

Reference Number: 21/00357/FUL

Description of application: Residential development comprising of 44 dwellings with access from Birch Close; access roads, parking, and landscaping (Amended Layout, Revised Design, Updated Ecology Report - Archaeology Report) (readvertised application)

Site Address: Land to The East of Birch Close and North of Solent Gardens
Freshwater Isle of Wight

Applicant: Tallulah Estates Limited

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 street scene and surrounding area
- Impact upon the amenity of nearby residential occupiers
- Highway considerations
- Ecology and trees
- Drainage matters
- Rights of way
- Environmental health and noise considerations
- Nitrates impacts on designated sites

1. Location and Site Characteristics

- 1.1** The application site is located north of Colwell, a coastal hamlet that comprises a mix of residential properties dating from the 19th Century. The site is positioned on the eastern side of Colwell Road and accessed via Birch Close. Additional new residential developments have occurred within the vicinity of Colwell Road recently, including the nearby larger developments of Meadows and Green Meadows, both west of the site.
- 1.2** The application site is located adjacent to Solent Gardens which is south of the development, and west of Heathfield Farm Camping Site. There is also a row of

bungalows to the west of the site, which front onto both Birch Close and Colwell Road. As such, existing built form can be noted on three sides of the proposed application site and in total the land equates to 1.52 Hectares.

- 1.3** The bungalows to the west of the site include shallow rear gardens that adjoin the western boundary of the site. The rear windows of that serve these properties aspect towards the site, which at this point is enclosed by low fences. The houses within Solent Gardens are aligned so that their main elevations face east and west, and therefore the gables of these two storey terraced houses face the site.
- 1.4** In terms of the characteristics of the site, the land rises notably in an easterly direction. Across the width of the site, the land rises by approximately 5 metres when considering the 110.00-metre width and in respect to the 165.00 metre length of the site, the land would vary between 3.00 and 4.00 metres in this instance. The site currently consists of overgrown farmland, with the boundaries formed of a mix of fences, trees and scrubby hedgerows.

2 **Details of Application**

- 2.1** The proposed development has been amended over the course of the application and the resulting proposal of 44 residential units is now presented. As a result, the density of the development would be 28.89 per hectare, as opposed to the previously calculated density of 32.64 dwellings per hectare.
- 2.2** The application consists of a variety of 1, 2, 3 and 4 bedroomed properties, with the density of properties favoured slightly within the southern section of the site. To the west of the site, chalet bungalows have been incorporated into the development through the submission of revised plans and the density and scale properties along this section of development reduced.
- 2.3** The proposed units would be developed off of Birch Close, and around a purpose built circulatory road. The majority of the central units would be formed out of two storey semi-detached pairs in which the dwellings would sit back-to-back, with a linear form of development to the south of the site, incorporating small, terraced rows. The sole apartment block would be located to the north of the site and would be finished to appear as a two storey dwellinghouse. A mix of semi-detached and detached three bedroomed chalet bungalows, with habitable rooms on the ground floor, would be located on the western section of the development.
- 2.4** The proposed units have been collectively designed to be set back from the new road system, allowing for open front curtilages, parking mainly to the sides of properties, with space for landscaping and street trees to be included.

3 **Relevant History**

- 3.1** No relevant history.

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.
- 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.

Local Planning Policy

- 4.4** The Island Plan Core Strategy identifies the application site as being located adjacent to the defined settlement boundary and within the West Wight Smaller Regeneration Area. The site is not designated for any other reason but is within 5.6km of the Solent and Southampton Water Special Protection Area (SPA). The following policies are relevant to this application:

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

DM14 - Flood Risk
DM17 - Sustainable Travel
DM22 - Developer Contributions

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.
- 4.9 LPAs Position Statement on Nitrogen neutral housing development.

Neighbourhood Plans

4.10 Freshwater Neighbourhood Plan

Policy FNP 6 (High Quality Development) of the Neighbourhood Plan requires the design, location and layout of all development to have regard to the distinctive character of the area, respect the local settlement pattern, protect and enhance landscape and biodiversity and conserve valued views.

Policy FNP 7 (Transport) supports development proposals that will promote, protect and maintain local footpaths and the cycle network. The policy also states that any new development that generates increased need for parking must provide a satisfactory amount of suitable off-street parking.

Policy FNP 12 (Natural Environment) requires all development throughout the Parish to protect and, where possible, enhance biodiversity and ecological networks including wildlife corridors such as hedgerows and water courses.

5 Consultee and Third-Party Comments

Internal Consultees

- 5.1 Island Roads have considered the proposal and confirm that subject to a number of conditions, the development would be acceptable.
- 5.2 The Council's Ecology Officer has recommended conditions, if approved, to secure the applicant's proposed ecological mitigation and enhancement for this site.

- 5.3** The Tree Officer has reviewed the application and considers that the management of existing trees to be acceptable and subject to street trees being incorporated into a landscaping plan, the development could be supported.
- 5.4** The Council's Archaeology Officer has considered the development and notes the features of the site and as a result recommends three planning conditions if the scheme is approved.
- 5.5** Environmental Health consider the development acceptable subject to a management condition for the site to be applied if approved.

External Consultees

- 5.6** Natural England have requested details of how the waste-water from the site would be dealt with. It should be noted that Southern Water have confirmed that waste-water would be directed to the Sandown Waste Water Treatment Plan.
- 5.7** Southern Water confirm that from their investigations that they can facilitate a connection to proposed development. Southern Water require a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.8** Hampshire and Isle of Wight Fire and Rescue have not objected to the development and confirm that the proposal should meet the requirements under Approved Document B, Vol 1 Section 13 of the Fire Authority's Views on Compliance with Part B Fire Safety.

Parish/Town Council Comments

- 5.9** Freshwater Parish Council have raised objection to the development on the following grounds:
- The density hasn't significantly reduced therefore the original comments still stand
 - The development doesn't meet the local housing needs
 - Site is within the Solent Nutrient Impact Area
 - This area of Colwell is known to be over sewer capacity already, leading to regular discharges of raw sewage into Colwell Bay
 - Questions whether this development would be truly nitrate neutral, regardless of any proposed mitigation measures or the assumption that the sewage in question would be treated at Sandown works
 - If lack of sewer capacity is not judged to be a material consideration in the determination of this application, the additional ecological impact of the proposed development would be

Third Party Representations

- 5.10** The following summarised 149 representations (due to the application being readvertised, some third parties have commented more than once) have been made on the proposal which has been readvertised three times over the course of the application.

- Overdevelopment of the land
- Density is too high
- Lack of privacy
- Drainage and potential flooding concerns
- Increase in traffic causing congestion, increase in construction traffic through Birch Close
- Implications for Birch Close residents, Birch Close will no longer be a Close
- Local objection- this being a major development
- Flats would increase the amount of people crammed into the site
- Flats are totally inappropriate/ out of keeping with other homes in the area
- Privacy issues for established residents
- This development would be overcrowded
- Potential for 120-200 new residents in this area
- Roofline of the new homes would be higher than existing properties
- Change to the vista would alter people's lives and the way they use their homes and gardens
- Parking concerns, adding to noise, pollution, parking need and safety issues
- There is only one GP practice-120-200 new patients for Brookside Health Centre would have a significant impact for the staff working there and for patients accessing treatment
- Lack of NHS and school facilities in the area
- Site is a natural green site
- Abundance of wildlife live, forage, or commute through it
- Several species of bat commuting and foraging on the site along with an exceptional population of slowworms
- Very rare species of wildflower have been noted on the site
- Up root slow worms
- Drainage network has been overwhelmed resulting in raw sewage overflowing onto Colwell Common
- New developments should not be permitted until this problem is overcome
- Mitigating and offsetting are not responsible for communities
- Highly unlikely that the homes would be affordable to local people
- Homes would be affordable and of interest to people seeking to purchase second homes or rentals
- The destruction of our much loved and valued local green spaces
- Government wants to end greenfield development
- Against Freshwater Neighbourhood Plan (objective 6)
- Drainage report is not up to date
- Not a clear assessment of the site
- Climate change would only make this situation worse
- Drains are old and not suitable for further development
- The proposed units are not sympathetic to the existing buildings nearby.
- The design of this development does not reflect that of the character of the local area
- The apartment blocks are not in keeping with the surrounding properties
- The revised plans do not address the issues
- Lack of privacy, overshadowing and an increase in noise pollution

- Overlooking windows would be against Human Rights Act
- Island Roads have identified and raised concerns regarding the safety risks of this proposed development, resulting in a long list of pre-conditions
- Developers remain to use some of the data from 2017
- 'Exceptional' population of slow worms (33 adults)
- Species protected under The Wildlife and Countryside Act 1981
- Light pollution- new properties and street lighting
- Two storey buildings when properties along Birch Close/ Colwell Road are bungalows
- Gardens would be overlooked
- Landscaping would need to be a high level and introduction of trees
- Emergency Services- would they be able to access the site?
- Site has a high-water table and is also clay
- Changes should be to bungalows and not chalet bungalows
- Land levels still cause problems
- If no parking is to be imposed on Birch Close- cause more parking on Colwell Road
- Double yellow lines also needed on Colwell Road
- Position of bins near to boundary
- How would the parking priority system be managed?
- Land ownership concerns on the entrance to the site
- The entrance is too small- no separate exit- harmful to existing residents
- Same problems as the Meadows development
- Conflict with the Draft Island Plan states: 4.80
- Next to another such field which has been described as suitable for development
- Contrary to the NPPF 174 and 179
- Conflict with UNESCO Biosphere status
- Freshwater is the 8th oldest village or town in England- development would attract elder people
- Not sustainable because there are not the jobs in this part of the island.
- Need more information on designated sites
- The area is already overdeveloped
- Do not need car dependent, low density, large scale housing estates on greenfield land that isn't built for Islanders
- Damage to tourism offer/appeal
- No open planning meetings to allow residents to review hard copies of documentation
- This is a small area of Freshwater- 164 new properties
- Nitrates
- Buses are finding using Colwell Road difficult due to the amount of traffic- this would add to the problem
- Only one access point to raise some crime/safety concerns
- Pressures to build new housing should not be at any cost
- No development until Southern Water improve/upgrade
- Residential amenity, now more than ever, has a significant and valuable
- Sits outside the West Wight Smaller Regeneration Area Settlement Boundary

- Urban sprawl
- Development does not respect local context
- Flood data needs to be more recent 2018 is not acceptable
- No development on Greenfields until improvements in flood risk made
- No more housing is needed in Freshwater: 538 houses in West Wight, Freshwater alone accounts for 390 of these
- No major developments should be added to the planning strategy that have not already been identified
- The proposal to develop this site is contrary to FNP12
- Would destroy beauty and character of the area
- Badgers are within the site
- Lack of affordable 1 or 2 bedroomed homes
- Rights of Way plans have not been shown- people can use this field for access
- Two of the new housing Developments haven't being fully occupied yet; i.e., Green Meadow- cannot identify the full impacts on drainage
- It floods during the winter and is not a suitable area for development
- Traffic plan is out of date- considerably more traffic
- Less properties still make the development overly scaled
- Freshwater population due to grow by 10% an astonishing rise due to new builds
- Yellow lines would not prevent parking
- Birch Close is on a bend, small pinch point entrance and exit for all the houses
- Birch Close serves five properties currently and this would considerably change
- Majority of the proposed sites in Freshwater are on green fields - contrary to the wants and needs of local residents and Freshwater Neighbourhood Plan)
- Build on brownfield sites
- Building properties which have been approved and yet are undelivered
- Regenerating areas such as Sandown and Newport
- Build for local needs only for the next 5 - 15 years
- Colwell has become overdeveloped
- Overlooking from two storey properties due to the topography of the land
- Shocking that new applications can cite existing residential developments such as Solent Gardens that will have been in a totally different era to justify their building density, likewise that Meadow Rise is cited to justify this development which suggest that any building application now submitted between here and Yarmouth will be destined for approval purely on the basis of what has been approved before, however long ago or more recent
- The land was part of a working farm
- Southern Water do not have capacity
- No continuous footpath- people expected to cross back and forth
- Limit mobility for people having to navigate the constrained pedestrian routes
- Bland, uniform, regular housing scheme

- No relationship with the semi-rural location
- Scheme is urban in design, high densities
- Luxury housing like this is not required
- Shortage of bungalows for older people
- Development should be a continuation from Solent View Road and not a development from Birch Close
- Green corridors have already been developed upon
- Endangered species are not being considered by planners and developers
- Community objection to this level should mean that local voices must be heard and respected
- Brownfield register is still being complete
- Pasture land is precious and irreplaceable

5.11 Robert Seely MP has objected to the development for the following reasons:

- The development will have a detrimental impact on the existing residents of Colwell Road, during both the build phase and thereafter.
- Residents of Colwell Road risk becoming overlooked given the proposed placement of houses to their east.
- Squeezing more and more houses into the few remaining green fields within our towns will destroy the quality of life that residents seek.
- The houses proposed are not for Islanders.
- They are predominantly 3- and 4-bedroom houses which the Island has in abundance.
- What we have a lack of on the Island are affordable 1- and 2- bedroom homes to accommodate Islanders young and old.
- We also need affordable homes.
- These are not affordable to Islanders who need homes.
- They are market houses targeted at people with money, likely those seeking to move to the Island as opposed to those already living here.
- The proposed application is the subject of a great amount of community objection from concerned residents. I feel strongly that local voices must be heard and respected in the planning process and, for these reasons, I hope that decision-makers will refuse this application.

5.12 The Badger Trust have made the following comments:

- The Ecological Appraisal was undertaken in 2017 and updated in 2018. [Officer comment - the report was updated in June 2021]. An updated badger survey needs to be undertaken before any planning decision is made to make sure that access routes from a nearby sett which was not identified in the Ecological Survey are not blocked by the development, so they maintain connectivity to existing foraging routes. [Officer comment - Details are updated in the Appraisal and conditions have been recommended to mitigate these issues].
- One of the proposed properties is proposed to be built quite close to where badgers are using a space underneath decking in a garden.
- We would also request that in the event that this planning application is approved it must be included into the planning conditions that during

development the areas identified as foraging corridors are kept clear from machinery and building materials and builders waste and are separated from the development. [Officer comment – The advised condition below would cover this request].

5.13 The Campaign for the Protection of Rural England made the following summarised objections to the development:

- Green space.
- Promote brownfield development as an alternative to the loss of greenfield space.
- More loss of the countryside on the Island.
- Local need. The majority of the proposed dwellings are 3- and 4-bedroom homes, which are not suitable for local families in the West Wight.
- Flooding and surface runoff.

On the basis of revised plans being submitted, CPRE provided the following comments:

- Welcomes the fact the developer has tried to overcome neighbour concerns by changing the plans and providing additional information.
- Number of houses within the plot is too large, and that this is the fundamental reason this application should not be approved.
- Plots 22,21,26,2,32 are still a significant concern- back-to-back distance, cramped, overlooking between the properties.
- The back-to-back distance is too close for a semi-rural setting.
- No. 32 is close to the neighbouring property in Birch Close
- Proposed would not overcome overlooking; this can only be overcome by significantly reducing the numbers of units on the site.
- Does not accord with the aims of the Core Strategy policy DM2.
- We do support the request of IR in improving links to public transport by creating new pavements.
- Improving pedestrian links into the nearby Solent Gardens estate, as this would make a safer walking route for residents from the site into Freshwater.

6 **Evaluation**

Principle

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 Freshwater Neighbourhood Plan (FNP) covers the area of the application site but contains no policies directly relating to housing provision. The site is defined as being located immediately adjacent to the settlement boundary, and thus in a sustainable location for new housing. However, this policy position should be taken in the context of the most recent housing needs assessment, Strategic Housing Land Availability Assessment

(SHLAA) and the Council's Five-Year Land Supply Update 2018. The latter of these documents outlines at paragraph 7.18 that "the Isle of Wight Council considers that it cannot demonstrate a five-year land supply as at 1 April 2018."

6.2 Further to this, the Housing Delivery Test (published 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.

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.

6.7 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.

- 6.8** 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. There are simply not considered to be sufficient brownfield sites available to accommodate the level of development required, to rely solely on these.
- 6.9** In terms of sustainability, the development would be a short walk from the Colwell Baptist Church, the beach of Colwell for outdoor amenity space, and within a suitable distance to bus routes, mainly the No. 7 route which offers up to half hour services during the day to both Totland/Alum Bay and Newport. The service runs into the early evening, until approximately 8pm and therefore this can be considered a reliable service for public transport connections. The pavements in the area are overlooked by housing and well-lit and therefore, acceptable for pedestrians at all times of the day.
- 6.10** Furthermore, future occupiers of the site could access existing shops and facilities within The Avenue, such as the Co-Op within approximately a ten-minute walk, with other commercial and retail businesses located within this area. In addition to the closer facilities, within an approximate 15-minute walk, the local leisure centre would be accessible, as well as the local Sainsburys, Freshwater Church, Health Care Centre and amenities such as cafes and restaurants.
- 6.11** Therefore, the proposed housing would be considered sustainable in terms of proximity to existing services and the routes would be served by existing pedestrian links as well as bus services. On balance, given the surrounding facilities available, in an area predominately made up of residential units, this proposed development would help to support existing local infrastructure and amenities, with the ability to walk and use public transport to access facilities within the town of Newport and further in the West Wight area in this instance.
- 6.12** The Council's Housing Needs Assessment (HNA) undertaken in 2018 indicates the following figures for market housing for the West Wight are relevant to this proposal:
- 1-bedroom – 7%
 - 2 bedroom – 33%
 - 3-bedroom – 44%
 - 4-bedroom – 16%

In regard to affordable sale the following is applicable for the West Wight housing needs:

1-bedroom – 20%
2 bedroom – 40%
3-bedroom – 30%
4-bedroom – 9%

6.13 In terms of affordable rent, in which this development identifies 6 units of this nature, the following was identified in the HNA for this type of housing need:

1-bedroom – 23%
2 bedroom – 40%
3-bedroom – 33%
4-bedroom – 4%

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.

6.14 The housing mix for this development can be specified as the following:

- 2 x 1 bedroomed apartments (All affordable rent)
- 4 x 2 bedroomed apartments (All affordable rent)

- 14 x 2 bedroomed houses (2/14 affordable sale and 2/14 affordable rent)
- 12x 3 bedroomed houses (5/12 affordable sale)
- 7 x 3 bedroomed chalet bungalows (No affordable provision)
- 5 x 4 bedroomed houses (1/4 affordable sale)

6.15 The HNA states that within the West Wight there is need for larger 3 bedroomed properties, with less of a focus on 1 and 2 bedroomed units and there is an increase in the need for 2 and 3 bedroomed affordable units. The proposal demonstrates a total of 19, three bedroomed units and 14 two bedroomed units and therefore over 70 percent of the units offered are of the most commonly required housing type as identified within the HNA and would closely match the housing mix of the area identified by the HNA. The level of affordability would meet the 35% requirement for onsite delivery in relation to the aims of Policy DM4 of the Island Plan Core Strategy.

6.16 In terms of housing need, Freshwater Parish Council highlight that the Housing Needs Assessment of 2018, indicates that 68 dwellings are required per annum across the West Wight and that the likelihood is that the majority of the units would be accommodated within Freshwater. The need is considered to be for smaller homes and for older people. The proposal in this instance seeks to include a mix of housing sizes and styles, with the inclusion of smaller, affordable sale and affordable rent units.

6.17 On balance, the proposed 44 units are located in a sustainable area that is immediately adjacent to the settlement boundary, with supporting transport routes and amenities of Freshwater nearby. The housing mix is reflective of the housing required for the West Wight and across the Isle of Wight. Having due regard to the above the application is considered to be acceptable in principle.

Impact on the character and appearance of the area

- 6.18** Policy FNP 6 (High Quality Development) of the Neighbourhood Plan requires the design, location and layout of all development to have regard to the distinctive character of the area, respect the local settlement pattern, protect and enhance landscape and biodiversity and conserve valued views. Policies DM2 and DM12 of the Island Plan require development proposals to be of a high quality of design, to compliment the character of the surrounding area, and to conserve, enhance and promote the Islands landscape. It should be noted that policy SP1 also states that in all cases development on non-previously developed land will need to clearly demonstrate how it will enhance the character and context of the local area.

Landscape character and context of the Area

- 6.19** The application proposes development of non-previously developed land and as a result it is accepted that there would be a change to the visual appearance of the area. In order to consider the impact of this change, it is necessary to also consider the quality of the existing area. The site is an open field with few landscape features, the topography of the land is variable from east to west, whilst an open field, in places the parcel of land has become reflective of denser vegetation cover.
- 6.20** The site does not benefit from being in a conservation area, nor does the field have any formal public rights of way across the land which currently connects housing or provides usable outdoor amenity space for local residents. As highlighted, the site is not located within or in close proximity to any designated landscapes, and the site is partially visible from surrounding roads and from curtilages of existing residential properties, namely those along Colwell Road and Birch Close.
- 6.21** On consideration of the site, properties are in existence along the western, northern and southern peripheries of the site and as such views from existing public vantage points are somewhat modest and screened in an area in which residential housing, as existing, encompasses the site on three sides. Therefore, the expansion of further residential units as part of this application site, would be in a section of landscape which is located within a largely residential area, and therefore the proposed 44 units could be developed to appear in context with this characteristic.

Scale and Density

- 6.22** It is recognised that there are a range of properties in the area, and whilst the access may be off of Birch Close which includes bungalows, the development would be set back and amongst existing built form in the locality, which consists of a considerable degree of two-storey properties of the area.
- 6.23** Officers do not consider there to be a strong pattern of development, within the area, as there is a mix of styles and age of properties, and further to this, there is not considered to be a strong architectural merit to the surrounding streetscapes.

- 6.24** As such, an introduction of 44 units, set back from the dominance of the public realm, offering a design approach which is varied, but not overly dominant and jarring in their formation would be considered acceptable. The proposed scale and density would allow for a sympathetic cohesion between the proposed units, and importantly, the existing units in which these dwellings would be located adjacent to. As highlighted, the designs would be variable and thus not bland in their setting.
- 6.25** A significant proportion of the properties to be developed would be set back from the surrounding streetscene, with a proposed gradual increase in the height of properties within the development when reviewing the site from west to east and thus further away from the streetscene of Colwell Road and Birch Close.
- 6.26** As such, the proposed chalet bungalows to the west of the site would blend with the scale of the bungalows within Colwell Road and Birch Close, providing a suitable transition of scale while also allowing for a buffer between existing properties along Colwell Road and Birch Close to screen the two-storey development to a degree and also limit the dominance of the larger properties which are being proposed within the central and rear sections of the development.
- 6.27** Third party comments have stated that the site would be more suited to solely bungalows and not two storey housing. However, the NPPF advises that sustainable sites should be developed in an efficient manner and Officers consider that while a balance of housing types are required, bungalows are land dominant and therefore, the use of the whole site for these would prevent its efficient use. Whilst Colwell and Birch Close may benefit from a number of bungalows to some extent, the surrounding streetscene is nonetheless more fluid than this, and the design approach should be read to incorporate the wider streetscape as opposed to simply characteristics of the entrance/exit point of the site.
- 6.28** Therefore, the development would not solely be designed in terms of scale and density in the context of Birch Close, which is a small existing formation of properties in which these 44 units would be incorporated by the wider built form. Furthermore, for the size of the parcel of land available, the development of 44 units is not considered to represent an overdevelopment, as the proposed plans do not reflect a cramped density.
- 6.29** On the basis that there is a need to consider the built form which would surround this development, providing a sympathetic formation and ensuring a realistic balance of housing types are secured, this proposal meets this objective in relation to the aims of Policy DM2 of the Island Plan.
- 6.30** Third party comments have also stated that development should not be driven by the design and density of properties within Solent Gardens and that this scheme is too dense as a result of following the precedent pattern of development. Officers consider that the area, which is predominately residential would be suitable for the proposed scale and layout of properties. The housing to the south of the site, within Solent Gardens, is laid out in a dense manner. In addition,

housing within Colwell Road is laid out in a moderately dense manner. The site would strike a balance between the denser housing to the south and the more loosely laid out housing to the north and west and thus be an acceptable density and layout, considering the areas that have been left for landscaping and tree planting. Therefore, the additional units would be proportionate to the surrounding built form and would not appear at odds in the context of the surrounding area.

Design approach

- 6.31** As outlined previously, the layout incorporates a mix of property sizes and styles, with a notable focus on 2 and 3 bedroomed units to meet the findings of the HNA of the locality. The designs are variable, however, with focus on a mix of red brick and off-white render and slates to match the colour of the brickwork on some properties, the use of solely the redbrick on other units, as well as incorporating units which offer a pale grey render finish, combined with dark wood cladding. Therefore, there are specific 'design types' for the 2 or 3 bedroomed units, but the proposal offers modest and discrete changes across the site.
- 6.32** Whilst the elevations are to a degree variable, the internal design remains largely consistent between housing types. For instance, the units can be described to give the following design footprints:
- Two-bedroom houses would typically measure approximately 10.5 metres deep x 4.5 metres wide externally. Eaves would be circa. 5 metres and ridge height in the region of 9 metres.
 - Three-bedroom houses would typically measure approximately 9.3-9.5 metres x 6 metres. Eaves would be circa. 5 metres and ridge height in the region of 8.6 metres.
 - Four-bedroom houses would typically measure approximately 9.3-9.5 metres x 6.65 metres. Eaves would be circa. 5 metres and ridge height in the region of 8.6 metres.
- 6.33** Through the course of the application, and following negotiations with officers, amended plans have been provided, which now reflect a higher quality design approach; through the inclusion of seven detached and semi-detached chalet bungalows to the western boundary of the site and these have been further amended to improve their aesthetics. These alterations have also included improvements to the facades of these chalet bungalows, with the addition of more elevational detailing in respect of the materials. As such, the previous predominantly rendered units have been altered to higher design quality adding a sense of depth and variety to their individual and collective formation.
- 6.34** Additional detailing has also been provided on the flank elevations of properties which are dominant within the streetscene in order to break up the elevations and promote a high-quality finish.
- 6.35** The apartment blocks would contain 6 units and would be over a two-storey finish and, their appearance would be reflective in terms of mass, style and finish of a two storey dwellinghouse despite offering maisonette type accommodation. This design approach would add to the variety of properties available within the

development. Overall, the design would be in keeping given the mass and design of the apartments being similar to those of the two storey units with a finished height of between 9.00 and 9.40 metres.

- 6.36** The proposal has been amended over the course of the application to incorporate a greater degree of landscaping, with the inclusion of communal and street trees to meet the aims of the updated NPPF guidance issued in 2021. These would be secured via a planning obligation and be incorporated into the pavements and the highway and not solely gardens, to boost the amenity of the site and promote health and visual amenity in relation to the aims of the updated NPPF and the objectives of Policy DM2, DM12 and SP5 of the Island Plan Core Strategy and the requirements of the Neighbourhood Plan.

Impact on neighbouring amenity

- 6.37** The proposed residential development has been sympathetically designed in regard to the internal arrangement of the site. The units would be arranged to follow the circulatory arrangement of the site access road, with good space between active frontages. As such, with the incorporation of the road layout, landscaping and future street trees, levels of overlooking between the proposed houses would be minimised. The proposed separation distances between forward facing properties, chalet bungalows and units 26-31, would be adequate due to the staggering and positioning of the units, there would not be a harmful impact on privacy, amenity or light and would accord with the aims of Policy DM2 of the Island Plan Core Strategy.
- 6.38** Furthermore, the flank elevations have been largely designed to not incorporate first floor side windows, or to offer windows which would be used to serve bathrooms which, if concerned to cause a loss of privacy would be conditioned to be obscure glazed to protect amenity in the future in relation to the aims of Policy DM2 of the Island Plan Core Strategy.
- 6.39** The remainder of the units would offer suitable levels of spacing, and the associated outdoor amenity space would be proportionate to the size of the units and would not appear cramped or overly dense in this instance to result in a detrimental impact on amenity.
- 6.40** In respect of the relationship with existing properties within the locality, whilst third party comments raise concern over amenity, on a full assessment of the site and after revisions to the types of properties and their layouts being sought, impact on amenity is not considered to be to a harmful degree in the finalised plans.
- 6.41** For instance, changes to remove the apartment blocks on the entrance to the site and instead incorporate chalet bungalows have reduced perceived and actual levels of overlooking for existing properties in Birch Close. The bungalows have been criticised for offering a first-floor level, however, they have been designed to offer the majority of openings on their front elevations and thus reduce overlooking to the rear of the site.

- 6.42** The design would be subordinate to the wider housing context and due to separation distances the western units would now protect amenity. In addition, removal of a semi-detached unit adjacent to No. 38 Colwell Road has allowed for greater separate distances and protection of amenity in relation to the aims of Policy DM2 of the Island Plan Core Strategy.
- 6.43** In regard to the apartment block on the northern section of the site, concern has been raised by third parties that its design would result in overlooking and would be out of character. However, the unit, appearing as a terrace externally would be of a comparable height to the remainder of the two storey units and would be over two floors, offering three units on the ground and first floor. Therefore, the mass is not considered to be overly dominant in relation to existing properties, which are themselves two-storey.
- 6.44** Concerns have been raised in respect of overlooking and privacy, the closest two properties being named Redcroft and Alcester, and comments state that windows would overlook private amenity space. On consideration of the layout, the rear elevation of Redcroft would be approximately 36.00 metres from the side facing elevation of the apartment block. Furthermore, there would only be two windows on the side elevation on the first floor and therefore given the separation distance, set back of in excess five metres from the boundary, and the side profile of the building, it is not considered this design would result in a harmful impact.
- 6.45** In regard to Alcester, the rear elevation of the apartments would face the rear most section of the garden serving this property. Whilst this is private amenity space, the curtilage is extensive with some screening provided by boundary treatments to prevent harmful levels of overlooking. Comments refer to 12 overlooking windows, but half of the windows would be on the ground floor and thus not cause any overlooking, four of the windows would be set back approximately 8.50 metres from the boundary due to the shape of the apartment, with two windows located at first floor within 3.00 metres of the shared boundary.
- 6.46** However, on consideration of the size of the neighbouring property, this development being adjacent to the rear most section of the garden and the orientation of the building, Officers do not consider that this relationship would be harmful to amenity and subject to bathroom windows in this property being conditioned to be obscure glazed, the development is considered to be acceptable in relation to the aims of Policy DM2 of the Island Plan Core Strategy.
- 6.47** In terms of the construction phase, it is considered that any new development would be likely to result in some level of temporary impact upon neighbouring properties. However, it is considered that impact could be suitably controlled by a Construction Management Plan, 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.
- 6.48** Therefore, it is considered that the proposed development would not compromise the amenity of nearby existing properties or uses, as a result of the layout and

scale of the development. Therefore, the proposed development is considered to comply with the requirements of policy DM2 of the Island Plan.

Highway considerations

Overview

- 6.49** Birch Close is an unclassified public highway governed by a 30mph speed limit. It serves 5 dwellings, the site (being an open field) and connects to the A3054 via a conventional priority junction at its western extent. It has an average carriageway width of 5.5m with a 1.80m wide footway running along its entire length on its southern side. A small section of footway also runs around the radii of its junction with Colwell Road on its northern side.

External Layout and Accessibility- Birch Close

- 6.50** This proposal seeks to continue the road (Birch Close) and the footway that abuts its southern side into the site. At the immediate junction with Birch Close the onsite access road provides for a localised carriageway narrowing (3.70m) to allow for a priority flow system and single carriageway working and 2.0m wide footways on either side.
- 6.51** The carriageway narrowing also includes for a raised plateau to assist pedestrians crossing the access road with the layout ensuring that an adequate level of pedestrian and vehicle forward and junction visibility could be provided. Beyond the initial junction the onsite access road provides for an average width of 5.5m with abutting 2.0m wide footways and it is laid out in a loop to ensure that private and service vehicles may access and egress the public highway in forward gear.
- 6.52** Island Roads have considered the layout of the design and comment that in terms of its junction and daily vehicle flows, the proposal would provide a suitable means of vehicle access so as to enable private and service vehicles to access and egress the site. The consultee has further assessed the existing access from Colwell Road onto Birch Close, in which the above-mentioned access would be expanded from. In this instance, subject to the road being free from parked vehicles, then the access arrangement would continue to be suitable and supported. However, without further traffic management restrictions imposed, Island Roads raise concerns in respect to the current ability to park on Birch Close and if this was utilised the parking could limit the ease of access.
- 6.53** It is therefore recommended on highway safety reasons, that if the development was approved, a condition be imposed to secure a Traffic Regulation Order to allow for the installation of double yellow lines on the southern side of Birch Close. This is not only to ensure that vehicle and pedestrian visibility splays are free from obstruction, but to also ensure that adequate width is retained on this part of the highway network for means of vehicle access when considering the uplift in daily traffic movements that would be attributable to the development.

- 6.54** Whilst the application of a Traffic Regulation Order is separate to a planning application, and thus cannot be guaranteed and would be subject to consultation under its own process, there is need for its recommendation, as without the TRO being applied the Southern side of Birch Close would prevent service vehicles accessing the site. Without the TRO recommendation there is also concern for pedestrian safety whereby motorists may override the footway if parking is occurring on street in this location and compromise pedestrian safety as a result. Therefore, given the scale of the development and one access arrangement, Officers confirm that a condition for a TRO is recommended in this instance.

Internal site layout

- 6.55** Island Roads consider the internal layout to be acceptable on the basis that the average carriageway width would be 5.50 metres with associated 2.00-metre-wide footways. As a result, subject to onsite traffic calming measures being implemented, which would include raised plateaus and the provision of associated uncontrolled pedestrian crossing points within the footways, it is considered that all users of the road may safely cross and get out of the live carriageway.
- 6.56** As a result of the traffic calming measures, Island Roads confirm that the likely speed design would be 20mph and as a result, all vehicle access arrangements for individual properties should be reflective of visibility splays of 25.00 metres and 2.00 metres. The consultee confirms that on the design of the layout, this could be achieved, however, to ensure that boundary treatments and landscaping do not obstruct this ability, a pre-commencement condition would be recommended to ensure that this is delivered on site. As a result, it is considered that both on and off-site highway arrangements would be acceptable subject to compliance with conditions. The proposals would not compromise the free flow of traffic within the wider highway network. Therefore, the development is considered to comply with the requirements of policies SP7, DM2 and DM17 of the Island Plan and policy FNP 7 of the Neighbourhood Plan.

Ecology and trees

Ecological considerations

- 6.57** The original submission was supported by an Ecological Appraisal report which was updated in 2018 and on the basis that the land comprises of grassland, scrub and woodland, the Ecology Officer confirmed that a further updated report would be required in order to fully review the constraints of the site. As such, an updated ecological appraisal (LC Ecological Services, June 2021) has been submitted. This builds upon comprehensive surveys previously carried out at the site and an assessment concluding a suite of mitigation and enhancement measures are recommended. The report includes that the site offers a 'moderate quality foraging habitat.'
- 6.58** The main findings of the survey demonstrate a range of existing and nearby habitats, including eight species of bat, and that the majority of the wildlife activity was identified within the hedgerows and boundaries of the site. These natural boundaries as existing are proposed to be retained as part of the proposed

development.

- 6.59** The findings further conclude that lighting would need to be sensitive to preserve wildlife due to the presence of bats within the vicinity. As part of the development 25 bat boxes are proposed and a condition would be recommended to secure their future details in terms of heights and size for suitability. Furthermore, a lighting condition would be recommended to ensure that sensitive lighting is used in the development. Other proposed measures include retention of boundary vegetation, enhancement planting and installation of bird boxes and these measures would be secured via condition.
- 6.60** The development would be secured by condition to ensure that mitigation as demonstrated within the findings would be adhered to. This would include the onsite use of 'drift fencing' to allow connectivity within the site.
- 6.61** The Ecology Officer is satisfied with the findings and recommendations within the Ecological Appraisal, and subject to the enhancement measures set out within the report being secured by condition and on the basis that measures to conserve populations of slow worm are presented and include translocation to a site near Porchfield via Section 106 Legal Agreement, the Officer has raised no objection. The Ecology Officer advises that a condition requiring a biodiversity mitigation schedule and plan is provided, which would set out a timetable of works and adhere to methodologies outlined within the submitted appraisal. As a result, it is considered that the proposals would meet the overarching aims of Policies SP5 and DM12 of the Island Plan Core Strategy and policy FNP 12 of the Neighbourhood Plan.

SPA Buffer Zone

- 6.62** In addition, 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).
- 6.63** The project would provide the following elements:
- A project officer to oversee and co-ordinate across the Special Protection Areas and to oversee the rangers
 - A team of rangers who will work on the ground at European sites to reduce disturbance levels and initiate specific measures at the sites to reduce disturbance levels
 - a Coastal Dog Project; and
 - a monitoring scheme

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 contribution for the SPA would be secured via S106 Agreement in this instance.

Trees

- 6.64** The Tree Officer has been consulted on this development throughout the application and original comments confirmed that trees of any amenity value are in this instance located around the perimeter of the site. The existing trees add to the verdant character and setting of the area and as such, any development would need to ensure that there would not be an adverse impact on these characteristics.
- 6.65** The supporting tree report in this instance confirmed that the trees around the site would not be adversely impacted, apart from the trees identified as T1 and T2, an oak and a lime, neither of which are protected. In respect to T1, whilst the Root Protection Area could be compromised as a result of the development taking place, it is considered that sympathetic methodologies and the use of a cellular confinement system would be suitable in this instance.
- 6.66** Turning to T2, the Tree Officer identified that the development of Plot 1 would be impacted in terms of shade and thus future amenity for future occupiers of this unit. However, the tree is identified to fall outside of the redline plan of this development, which gives a concern over the arrangements for the future management of the tree. However, a signed letter has been received from the landowner of the lime tree, stating that due to its health it would be developed into a sculpture and chemically killed off to prevent further regrowth, which was raised as a concern from the consultee in the long term as simply turning the tree into a sculpture would not prevent the regrowth and reoccurring shade issues in the future.
- 6.67** Therefore, on the basis that this element has been resolved, the sole outstanding issue to be addressed would be that of updated NPPF guidance, in respect to paragraph 131, which requires the inclusion of street trees. Whilst a landscaping plan has not been depicted in detail for this proposal, a further layout plan has been provided showing the siting of trees within the development. However, as submitted these have been shown with private amenity spaces and there would be a greater need for communal trees, incorporating into common areas of landscaping and pavements for example.
- 6.68** As such, a pre-commencement condition, as per the general landscaping of the site, would be required which would allow for the details of the further street trees to be incorporated into the site to be considered. A planning condition in this instance would need to allow for details to be provided in terms of the species, size and position of the street trees, how their management would be achieved in terms of health and growth and how materials for hard landscaping would be collaborated to ensure that damage is not carried out to footpaths for example within the site.

- 6.69** As a result of the Tree Officer's comments it is considered that the proposed development would not compromise the longevity of high amenity trees and therefore comply with the requirements of policy DM12 of the Island Plan.

Archaeological impacts

- 6.70** The Archaeology Officer confirms that subject to conditions, the archaeological features of the site can be protected. During the course of the application, an archaeological desk-based assessment has been carried out to assess the archaeological potential of the proposed development. The assessment concludes that there is a moderate potential for archaeological deposits of prehistoric, to Romano-British date, and a low potential for deposits of early medieval, medieval and post medieval date.
- 6.71** The Officer confirms that previous impacts on the archaeological potential are likely to be relatively limited and therefore deposits should survive. The assessment has suggested that trial trench evaluation and possibly geophysical survey would be suitable evaluation methods to identify any sub-surface archaeological deposits to inform a suitable mitigation strategy, and this process could be secured by condition.
- 6.72** On this basis the Archaeology Officer recommends a pre-commencement condition relating archaeological trial trench investigation, the results of which will inform any further mitigation which may be required, as well as conditions in relation to both the implementation of an appropriate programme of archaeological works and notification to be issued to the consultee for the commencement of works on site. On the application of these conditions the consultee is satisfied with the proposal in relation to the aims of Policy DM11 of the Island Plan Core Strategy.

Drainage/ flooding

- 6.73** The application site is identified as being situated within flood zone 1 and therefore at a low probability of flooding during a storm event. The site is underlain by the Headon Hill formation bedrock, which is relatively impermeable due to the high clay content within soils. As a result, the applicant's drainage information advises that the use of natural infiltration for surface water would not be appropriate and Officers agree with that conclusion.
- 6.74** Because there are no watercourses close to the site, the drainage strategy proposes to discharge surface water to the combined sewer. Two below ground storage tanks would be installed at the site and these would store storm water and then release it at a controlled rate, to prevent inundation of the system. The flow rate would be adjusted to manage any discharge flows to mimic greenfield run off rates plus the requirement for climate change (+40%). It is noted that comments have referred to the site being boggy during rainfall, however the development would include a surface water drainage system to ensure that water would be collected and disposed of in a manner to prevent flooding.

- 6.75** In terms of foul water, the information confirms that this would be directed to the mains system and then be treated at the Sandown Waste Water Treatment Plant. Southern Water have raised no objection to the scheme, confirming that connection to the public sewer can be undertaken and therefore, have advised that informatives and conditions are applied.

Public Rights of Way

- 6.76** On review of the constraints of the site and on consultation with the Public Rights of Way Manager, the parcel of land does not currently benefit from any formal pedestrian links or footpaths, although some third-party comments have stated that the land has been used a walking space historically and that the development would prevent the use of the land in this manner going forward. Nonetheless, as identified there are no formal routes over the land and there are not any recorded public rights of way.
- 6.77** A palpable link would be through to the road “The Sheilings” but this does not appear possible on maps due to due existing housing and therefore, without the applicant having control over land which adjoins an adopted footway, Officers cannot identify how any through paths could be secured here. Therefore, whilst the development would not result in the distribution/loss of an onsite public footpath, the proposed development has the potential to put some pressures on existing public rights of way networks, the closest being Public Footpath F13a and others within a nearby vicinity.
- 6.78** Therefore, a suggestion of £20,000 has been made for the consultee to cover ongoing improvements to the network and this has been agreed, and this would be secured via S106 Legal Agreement if the development is approved in this instance.
- 6.79** Further to the above, Public Rights of Way (PRoW) officers later commented that the development could benefit from offering internal connections within the site. They also highlighted how the development could be linked through on the southern section of the site to the existing Council owned green which fronts properties of Solent Gardens.
- 6.80** As such, an opening would be required within the site as opposed to the currently presented shared pedestrian and vehicular access from Birch Close. This could be potentially feasible, with slight amendments to the boundary and the layout of the curtilage of Plot 1 to facilitate this opening for pedestrians only. However, there were concerns held by Officers that this would not improve connectivity to an effective level and that in requesting this on-site alteration, could result in the reduction of the agreed contribution for existing off-site improvements which would be more suitable and sustainable in this instance.
- 6.81** This conclusion was reached on the basis that although the PRoW comment that pedestrian links via Solent Gardens and the surrounding residential roads could provide for a quieter road for pedestrians, on assessment, the reality would not significantly reduce time travel into the centre of Freshwater, and by taking this route it would not provide access to amenities, with the link being into a residential

development.

- 6.82** Therefore, utilising Birch Close and Colwell Road is deemed to be suitable, and if pedestrians choose to do so they can divert into the nearby estate to walk into The Avenue for instance and thus this further link would not significantly improve time or safety and thus these further amendments have not been requested by Officers at this time. The development as it stands is considered to meet the aims of Policies DM2 and DM17 of the Island Plan Core Strategy.

Environmental health and noise considerations

- 6.83** On consideration of the scale and proximity to neighbouring properties in this instance, Environmental Health have been consulted on this development and confirm that in relation to the Professional Practice Guidance on Planning and Noise for new residential development (May 2017), do not consider that an initial site noise risk assessment is required for this development.

- 6.84** The site is at least 30m from a single carriageway and a 30mph limit road and therefore it is anticipated that this would not result in a significant level of noise that would adversely affect the proposed development. Additionally, there are no other sources of transport or industrial/commercial noise within close proximity of the site that are likely to adversely affect the proposal. As such, whilst no objection is raised in this regard, on consideration of the proximity to existing residential units, a suitable condition relating to the construction activities would be required, this would cover the following elements:

- procedures for ensuring compliance with statutory or other identified noise control limits,
- procedures for minimising the noise from construction related traffic on the existing road network,
- procedures for ensuring that all works are carried out according to the principle of 'Best Practicable Means' as defined in the Control of Pollution Act 1974,
- general induction training for site operatives and specific training for staff having responsibility for particular aspects of controlling noise from the site,
- a noise and vibration monitoring / auditing programme, particularly during any piling operations,
- liaison with the Local Authority and the community; and
- the adoption of 'Best Practicable Means' and compliance with recommendations as described in BS 5228:2009.

Nitrates impacts on designated sites

- 6.85** Natural England has published standing advice relating to issues of high levels of nutrients within the Solent water environment, which have resulted in dense mats of green algae in coastal areas. The Southampton and Solent Water Special Protection Area (SPA) is an important habitat for protected species of birds, which use the coast for feeding. Natural England's concern is that the nutrients levels have resulted in algae in coastal areas, which prevent protected species from feeding. Natural England's standing advice is that these issues are caused by

wastewater from housing and agriculture.

6.86 Natural England's current advice is that development should not add to existing nutrient burdens on designated sites and thus, achieve nutrient neutrality. In respect of the Island, this can either be achieved through draining development to the Waste Water Treatment Works (WWTW) at Sandown (which discharge away from the Solent) or to impose conditions that require the developer to demonstrate nutrient neutrality.

6.87 In this case, Natural England have commented that additional information should be requested if the development would result in the discharge of effluent into protected sites. However, as outlined in detail in the drainage section, foul water for this development would be discharged to the public sewer, which would be served by the Sandown WWTW. As a result, the Council's Ecology Officer has confirmed that no further mitigation would be required, and Natural England confirm that the development would be screened out of further assessment in regard to the Habitat Regulations Assessment (HRA). Therefore, Officers consider that a Grampian style condition should be imposed to secure the proposed sewer connection.

7 Conclusion

7.1 The proposed development would provide much needed housing within an established residential and suitably sustainable location, also contributing to the delivery of affordable housing and a suitable mix of unit sizes and tenures. The positioning and layout of the development would minimise the impact on the character of the area and the design of the proposed development and landscaping are considered to be acceptable.

7.2 The wider scheme would require some changes to the surrounding highway network, but it is considered that these changes would benefit occupiers of the site and the surrounding residential units and could be achieved through the use of pre-commencement conditions.

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

7.4 While the proposals would result in change to this parcel of land, given the contained nature of the site, surrounding existing built form and overall location, the proposed development would be sympathetic in terms of its design, scale and positioning, with the retention of natural boundary treatments and hedgerows the site through additional landscaping and street trees would protect amenity. The development would also be seen in the context of an existing cluster of development. As a result, it is considered that the proposed development accords with the guidance contained within the NPPF and the Island Plan Core Strategy, and the Freshwater Neighbourhood Plan.

8 Recommendation

Conditional permission subject to a Section 106 Agreement to secure the following:

- Affordable Housing (35%)
- Mitigation payments to the Solent Protection Area, in accordance with the Bird Aware Strategy.
- Provision Public Rights Contribution of £20,000
- Translocation of protected species of Slow Worms

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:

- o The IWC offers a pre-application advice service
- o 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 has been subject to negotiations and additional information/revised plans and updated reports being submitted through the course of the application which has overcome the Council's concerns.

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. Except for the requirements of the conditions on this decision notice, the development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans, numbered below:
 - Units 1 & 2 Drawing No. 020 01. Sept23
 - Units 3 & 4 Drawing No. 020 01. Sept005
 - Units 5 & 6 Drawing No. 020 01. Sept004
 - Units 7 & 8 Drawing No. 020 01. 007
 - Unit 9 & 10 Drawing No. 020 01. Sept15

- Units 11, 12 & 13 Drawing No. 020 01. Sept12
- Units 14, 15 & 16 Drawing No. 020 01. Sept13
- Units 17 & 18 Drawing No. 020 01. Sept16
- Units 19 & 20 Drawing No. 020 01. Sept17
- Units 21 & 22 Drawing No. 020 01. Sept006
- Units 23 & 33 Drawing No. 020 01. Sept18
- Unit 25, Drawing No. 020 01. Sept22
- Units 26 & 27 Drawing No. 020 01. Sept01
- Units 28 & 29 Drawing No. 020 01. Sept02
- Units 30 & 31 Drawing No. 020 01. Sept003
- Revised Unit 32 Drawing No. 020 01. Sept009
- Revised Unit 33, Drawing No. 020 01. Sept11
- Revised Units 34 & 35 Drawing No. 020 01. Sept10
- Units 36 & 37 Drawing No. 020 01. Sept07
- Revised Unit 38 Drawing No. 020 01. Sept008
- Apartments 39-44 Drawing No. 020 01. Sept19
- Proposed Site- Drawing No. Plan-Levels SEPT20D
- Block Plans 20.01. BL1SEPT21B
- Tree Survey Plan DRAWING NO: AS/RB/0920 TSP
- Tree Constraints Plan DRAWING NO: AS/RB/0920 TSP Rev A
- Arboricultural Report DRAWING NO: AS/RB/0920 TSP Rev
- Ecological Appraisal and Phase 2 Surveys Updated June 2021
- Archaeological Desk-Based Assessment June 2021

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. The boundary treatments and bin stores shall be completed before the development hereby permitted is 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 lighting shall be installed until details of means of external lighting for the development have been submitted to and agreed in writing by the Local Planning Authority. Details shall include measures to minimise light pollution and to prevent glare and to protect wildlife within and adjacent to the site. Development shall be carried and maintained out in accordance with the agreed details and be retained thereafter.

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

6. No external hard surfaces for the development hereby approved shall be constructed above foundation level until details of the materials to be used for external hard surfaces 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.

7. No dwelling hereby permitted shall be occupied until the parts of the service roads and footways which provide access to it and the road layout allowing for the access / egress / and circulation of private motor vehicles and service vehicles so they may enter and exit the public highway in forward gear have been constructed surfaced and drained in accordance details which have been submitted to and approved by the Local Planning Authority based on the principals of the layout as detailed on drawing no. LEVELS Rev 001B dated Feb 2021 and 020.01BL1A dated Sept 2020.

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

8. Development shall not begin until details of traffic calming measures taking the form of raised plateaus within the extent of the road layout as detailed on drawing no. LEVELS Rev 001B dated Feb 2021 and 020.01BL1A dated Sept 2020 to restrict vehicle speeds within the site to circa 20mph and a program for their implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and the measures shall be completed before the occupation of any part of the development or in accordance with the agreed programme and be retained thereafter.

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

9. Development shall not begin until details of the sight lines to be provided at the junction of each of the proposed vehicle accesses and the onsite road network based on the principals of the road and access layout as detailed on drawing no. LEVELS Rev 001B dated Feb 2021 and 020.01BL1A dated Sept 2020 so as to be reflective of a 20mph environment have been submitted to and approved in writing by the Local Planning Authority and the development / associated dwelling(s) shall not be occupied until those sight lines have been provided in accordance with the approved details. Nothing that may cause an obstruction to visibility shall at any time be placed or be permitted to remain within the visibility splays shown in the approved sight lines.

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

10. Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority based on the principals of the layout as details on drawing no. LEVELS Rev 001B dated Feb 2021 and 020.01BL1A dated Sept 2020; and the dwellings shall not be occupied until that junction has been constructed in accordance with the approved details.

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

11. No development shall take place until a Traffic Regulation Order has been secured from the Local Highway Authority for the implementation of double yellow lines on the southern side of Birch Close about its junction with the site access and its junction with Colwell Road and on Colwell Road about its junction with Birch Close; and the development hereby approved shall not be occupied until the resultant on-street parking restrictions have been implemented.

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

12. The development hereby approved shall not be occupied until the highway improvements as detailed below have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

- Remodeling of the existing footway and kerb line adjacent to the south bound bus stop on Colwell Road to the south of Birch Close.
- The remodeling of the existing footway, kerb line and bus shelter to include for the provision of a new shelter on Colwell Common at the north bound bus stop on Colwell Road to the south of Birch Close.
- The provision of a pair of uncontrolled tactile pedestrian crossings at the junction of Martine Close with Colwell Road.
- The remodeling of the Colwell Lane / Silcombe Lane/ Princes Road junction to include for the uncontrolled pedestrian crossing facilities. It is anticipated that

these works would take the form of uncontrolled pedestrian crossing point across each road. This will improve accessibility for all user groups into the town.

- Remodeling of the existing highway verge on the northern side of Colwell Road from the site of Kitts Cottage through to the northbound bus stop to provide for a 2.0m wide bituminous footway and all associated works (circa 100 linear meters).

The improvements shall be carried out in accordance with the agreed details prior to the occupation of the dwellings hereby permitted.

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 dwelling hereby permitted shall be occupied until space has been laid out within the site in accordance with the ratios as required within Table 1 of Appendix 1 of the Local Authority Guideline for Parking Provision as Part of New Developments SPD January 2017 drawing in accordance with details that have been submitted to and approved by the Local Planning Authority in writing for cars to be parked based on the principals of the layout as detailed on drawing no. LEVELS Rev 001B dated Feb 2021 and 020.01BL1A dated Sept 2020. 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 development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in respect of;

- Steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development. Such steps shall include the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.
- The parking, loading, unloading, circulation and turning off all construction vehicles to include for operative vehicles within the confines of the site throughout the build process.
- Should outline measures to prevent impacts on nearby properties, including hours of working, storage areas for plant and machinery and parking and access arrangements for construction vehicle

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

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

15. No new roads, footways, accesses or car parking areas shall be constructed until details of the design, surfacing and construction of any new roads, footways, accesses and car parking areas, together with details of the means of disposal of surface water drainage there from based on the layout as detailed on drawing no. Proposed Site, Sept20D- Issue 18A 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 highway safety and to comply with policy DM2 (Design Quality for New Development) of the Island Plan Core Strategy.

16. No dwelling shall be occupied until the parts of the service roads which provide access to it have been constructed surfaced and drained in accordance with details which have been submitted to and approved by the Local Planning Authority based on the layout as shown on drawing no. Proposed Site, Sept20D- Issue 18A Development shall be carried out in accordance with the approved details.

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

17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping and street trees to be included in the development. 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.

18. 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 19) 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.

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

Reason: To avoid impacts to, and to ensure the favorable 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.

19. Development shall be carried out in accordance with the mitigation and enhancement measures set out in the Preliminary Ecological Appraisal, dated June 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.

20. 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 then amenity in

compliance with Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

21. Prior to commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and shall manage Heavy Goods Vehicle (HGV) access to the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority. The details of the CEMP should include:

- procedures for ensuring compliance with statutory or other identified noise control limits,
- procedures for minimising the noise from construction related traffic on the existing road network,
- procedures for ensuring that all works are carried out according to the principle of 'Best Practicable Means' as defined in the Control of Pollution Act 1974,
- general induction training for site operatives and specific training for staff having responsibility for particular aspects of controlling noise from the site,
- a noise and vibration monitoring / auditing programme, particularly during any piling operations,
- liaison with the Local Authority and the community; and
- the adoption of 'Best Practicable Means' and compliance with recommendations as described in BS 5228:2009.

If piling is proposed, the CEMP the following would also be required:

- A scheme for the proposed method of piling to be employed,
- An explanation of the methods of installation of piles,
- Appropriate justification for the method proposed,
- An explanation of why other methods are not technically feasible.

Reason: In the interests of highway safety and to prevent mud and dust from getting on the highway and to comply with policy DM2 Design Quality for New Development of the Island Plan Core Strategy.

22. No development shall take place until the results of a pre-commencement archaeological trial trench evaluation have been submitted. The evaluation will be carried out in accordance with a Written Scheme of Investigation which has been agreed in writing by the County Archaeology and Historic Environment Service and approved by the planning authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 of the

Isle of Wight Council Island Plan Core Strategy.

23. No development shall take place until:

a) the applicant or their agent has secured the implementation of an appropriate programme of archaeological works in accordance with a Written Scheme of Investigation which has been agreed in writing by the County Archaeology and Historic Environment Service and approved by the planning authority. The development shall be carried out in accordance with the agreed details. **OR**

b) the County Archaeology and Historic Environment Service has agreed that no further archaeological mitigation is required

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 of the Isle of Wight Council Island Plan Core Strategy.

24. To facilitate monitoring of the on-site archaeological works, notification of the start date and appointed archaeological contractor should be given in writing to the address below not less than 14 days before commencement of any archaeological works:

Isle of Wight County Archaeology and Historic Environment Service
Westridge Centre
Brading Road
Ryde
Isle of Wight
PO33 1QS

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record in accordance with Policy DM11 of the Isle of Wight Council Island Plan Core Strategy.

25. 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 Wastewater Treatment Works (WWTW) that will treat drainage from the development. 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.

26. 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 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.

27. 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 additional windows/ dormer windows shall be constructed within the dwellings hereby approved.

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

28. Prior to the occupation of the dwellinghouses hereby approved, the first floor window on Plots 1, 7, 8, 9, 17, 18, 19, 20, 21, 22, 25, 26,27, 28, 29, 32, 33 and 39-44, as shown on the submitted plans serving bathrooms shall be fitted with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), of which the cill of the only opening section shall be 1.7m above finished floor level. The window shall be retained to this specification hereafter.

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