their own merits and on a case by case basis, in this instance it is important to draw from the findings of the 2020 Appeal Decision for two residential units on land adjacent to residential property, 424 Newport Road. Whilst it is important to recognise the differences in the proposal, mainly the Planning Inspectorates conclusion the proposed land in this previous instance constituted residential curtilage and not undeveloped, agricultural land, the proposed units were proposed to extend the southern boundary to a visually noticeable degree, over and above this proposal. Nevertheless, the Inspectorate concluded that *'I appreciate that the Council's spatial strategy notably seeks to retain visual gaps to prevent the coalescence of settlements However, as a significant degree of separation would be retained between Cowes and Newport as a result of the development, I am satisfied that the proposal would not be harmful in that regard'*.
- 6.24** Therefore, the proposed four units would not extend the visible end to the built form along Newport Road, and whilst concern has been raised in respect to the revised position of the access, which now sits to the south of unit 4 and thus marginally outside of the notable boundary line for Northwood, this would not appear as a dominant or adverse development that would conflict with the design aims of the Island Plan. Furthermore, if the two approved dwellings are built out opposite, then the building line would be extended beyond this access point and therefore reduce the perceived boundary encroachment further. However, if this is not built out, officers are satisfied that the positioning of the access would be a minor amendment which would not conflict with the surrounding open and undeveloped landscape and would be in accordance with the aims of Policies DM2 and DM12 of the Island Plan Core Strategy.

Impact on neighbouring amenity

- 6.25** There is an existing presence of units along the eastern section of Newport Road and the general principle of additional units in a linear format would have a comparable impact to the existing situation between properties located opposite

and the scattering of properties on the western side of the highway. Therefore, there would not be a harmful impact on amenity in terms of overbearing effect, loss of privacy or light in this regard with the positioning of the four units appearing in keeping and subordinate to their setting.

- 6.26** Therefore, based on the existing and proposed pattern of development, combined with the separation of the highway, suitable set back of the existing and proposed units, mature hedgerow and the ability to ensure further landscaping through mitigation measures at a planning conditions stage, the design of the development would therefore preserve amenity in accordance with the aims of Policies DM2 and DM12 of the Island Plan Core Strategy.
- 6.27** The retention of the northern boundary through the location of the protected trees, as discussed below, would ensure that amenity is protected when considering the closest dwelling 403 Newport Road. Furthermore, the separation distances through the course of the application have been extended through the removal of the original unit 1 and thus, subject to a forthcoming sympathetic design, mainly through fenestration detailing as part of a reserved matters application, the positioning is suitable in policy terms and the combined developments would protect amenity.
- 6.28** Any forthcoming planning application would need to ensure that suitable and effective facades and fenestration detailing would be illustrated to ensure that the development of the four units would protect amenity between each of the proposed plots. However, given the detached nature and the proposed separation distances between the plots, this is not considered to be an element which would cause harm in relation to the aims of policy DM2 of the Island Plan Core Strategy.

Highways considerations

- 6.29** The proposal seeks one means of access from the highway of Newport Road. The access road would run in a northerly direction to serve each of the proposed four units, and their separate parking spaces. During the course of the application, as a result of initial concerns being raised, the access location was repositioned further south, which has resultingly extended this section of the redline plan, as per the revised plans for this proposal.
- 6.30** Newport Road, Cowes is an 'A' classified public highway governed by a 40mph speed limit at the point in question. As such, the 101m visibility splays required for this speed limit have been assessed and are considered to be acceptable. The proposed turning heads are considered sufficient to enter and exit onto the highway in forward gear. Furthermore, the parking bays are sufficient in size and offer two spaces per dwelling, which meet the guidelines set out above. Additionally, the width of the service road is acceptable at 6.00 metres, which would allow refuse vehicles and fire appliance to access the site.
- 6.31** Island Roads have commented that the development does not reflect pedestrian crossing facilities to the eastern footway of Newport Road, and therefore it is recommended that this feature is incorporated into a layout scheme as part of the reserved matters application. A reserved matter would be subject to Island Roads

for comments and therefore the acceptability of this provision can be reviewed at a later stage to ensure highway safety and design criteria are met.

- 6.32** Overall, the consultee is satisfied with the development, subject to one planning condition relating to visibility splays. The application is therefore considered to be acceptable in highway terms and would comply with policy SP7, DM2 and DM17 of the Island Plan Core Strategy.

Ecology

- 6.33** Third parties have raised concerns that the proposal would result in an adverse impact on wildlife, with particular reference to the loss of hedgerow to the frontage of the site as well as open space which supports wildlife within the existing field which makes up the application site.
- 6.34** The initial consultee comments received from the Ecology Officer raised the need for further ecological information in the form of an appraisal. This was submitted as part of an Eagle Eye Report- dated December 2019 in which a walk over survey of the site and an assessment of the impacts provided. As a result of this survey, the Ecology Officer raised some further comments on the report findings.
- 6.35** For clarity, these were the following points:
- The need for a further assessment of the badgers within the locality and how the identified Badger sett would be avoided.
 - The need for a Dormouse survey, given the impact a section of hedgerow to facilitate the access would have on the species
 - Potential for reptiles has been established, but not been thoroughly assessed- the impacts would need to be assessed
 - A net gain of 40% has been calculated, however the baseline assessment has not been provided to support this- future residential gardens cannot be included as their uses cannot be controlled
 - Impacts from the operation of development have not been assessed.

As a result of these findings, further information was submitted in the form of a Badger Report and a Dormouse Survey, the need for the Reptile Report was discussed between the Ecology Officer, Eagle Eye and the agent for the proposal and it was confirmed, whilst this is a survey which is required for the support of the proposal, subject to findings, it is a survey that could be carried out as part of the Reserved Matters planning application stage and therefore it was mutually agreed to be omitted from this outline consent proposal.

- 6.36** The subsequent Badger and Dormouse reports were nonetheless presented to the Local Planning Authority in August 2020 for review of the Ecology Officer. As a result, the comments were updated and in regard to the Dormouse Survey, the findings show that there would be a loss of 5 metres of hedgerow and that 2 finger-tip searches were carried out in April 2020, with no evidence of dormouse presence being recorded. As a result, the Ecology Officer confirms that a suite of mitigation and enhancement measures, which are proposed within the report should be conditioned to ensure that any potential dormouse habitat is protected through development. These measures should be carried out in full to cover the

following measures: protection of all boundary hedgerows, supplementary planting to include species suitable for dormice, future management to allow flowering and fruiting and awareness of the species during clearance and development procedures.

- 6.37** The initial Badger Report received in August 2020 generated the following comments from the Ecologist stating that there is an active sett on the site and that a range of avoidance and mitigation measures are proposed within the report, although there is some concern over the identification of the specific impacts of the development on the setts. Measures for effective working on site within 10, 20 and 30 metres of the sett have been identified and what type of machinery can be used. The need for a licence to be obtained from Natural England would need to be secured for the closure of the sett, but regardless of this approach compensatory measures would need to be secured through condition at the planning stage. The Ecology Officer confirmed at this stage that further details were still required in terms of the strategy for closing the badger sett, if this was the route in which the applicant wished to proceed with.
- 6.38** In light of the above concerns and comments, the agent did discuss with the officers about potentially staggering the proposed four units and allowing for suitable separation distances to accommodate the recognised badger sett. However, for practical reasons and to essentially avoid the potential loss of unit 3, which was identified as being a proximity concern, the agent confirmed that in order to progress the application, the project would encompass the relocation of the Badger Sett elsewhere on the applicant's land. Given the documented activity, the applicant would seek to build a new sett in line with guidance from Natural England.
- 6.39** The agent has provided a Sett Relocation Strategy, which would be included in the subsequent detailed application if outline planning is approved. Officers considered that a method statement would be required at the outline planning stage and therefore Eagle Eye prepared a sett closure/translocation document demonstrating a detailed method statement and programme for implementation. This document was received on the 26th March 2021 outlining how the sett is a subsidiary sett and would be able to be closed without the need for an introduction of an artificial sett. The main sett was identified within the report as being along the Western boundary of the site and therefore it has been recommended within the findings that a 30-metre buffer zone from the development has been shown on a further plan.
- 6.40** Furthermore, some badger activity was noted on the northern boundary by the ecologist preparing the report and as a result a buffer corridor has been demonstrated on this section of the plans as well in an attempt to maintain undisturbed movement of the badgers in this locality. The Ecology Officer has reviewed this further information and concludes that a main sett is located in woodland at the boarder of the site, and this would remain protected and it is proposed that enhancements for badgers are provided on site. The officer is now satisfied that the measures outlined in the Badger Mitigation Methodology Report (Eagle Eye, March 2021) ensure the protection of badgers as legally required. For clarity, the following measures are required and should be secured via

condition:

- Sett closure to be completed under Natural England license and in accordance with the plans submitted.
- Sett closure to occur between July and November only.
- Landscaping plans to be submitted showing proposed enhancement planting.

6.41 As such, the Badger and Dormouse aspects of the proposal have been addressed through the course of the application and officers are satisfied that further measures can be secured by condition through a Reserved Matters application. Nevertheless, officers have been presented with all the necessary and relevant information at this stage in order to make an informed recommendation on the proposal for four residential units. Whilst the initial comments from the Ecology Officer raised some concern over the net gain of biodiversity and how this has been calculated, this is not a measure that officers can ask to be provided to any further extent at this stage. The details nonetheless of net gain can be controlled and demonstrated through a planning condition which would incorporate planting, landscaping and implementation to meet the aims of policy DM12 of SP5 of the Island Plan Core Strategy.

Trees

6.42 The original submission reflected outline plans for five detached units in which the Tree Officer considered and provided initial comments stating that whilst the majority of the application site is representative of a field, there are a significant line of trees which occupy the northern boundary of the site. These trees provide natural definition and screening between the application site and the neighbouring residential property, No. 403.

6.43 On review of the trees, the officer confirms that there is a mix of indigenous specimens and exotic specimens forming a well treed boundary seen from the Newport Road. Many of these trees are of a good quality and important to the character of the area and as a result, the officer considers that several of the trees individually are worthy of a "B" grade at least, and collectively they could be seen as being worthy of a "B2" grading. Therefore, any development would need to ensure the protection of the trees of this boundary and the arboreal character they provide the wider area.

6.44 The officer further commented that the proposal was omitting arboricultural information, however, the outline plans still indicated that there would be a detrimental impact on the longitude of the heath and presence of a number of the trees occupying the northern boundary. The officer clarified that the proposal as presented in this original form would result in the unacceptable loss of arboreal amenity, rural character and screening of the adjacent property.

6.45 As such, the officer advised that a Tree Survey should be undertaken and the constraints of the findings identified and presented and from this information the density of the housing proposed should be calculated, whilst retaining the important tree cover as identified.

- 6.46** As a result of the above, further information was submitted and the Tree Report identified that unit 1, the plot adjacent to No. 403 of the five dwellings would have a conflicting impact on a protected Oak on the basis that the proposed dwelling would encroach on the Root Protection Area, with the tree being considered a high amenity tree. The extent of the encroachment was considered by the officer to be to an unacceptable level and thus the development would have an adverse impact on the trees roots through actual damage and covering a large area of potential nutrient uptake impacting on the long-term health of the tree.
- 6.47** The same dwelling was identified to be positioned under the canopy of the tree making it necessary to reduce the tree significantly impacting on its form and amenity. It was also considered that T2 and T3, another Oak would overhang the garden of unit 1, by at least 50% of its capacity and as such cause very high levels of shade to the garden making it unusable. As a result, the Tree Officer highlighted that it would be probable that the house would also suffer unacceptable shade level due to the proximity of the trees to the rear elevation. Due to the proximity of protected tree T2, there would also be a dominance issue to the house. As a result, the layout for five dwellings would not be considered suitable, as there would be a detrimental impact on the health of the tree, and it would be likely that it would deteriorate over time or would have to be removed in this instance.
- 6.48** In light of the above assessment, the proposal was amended and subsequently unit 1 was removed from the outline consent sought. The Tree Officer has reviewed this revised layout plan and confirms that the block plan for the dwellings now addresses the previous concerns raised. As such, the removal of a dwelling in this position adjacent to the northern boundary would ensure that there would be a harmonise relationship between the protected tree 'T2' and the nearest dwelling. Furthermore, there would be in excessive of a 2-metre crown clearance and therefore the tree can be reasonably managed.
- 6.49** Additionally, for further protection the Tree Officer has advised that prior to development starting additional trees in this northern boundary would be T.P.O to enable to health and retention of these trees in a changed environment and support the aims of Policy SP5 and DM12 of the Island Plan.
- 6.50** The Tree Officer also commented on the health of tree T1, which occupies the entrance to the site. This tree is proposed to be removed to establish a safe visibility splay when exiting the site. However, the Tree Officer confirms that it is probable that the tree would have to be removed even if the development did not occur as there is a large cavity in the trunk making it unstable. Given its location there is a risk it could collapse into the road if left and therefore given its proposed removal is incorporated into the development proposal, the loss can be effectively mitigated for in the landscaping of the site.
- 6.51** In conclusion, the revised layout has overcome the previous concerns raised by the Tree Officer, there would be a minimal impact to the trees of high amenity as long as the guidance is the most recent tree report is followed. As a result, a method statement (including fencing) condition is recommended which would ensure that no development would occur until details of the existing trees would

be managed on site during construction works in order to protect amenity in accordance with the aims of Policies SP5 and DM12 of the Island Plan Core Strategy.

Other matters

- 6.52** Policy DM4 (Locally Affordable Housing) of the Island Plan requires financial contributions towards the delivery of affordable housing for minor developments. The Council's Affordable Housing Contributions SPD sets out the level of contribution required for new housing development. The applicant has provided confirmation that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the required contribution. In this instance the applicant has entered into the Legal Agreement and therefore fulfils the requirements of meeting the aims of Policy DM4 of the Island Plan Core Strategy in this instance.
- 6.53** The application site is located within the identified Solent Special Protection Area buffer zone. As such, a mitigation payment towards the Solent Special Protection Area Project would be required in relation to the development to mitigate the impact of the development on the Solent Special Protection Area in line with the requirements set out in the Bird Aware Solent Recreation Mitigation Strategy. In this instance, the applicant for the scheme has entered into the Legal Agreement which would secure payments on commencement of the development and therefore meets the needs of the Protection Area, offering suitable mitigation in this instance.

7 Conclusion

- 7.1** The proposed development of four dwellings would assist in meeting the housing needs of the Island in a sustainable location with good access to services and facilities as well as public transport. It is considered that the proposed houses would be a suitable size, scale and design in relation to the surrounding area while not degrading the wider landscape character of the area. The proposed development would not compromise the amenity of nearby properties. The site would be served by suitable means of access and parking areas and not harm ecology or trees on site through the implementation of conditions and a reserved matters stage. Therefore, having given due weight and regard to all material considerations, for the reasons set out above, the proposal, subject to the recommended conditions, is considered to comply with the requirements of the policies listed within this justification.

8 Recommendation

- 8.1** Conditional Approval subject to a Unilateral Undertaking to secure an affordable housing and SPA mitigation contribution.

9 Statement of Proactive Working

9.1 ARTICLE 31 - WORKING WITH THE APPLICANT

In accordance with paragraphs 38 of the NPPF, the Isle of Wight Council takes a positive approach to development proposals focused on solutions to secure sustainable developments that improve the economic, social and environmental conditions of the area. Where development proposals are considered to be sustainable, the Council aims to work proactively with applicants in the following way:

- The IWC offers a pre-application advice service
- 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

The application was deficient in information relating to access, trees and ecology. Further information provided during the course of the application that overcame the Council's concerns

Conditions

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

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

2. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: In order to secure a satisfactory development and be in accordance with policy SP1 Spatial Strategy and DM2 Design Quality for New Development of the Island Plan Core Strategy.

3. The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered:
 - Outline Site Proposals, Drawing No. 0002, Rev P7,
 - Proposed Western Buffer Zone. Drawing No. 0003 Rev P2
 - Tree Survey and Constraints Plan, Rev A (Received 11 August 2020)
 - Eagle Eye Dormouse Survey – Dated 04 August 2020
 - Arboricultural Report Dated 8 January 2020- Rev A- Received August

2020

- Site Location Plan- Site Block Plan, Drawing No. 0001, Rev P3 (Received January 2020)

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.

4. No exterior work to construct the dwellinghouses, or exterior paths hereby permitted shall take place until samples of materials including mortar colour relating to the external surfaces and the roof materials are provided, alongside details relating to rainwater goods to be used in the construction 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

5. No development shall take place 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 to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

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

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

7. The building hereby permitted shall be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping in accordance with the principles shown on the approved plans and supporting information. 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, To provide suitable habitat buffers 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 Preliminary Ecology Appraisal and include detailed ecology surveys that build upon the Appraisal. 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 (in combination with condition 7) to ensure ecological enhancement
- If during any stage of development of the site protected species are identified, an ecologist should be contacted to ensure compliance with wildlife regulations, including periods when works should cease due to nesting and hibernation seasons.

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

9. Development shall be carried out in accordance with the mitigation and

enhancement measures set out in the Preliminary Ecological Appraisal, dated December 2019.

Reason: To protect the environment and existing wildlife, and legally protected species in accordance with the aims of Policies SP5 (Environment) and DM12 ((Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

10. Development shall be carried out in strict accordance with the mitigation measures, licencing, badger sett closure and timetable of works set out in the Badger Mitigation Methodology Report (dated 24 March 2021).

Reason: To protect the environment and existing wildlife, and legally protected species in accordance with the aims of Policies SP5 (Environment) and DM12 ((Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

11. Prior to work commencing on site details of the proposed means of surface water drainage based upon sustainable drainage principles shall be submitted to the Local Planning Authority for agreement in writing. Such details shall include calculations, detailed designs, measures relating to the design and maintenance of any on-site SUDS facilities, a phasing plan and timetable for the delivery of any required infrastructure. The agreed details shall be installed during the development of the site in accordance with agreed phasing plan for the drainage infrastructure, unless otherwise agreed in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the means of foul and surface water drainage for that dwelling has been installed.

Reason: To ensure a satisfactory means for the disposal of surface water from the development, and to minimise the risk of flooding. In accordance with Policy DM14 (Flood Risk) of the Island Plan Core Strategy and Government advice contained within the National Planning Policy Framework 11.

12. The development shall not be occupied until sight lines have been provided in accordance with the visibility splays shown on the approved plan DR A 0002 Rev. P7 Nothing that may cause an obstruction to visibility when taken at a height of 1.0m above the adjacent carriageway / public highway shall at any time be placed or be permitted to remain within that visibility splay.

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

13. No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The details shall confirm the Waste Water Treatment Works (WWTW) that will treat drainage from the development. Should the development be served by a WWTW other than the Southern Water facility at Sandown and discharge drainage into the Solent, details of a nutrient budget to prevent harmful

impacts on the integrity of the Solent and Southampton Water Special Protection Area (SPA) shall be provided. 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.

14. 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 E of Part 1 of Schedule 2 to that Order shall be carried out other than that expressly authorised by this permission.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fencing, wall or other means of enclosure (other than that expressly authorised by this permission) shall be erected, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and to protect sight lines for the parking spaces hereby permitted in accordance with the aims of policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

Informatives

1. No excavation, mounding or tree planting should be carried out within 6 meters of the public water main without consent from Southern Water.
- No new soakaways should be located within 5 meters of a public water main.
 - All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.
- Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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2. The finalised layout, drainage, construction and off-site highway improvements shall be dealt with under reserved matters to meet highway safety and design standards.