

**UPDATE FOLLOWING THE PUBLICATION OF A REPORT TO THE PLANNING COMMITTEE  
– TUESDAY 27<sup>th</sup> July 2021**

1. 20/01061/FUL Demolition of agricultural buildings and the garage to No 125 Marlborough Road; Proposed development consisting of 473 new dwellings (single and two storey dwellings (inclusive of 35% affordable housing) and inclusive of the conversion of the Coach House into pair of semi-detached dwellings; (leading to a net gain of 472 dwellings), single storey café and two storey doctors surgery and B1 office space with associated site infrastructure (inclusive of roads, parking, photovoltaic pergolas, garages, bin and bikes stores, below ground foul waste pump, electric substations, surface water detention basins and swales, landscape and ecological mitigations and net biodiversity enhancements); Proposed vehicular accesses off Bullen Road and Appley Road; Proposed public open spaces, Suitable Alternative Natural Greenspace and Allotments; Proposed three public rights of way; Proposed access, parking and turning for No 125 Marlborough Road and associated highways improvements at Land south of Appley Road, north of Bullen Road and east of Hope Road (West Acre Park), Ryde, Isle of Wight

**Nature of Representation**

Councillors may be aware that the National Planning Policy Framework (NPPF) has been updated between the publication of the report and the meeting. The main emphasis of the changes involves the requirement of Local Authorities to produce Design Codes in line with the National Design Guide and National Model Design Code, to help achieve high quality, beautiful and sustainable buildings and places. The LPA will be looking at fulfilling this requirement separately, but in the meantime will require developments to comply with these principles.

The relevant section of the report on National Policy has referenced paragraphs from an older version of the Framework (2012), rather than the recently superseded version and is therefore entirely out of date. The below therefore represents a complete replacement to the relevant national planning policy section of the report to account for the changes

made within this national policy document, as well as other individual paragraphs within the report, which reference policies within the NPPF, and amendments have been made:

## **4 Development Plan Policy**

### National Planning Policy

**4.1** At the heart of the NPPF (2021) is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay, or where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

**4.2** Paragraph 8 sets out the three overarching objectives to achieving sustainable development. These being:

“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

**4.3** Paragraph 9 clarifies that “These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

**4.4** Paragraph 110 sets out that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport
- d) elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- e) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

**4.5** A key additional consideration to achieving high quality, beautiful and sustainable places is the acknowledgment of the important contribution that trees makes to the character and quality of urban environments, and the role they play to help mitigate and adapt to climate change. Paragraph 131 sets out that “Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

For ease of reference the amendments to the below paragraphs have been shown in italics:

**6.8** Taking this into account, the sustainability guidance contained within the NPPF and particularly *paragraph 105* should be noted, which states that ‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.’ Thus, for larger developments, the Planning Authority expects connection to a range of transport modes and to limit car travel.

**6.42** The submitted information evaluates the overall sensitivity of the landscape resource as medium. It sets out that the site is characterised by open grassland fields, contained by areas of woodland and hedgerows. There is currently no public access to the site, and whilst the site has special scenic qualities, it is not unique or rare. The site does not contain any demonstrable physical attributes that would allow it to be defined as a ‘valued landscape’ as per *paragraph 174(a)* of the NPPF. Officers concur with this conclusion.

**6.184** With regard to the impact of noise from the Trucast factory Environmental Health note that the content of *paragraph 187* of the NPPF and particularly the statement that “*Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its*

*vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."* Consideration has been given within the submitted documentation, in respect of the impact on the residential properties, but not the impact on the doctors' surgery and office building, which Environmental Health consider should also be classed as a sensitive receptor. In this regard a condition is recommended to ensure that noise mitigation measures are incorporated into the resultant build structure.

**6.193** *Paragraph 203* of the NPPF sets out that: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." In this instance officers consider that the benefits of the proposed development in meeting the Island's housing need, especially the delivery of affordable housing, outweighs the impact on the historic field pattern. The Northern Lowlands Historic Environment Action Plan (NLHEAP) outlines that this character area covers 37% of Isle of Wight land, it is therefore not considered to be rare on a local level. The NLHEAP identifies individual elements are rare nationally or locally but as a whole contains components typical of English lowland landscape. Such features as the northern boundary of Parkhurst Forest and the town plan for Newtown are identified as rare. Typical features of Area (distinguishing it from other HEAP Areas on the Island) are the generally small and small-medium fields, the well-wooded landscape, the variety of historic towns and other settlements, the long coastline, and access to the sea from the Area's hinterland via tidal inlets. In light of the above the non-designated landscape asset of the fields within the site is not considered to be of significance. Therefore, although the impact may be considered significant it would not be classed as substantial harm and would be outweighed by the more significant benefits of the proposed development.

### **Officer conclusion**

The proposed development is considered to comply with the revised Framework through the existing proposed sustainable transport improvements, including the production of a Travel Plan and the appointment of a Travel Plan Coordinator (TPC) who would be responsible for the implementation and management of the Travel Plan, to encourage the uptake of the proposed sustainable transport initiatives. The scheme also proposes the retention of so many trees as possible as well as the incorporation of significant landscaping including treed street scenes, newly planted trees in areas of public open space and a plan for their long-term maintenance.

### **Nature of Representation**

A further representation has been received from Cycle Wight clarifying their support for the proposal, commenting that "We have now had several meetings with BCM and

Captiva Homes where we have worked on the plans for cycling and walking in the Development. We have welcomed this approach and support many of the aspects of the designs proposed. They have embraced the new DfT design guidelines of LTN 1/20 and we hope that the detailed plans will reflect those standards. We do believe that Dutch entrance kerbs, which are now available as a mainstream UK product <https://www.aggregate.com/products-and-services/commercial-landscaping/kerbs/dutch-kerb> , will help Captiva Homes provide a safe environment for pedestrians and cyclists. As a group, we believe with the many developments that are occurring on the Island, at the moment that Captiva Homes and BCM have shown an excellent example of good practice.”

### **Officer conclusion**

Comments to note.

### **Nature of Representation**

A late representation has been received on behalf of the applicants of the Pennyfeathers site, expressing concerns on highway grounds. Comments suggest that the report relies on background papers, which are not publicly available, making direct reference to paragraph 6.150 of the report. Furthermore, comments consider that the proposal does not following legislation on two counts. Firstly, stating that planning permission should not require consent of third parties and secondly that planning conditions should not simply be collected for a scheme unless there is a clear scheme in place. The comments go on to makes suggestions of the options available to councillors including deferring, grant permission subject to a Grampian condition requiring Westridge junction works to be delivered before the commencement of development on site or to refuse the application on highway grounds.

### **Officer conclusion**

Officers would dispute that the report relies on background papers that are not publicly available. The report references a study which has been commissioned to establish the costs associated with the detailed design of the junctions, in order to establish an appropriate cost for these works, to ensure any contribution is commensurate to this cost. The application documentation includes plans showing detailed improvements of the key junctions (Westridge Cross and Great Preston Road/Smallbrook Lane). These include works approved as part of other schemes in the area, none of which provided detailed highway designs, but simply showed that the principle of the improvements was possible and would provide the required capacity on the network. These principles have been accepted as the nature by which these junctions would need to be altered to achieve the required capacity from the increased traffic generation. The principle designs are therefore available for consideration. The recommendation is conditional permission subject to a Section 106. This legal agreement would set out the overall cost the development would need to contribute. The applicant has undertaken their own assessment of these costs, which would be in the region of £777,000.00 (both junctions).

The submitted details also provide capacity information with and without various other developments that have consent. This demonstrates that the proposed development

would see the construction of 100 units prior to works being needed to Great Preston Road/Smallbrook Lane and 400 units prior to the works on Westridge Junction. In light of these numbers it would be entirely unreasonable to require no works until the junction improvements have been undertaken, as suggested. It is noted that these figures relate to the number of units on site without Pennyfeathers, as this development would be required to do such works in the event that it is commenced prior to these triggers.

An application cannot rely on third party land if there is no prospect of the works being achieved/agreed. On the basis that the highway works have been approved as part of an alternative development and further permission has been approved for improvements to Westridge Cross in isolation, it cannot be suggested that there is no prospect of the works being undertaken/achieved.

### **Nature of Representation**

Seven emails have been sent to the Leader of the Council and four additional public representations have been received objecting to the application, but do not raise additional grounds to those already summarised in the report or matters, such as the number of objections, which is not a material planning consideration.

### **Officer conclusion**

No change to recommendation.

### **Nature of Representation**

The agent for the application has provided further comments on the report and the revised NPPF which can be summarised as follows:

- For clarification, all of the 'multi-user' routes are suitable for pedestrians and cyclists and would be available for existing and proposed residents, taking a 'walking and cycling first' approach, as per the NPPF, paragraph 112(a)
- Contrary to section 5.18 of the report, Cycle Wight support the application
- In section 6.37 of the report the word 'not' is missing from the penultimate line, which should read "the area which would be lost would [not] impact to an unacceptable degree to the understanding of the landscape character area"
- Section 6.93 – To supplement (and identical to phase G) there would also be a 5-metre-wide planted buffer along the southern boundary of the site.
- The Council is in possession of the applicants off site highway junction costs and detailed junction designs. These correlate with the work commissioned by the Council. This ensures the development can mitigate its impact.
- The example of (as shared ownership) in section 6.199 should read (e.g. shared ownership), as other forms of sale of affordable housing is possible. The applicant is happy to define and agree with the Council the full scope of all tenures within the Section 106 agreement.
- Highlight sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making

effective use of land) and 12 (Achieving well-design places) of the revised NPPF. The proposal complies with these sections.

- Important to highlight paragraph 8 of the revised NPPF and the overarching purpose to achieve sustainable development; split between economic, social and environmental objectives. It would be prudent to highlight those objectives to the planning committee, as this then must be read against para 10, and then (importantly, for the decision maker) para 11 (d) and the titled balance applied.
- As the NPPF has placed enhanced weight to well-designed places (section 12) reference is made to the inclusion of trees throughout the development and the SANG.
- The report is silent on the draft allocation of the site within both the 2018 and the 2021 Regulation 18 consultation papers of the Island Planning Strategy.
- The Council have offered considerable support and provided a policy based (favourable) balance, but attention is drawn to para 11 (d) which elevates the required balance confirming that consent should be granted (as per the recommendation) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Officer conclusion**

The comments from Cycle Wight have been clarified above but the errors identified as being within 6.37 and 6.199 are correctly identified and the report should be considered as amended accordingly.

No other changes to report or recommendation are arising.

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